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COUNCIL FOR CULTURAL CO-OPERATION

CULTURE COMMITTEE

NEW INFORMATION TECHNOLOGIES

**PUBLIC ACCESS AND FREEDOM OF EXPRESSION
IN CULTURAL INSTITUTIONS**

**PUBLIC ACCESS TO AND FREEDOM OF EXPRESSION
IN NETWORKED INFORMATION:**

GUIDELINES FOR A EUROPEAN CULTURAL POLICY

Note for the reader

The present text “Public access to and freedom of expression in networked information: Guidelines for a European cultural policy” has been prepared in the context of the “New information technologies” project of the Culture Committee of the CDCC.

The text was commissioned to Professor Paul Sturges of Loughborough University (United Kingdom) and presented at the 17th meeting of the Culture Committee on 21-23 April 1999.

To ensure the widest possible consultation, the draft Guidelines were:

- discussed during the Conference on “Public access and freedom of expression in cultural institutions” (Helsinki, 10-11 June 1999), co-organised by the Finnish Ministry of Education and Culture, the Council of Europe [and the Nordic Council of Ministers](#), during a special working session held to this end and with the participation of professional organisations in the cultural field;
- posted on the Internet for an open consultation;
- circulated to Council of Europe relevant bodies for discussion.

Following this consultation process, comments submitted were incorporated in the final [version of the text](#).

The format chosen for the text is that of “guidelines” rather than of a “Recommendation”. In a rapidly changing context, the “guidelines” are intended to offer guidance to policy-makers, politicians and professionals in drawing-up legal instruments or governmental policies for the cultural sector concerning public access to and freedom of expression in networked information; they do not, however, have a binding character nor legal implications for member States.

The [Guidelines were approved by the Culture Committee at its March 2000 meeting and by the Council for Cultural Co-operation \(CDCC\), at its Bureau meeting, on 24 – 25 May 2000.](#)

**PUBLIC ACCESS TO AND FREEDOM OF EXPRESSION IN NETWORKED
INFORMATION:
GUIDELINES FOR A EUROPEAN CULTURAL POLICY**

I. Introduction

The present Guidelines are intended to **provide guidance** for policy-makers, politicians and professionals in drawing-up legal instruments and governmental policies **concerning public access to and freedom of expression in networked information in cultural institutions**. They are not of a binding nature and do not commit governments to apply them; they provide an **interpretation** of the general principles of freedom of expression and of public access to information that should serve as a basis for the definition of provision of public access points within cultural institutions.

These **principles** rely on the premises that public access to networked information:

- a) provides, on the one hand, unparalleled opportunities for society, at individual or collective levels:
 - to gather and disseminate information,
 - to participate in cultural, educational and artistic activities wherever their physical location,
 - to develop personal creativity,
 - to strengthen linguistic and cultural diversity.

- b) carries, on the other, inherent dangers. In fact, it is recognised that amongst the enormous volume of valuable and significant content available via networks there is content which is either illegal or potentially harmful to both young people and adults.

Consequently, the Guidelines intend to enhance and safeguard the many and increasing benefits of public access to networked information for the whole public. They seek to do this by encouraging **provision** of public access that offers:

- i. **affordability**, through a service which is, whenever possible, free of charge at the point of use, but is otherwise provided at minimal cost to the user;

- ii. **availability**, in the sense of the provision to the public of effective technical means for access;

- iii. **usability**, by associating public access with the provision of the adequate means for members of the public of all ages to ensure, as far as possible, “electronic literacy”.

The **context** in which this provision should be applied is that of **cultural and educational institutions**, whether publicly or privately funded, providing the public with access to information and ideas in a wide range of format(s) for both educational and leisure needs.

The Guidelines also suggest that an **auto-regulatory process**, resulting from a balance between a restrictive and responsible use, should be encouraged to protect and promote public access and freedom of expression while complying with existing regulation on illegal and/or harmful content.

References

- Electronic Information Services and Networks: an Interpretation of the Library Bill of Rights (1996), American Library Association;
- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), Council of Europe, Articles 10 and 14;
- Declaration on a European policy for new information technologies (1999), Council of Europe;
- Recommendation on the Protection of Minors¹ (1998), Council of the European Union;
- Multiannual Community Action Plan of the European Parliament and the European Commission on Promoting safe use of the Internet (1999);
- Manifesto for Public Libraries (1994), International Federation of Library Associations (IFLA) - UNESCO;
- Statement on Libraries and Intellectual Freedom (1999), International Federation of Library Associations' (IFLA) - Freedom of Access to Information and Freedom of Expression Committee;
- Universal Declaration of Human Rights (1945), United Nations, Article 19;
- Convention on the Rights of the Child (1989), United Nations, Articles 13 and 17.

II. Definitions

The following definitions apply to terms which are either used in the present Guidelines or which are currently used in the context of public access to and freedom of expression in networked information:

Age verification systems

Systems that will block access to content unless the potential user registers that he/she is over a certain age (usually 18 or 21) often by providing credit card details as surety.

¹ Recommendation of 24 September 1998 by Council of the European Union on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity, published in the Official Journal L 270 of 07.10.1998, p.48.

Content rating

The practice of examining networked content and providing a label assessing the content according to some agreed set of standards and conventions of description. Rating or labelling data is a form of metadata.

Cultural institutions

Institutions which provide the public with access to information and ideas in a wide range of format(s), including printed text, electronic text, sound, graphics, hypermedia, oral delivery, and performance, for both educational and leisure needs. Institutions include cultural and arts centres, museums, libraries, archives, information and documentation centres, and other cognate institutions, whether funded by government, local government, or non-governmental organisations (NGOs). The notion can be extended, in certain cases and to certain extents, to include schools, colleges, universities, institutions offering professional training and education, whether publicly or privately funded.

Domestic access to networked information

The capability of obtaining information and communication from a workstation in the home, for which access to a network such as the Internet has been obtained via an information service provider.

Filtering systems

Generally used to indicate software systems used to examine networked content, identify certain categories and block access to them. However, more correctly this should include recommender systems that follow the same process to recommend content.

Free access

Access to information and communication which

1. is subject to no restrictions other than those recognised as acceptable by the international conventions cited in Introduction (References) to these Guidelines, and
2. is preferably provided free of charge or, if not possible, at minimal cost.

Illegal content

Content in categories specifically forbidden by the laws in force in the relevant jurisdiction, such as those on obscenity, threats to public security, privacy, or confidentiality.

Information professionals

Documentalists, librarians, archivists, information and knowledge managers, and others who mediate between the originators of content, information service providers, information users and information technologies.

Information providers

Those who provide information services and information content for networked access by members of the public.

Metadata

In this context, information describing networked content, equivalent to the cataloguing data and abstracts applied to printed documents.

Metadata platform

A network facility whereby metadata can be applied to content, and the user will be able to access that metadata before accessing the content itself. The Platform for Internet Content Selection (PICS) is the most relevant.

Netiquette

Codes of behaviour developed by network users to regulate communication and information use online.

Networked communication

The exchange of messages and data between computers remote from each other, using networks such as the Internet.

Networked information

Information resources available on computer systems open for public access from remote computers, particularly by the use of the World-Wide Web.

Public Access Points

Resources of networked computer workstations intended for use by the public for the full range of possible cultural, leisure, educational, or professional purposes. Such Public Access Points are to be found in publicly funded institutions such as libraries, cultural centres, and information bureaux, but many of the principles which apply to their management also apply to privately owned access points provided for public use, such as cybercafes and kiosks of various kinds. Specialised institutions such as museums, archives and other specialised cultural and information centres also provide Public Access Points. Although these specialised institutions may apply limitations to the subject which is the scope of access, many of the principles for the management of full access also apply to this category.

Telecentres

Multipurpose technology centres providing telephones, fax, computers, software, access for Internet use, and other similar facilities to allow users to work, learn and obtain information at a distance from, or independently of employers, educational establishments or other affiliations. Although in the matter of public access they share many characteristics with cultural institutions, their prime purposes are economic rather than cultural.

Warning pages

Material attached to networked content carrying statements to alert potential users to features that may offend or stress them. Many pornographic sites carry such pages.

III. Guidelines

1. Principles of Public Access

- 1.1 Cultural institutions providing public access to networked information and communication should do so for all, without regard to race, nationality, religion, culture, political affiliation, physical or learning impairment, gender or sexual orientation.
- 1.2 It is the responsibility of individuals using Public Access Points to decide for themselves what they should, or should not, access.
- 1.3 Those providing Public Access Points should respect the privacy of users and treat knowledge of what they have accessed or wish to access as confidential.
- 1.4 So as to enable users to make the fullest and most independent use possible of networked information and communication, those providing Public Access Points should provide assistance for everyone to acquire the skills required to use such services.
- 1.5 In the interests of an informed citizenry and a healthy democratic process, access to information content generated by local, regional and national public authorities should be promoted at all Public Access Points.

2. Children's Access

- 2.1 Children choosing to use those Public Access Points that are provided for whole community use should, as far as possible, be able to do so under the same conditions as other users. Nevertheless, in order to avoid access to harmful and/or illegal content, filtering systems requesting the use of personal age codes should be provided at Public Access Points.
- 2.2 Children have a right to expect that Public Access Points will provide instruction and assistance in developing those skills which will enable them to become confident and capable users.
- 2.3 Although it is the responsibility of parents to advise their children about choices in the use of networked information and communication, the staff of Public Access Points should provide guidance for children.
- 2.4 Because networks offer real time communication as well as access to stored information, parents should take particular trouble to advise their children about the potential risks of online contacts made with strangers. Parental warnings about online contact with strangers should be reinforced as part of the education and training processes.
- 2.5 Access points provided specifically for children should provide them with high levels of guidance and assistance in locating content appropriate to their needs.

3. Access in Specialised Institutions

- 3.1 Specialised institutions such as museums, archives and subject-oriented information centres have a particular responsibility to promote access to content in their fields by developing new information resources and programmes to digitise relevant existing resources.
- 3.2 Unlike cultural institutions which are set up to serve the whole community with a full range of information, it may be necessary for specialised institutions to develop a policy which confines the permitted range of access to that which is relevant to the institution's aims and objectives. Additionally, institutions operating intranets and closed access internets, will need to restrict access to material such as that, in the case of archives, relating to certain aspects of official administration and personal data. Users should be made aware of any such restrictions by the public display of the relevant policy statements.
- 3.3 Specialised institutions should not, however, impose limitations beyond the extent needed to ensure resources are committed to their primary purposes.

4. Management of Public Access Points

- 4.1 A Public Access Point is more than a group of workstations with network connection: a properly managed environment with suitable levels and quality of staffing is also required.
- 4.2 Those responsible for the education and training of information professionals should ensure that the programmes they provide contain elements designed to produce well-prepared managers and staff for Public Access Points.
- 4.3 It is the responsibility of management and staff of Public Access Points to facilitate public access to networked information and communication so that individual users have the necessary skills and a suitable environment in which to make their choices of information sources and services freely and confidently.
- 4.4 The staff of Public Access Points should be pro-active in identifying and facilitating access to quality networked information content, particularly for young people. It is appropriate for information professionals to create gateway pages for this purpose.

5. Disruptive Use

- 5.1 It is the responsibility of the managers and staff of Public Access Points to provide a positive and encouraging atmosphere for the use of networked information and communication. This may, in turn, require them to deal with instances of access to content by one user that disrupts the work of others.

- 5.2 Staff should not be required to exercise general supervision of usage with the express intention of identifying the use of illegal or otherwise distasteful content. However, if such use is drawn to their attention, they have an obligation to request the cessation of illegal use and to encourage more discreet use of other disturbing content.
- 5.3 Cases in which it proves necessary to request a user to discontinue access to particular content should be handled according to a pre-established and transparent process.
- 5.4 In such cases the action taken should be reviewed immediately to establish whether it was appropriate and what further action, including restoring the user's right of access, might be required.
- 5.5 The layout and equipment of Public Access Points should be designed so as to minimise disturbance from images and sounds retrieved by other users.

6. Filtering, Rating and Warning Pages

- 6.1 The use by the managers of Public Access Points of software filtering systems to block access to certain content is an unwarranted interference with the individual's freedom of access to information. If filtering and blocking systems are to be made available, it should only be as an option that individuals can choose and calibrate at their own preferred levels.
- 6.2 The use of software products (known as recommender systems, intelligent agents, content management systems, etc.) to filter networked content for positive recommendations is potentially an important contribution to effective network use and the availability of such products at Public Access Points is to be encouraged.
- 6.3 Metadata attached to content, which might include rating or labelling, can be used to help users make selections, and it can also facilitate recommendation of content by suitable software on grounds of quality and relevance.
- 6.4 Rating data which is applied to a site, whether by the information providers themselves or by independent third party agencies, should conform to standards created by independent bodies recognised by information providers as competent to perform this task. An appropriate metadata platform should be used for such purposes.
- 6.5 When assisting users, the staff of Public Access Points should be prepared to draw their attention to the warning pages attached to many sites that contain controversial content, but should also make it clear that not all such sites carry warning pages.

- 6.6 The age verification systems attached to some sites with controversial content also warn users that they might wish to avoid such content, but users should be made aware of the risks associated with supplying personal data to such systems if they are not operated by reputable organisations.

7. Internet Use Policies

- 7.1 A Public Access Point should be operated within a clearly articulated and publicly available policy, consistent with the principles of this text, and expressing the balance of responsibilities between staff and users.
- 7.2 The management of Public Access Points should involve relevant bodies from civil society (professional associations, network management boards, trades associations, local community groups, library advisory boards, school parent/teacher associations, etc.) when discussing policy on access and developing Internet Use Policy documents for public distribution and display.
- 7.3 Guidance in the formation of policy should be sought from the large numbers of existing Internet Use Policies, acceptable use policies, parental guidelines, and codifications of 'netiquette'.
- 7.4 The application of policy in practice should be subject to constant review and consultation so that the aims and objectives of the service continue to be achieved.