Resolution On Guidelines For Sensitive Information

WHEREAS, public access to government information is vital to maintaining a democratic and accountable government; and

WHEREAS, the American Library Association recognizes the federal government’s responsibility for protecting national security and public safety while at the same time preserving the public’s right to know; and

WHEREAS, the American Library Association has expressed its concern that some federal agencies have declared information “sensitive” without appropriate review or public comment; and

WHEREAS, unclassified government information deemed “sensitive” is being withheld from the public, often at the sole discretion of each agency, and some agencies assert that such information may be withheld from the Freedom of Information Act on that basis; and

WHEREAS, there are no provisions for judicial review of agency decisions to withhold information deemed “sensitive” from public access; and

WHEREAS, section 207 of the E-Government Act of 2002 (P.L. 107-347) requires agencies to categorize government information in order that the public can be aware of its existence; and

WHEREAS, there is no systematic review process for reassessing the status of information declared “sensitive;” now therefore be it

RESOLVED, that the American Library Association reaffirms its position that the public should have access to unclassified information unless it falls within a specific exemption of the Freedom of Information Act; and be it further

RESOLVED, that the American Library Association urges that agency decisions to designate information as “sensitive” be judicious, limited, and based on clearly-defined criteria and guidelines that are made available for public review and comment; and be it further

RESOLVED, that the American Library Association urges that information deemed “sensitive” be categorized as provided by the E-Government Act of 2002 and information about its existence be made available to the public; and be it further
Resolved, that the American Library Association urges that these guidelines include a process for periodic and systematic review of information that has been deemed “sensitive”; and be it further

Resolved, that the American Library Association urges that information no longer deemed “sensitive” be made publicly available in a timely manner.

Initiated by GODORT Legislation Committee
Endorsed by GODORT Legislation Committee, June 28, 2004; COL Government Information Subcommittee, June 28, 2004
Endorsed in principle by: GODORT Membership, June 28, 2004; Intellectual Freedom Committee, June 29, 2004
Adopted by the ALA Committee on Legislation, June 28, 2004

Policy: #50.2