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The Information Policy Field

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An Introduction and A Brief History of Information Policy

In this paper, I will present a brief history and some definitions of information policy. I will then discuss the relations between the concepts of information policy and information society. After that I will discuss national information policy, and finally information policy issues, bills and debates which I felt are very important and/or are related to my area of concentration in LIS and information management.

As Duff (2007) explains, it may be argued that information policy “existed ever since governments started addressing matters like privacy and copyright”. For example John Locke’s argument of ‘privacy as a natural right’ in the 17th century can be considered as related to information policy. However, “the phrase ‘information policy’ was initially used to refer to propaganda efforts during World War I” (Braman, 2011). The British government had Ministry of Information during the First World War, for censorship and publicity. USA also had Office of War Information during the Second World War. Moreover, the two countries had a joint committee on War Information Policy during the Second World War (Orna, 2008).

The first formal statement of National Information policy was the Rockefeller Report, which was prepared with a Presidential Directive by Richard Nixon. The report presented “CIA abuses including mail opening and surveillance of domestic dissident groups” (Rockefeller Commission Report). The report “recommended that the USA should develop a coordinated National Information Policy, managed centrally”. It also discussed issues covered by national information policy like impact of Information Communication Technologies (ICTs) for quality of decisions, post-industrial society, freedom of information and privacy (Orna, 2008, p. 550).

Definitions of Information Policy

Braman (2011) defined information policy as “an umbrella term for all laws, regulations, and doctrinal positions that deal with information, communication, and culture.” Jaeger’s (2007) definition focuses on the concept of information society. (I will discuss the relations between the concepts of information society and information policy in the next topic.)

Information policy—the combination of laws, regulations, rules, and guidelines that steer the creation, management, and use of information—greatly shapes the roles of information in society. Information policy includes a range of issues related to freedom of information, privacy, secrecy, security, intellectual property, and information and communication technologies (ICTs), among other policy areas (Jaeger, 2007, p. 841).

Several disciplines have interest in information policy. A literature review by Yusof, Basri, & Zin (2010) revealed that researchers in varied fields like “development policy, science and technology, economy, management and law, sociology and telecommunications” study information policy.

Information Policy and Information Society

The concept of information society is closely related with information policy. We live in a society that depends on information as a resource for its economic and social life. “An information society is a society where the creation, distribution, diffusion, use, integration and manipulation of information is a significant economic, political, and cultural activity” (Wikipedia, 2012). In such a society, policies that govern issues related to information are important.

Information policy is rooted or exists in the larger concept of information society (Duff, 2004; Jaeger, 2007). As Braman (2011, p.1) wrote, information policy is the “manifestation of the shift from industrial to information society”.

Jaeger (2007, p.841) discusses increase in information flow, the people’s engagement in various information behaviors, and development of ICTs as factors that necessitate formulation of information policies. Similarly Rowlands (1996, p.12) discusses “the emergence of information processing as a significant force in society”, and the emergence of new technologies as responsible for the emergence of diverse information policies.

National Information policy

Braman (2011, p.2) wrote that national governments around the world were discussing about the notion of developing comprehensive ‘national information policies’ in the 1970s and 1980s, which shows a significant appreciation of the concept of information policy. However, only few governments actually developed comprehensive information policy packages.

At the moment, there is no single all-encompassing information policy in the United States (Harnon & Relyea, 2009, p. 2504). Rowlands (1996, p.14) discusses the importance of establishing a comprehensive information policy regime, which is sensitive to technological changes. He further explains that, at the moment information policy “appears to be at best a ‘fuzzy set’, or at worst, a set of unconnected or contradictory laws, regulations and policy statements”.

Harnon and Relyea (2009) portray an ideal grand picture of national information policy. They pointed out national purpose, integration of all government and nongovernment information, bibliographic control and access as characteristics of national information policy.

Information Policy Issues

It is common to explain the information policy field in terms of the issues it covers. This helps to understand the subject in a more tangible way and delineates the scope of the field.

Nilsen (2001) listed censorship, communications, copyright, freedom of information, freedom of speech, government information, information industries, literacy, privacy and scientific and technical information as examples of information policy issues. Jaeger (2007, p.841) also listed freedom of information, privacy, secrecy, security, intellectual property, and information and communication technologies as some examples.

A research by Yusuf, Basri, & Zin (2010) attempted to classify information policy issues. Their research was based on a literature review of articles on the subject. They identified 91 issues underlying information policy. A few examples of the issues they listed are access to books, cyber law, digital archive, government publication, illiteracy rate, information security, information selection, intellectual freedom, metadata, national bibliography, patent law, piracy, privacy, and right to assemble. They finally grouped the issues into the following six clusters, which are technical and scientific information, library, information and communication technology (ICT), social issues, government information and economy.

Identifying issues can also be useful in information policy research. As a research methodology, 'issues and options' approach identifies "the issues and concerns raised by the

adoption (or potential adoption) of a specific policy, and then to suggest a range of possible actions to resolve potential conflicts and mitigate any foreseeable negative impacts” (Rowlands, 1996).

Below, I will try to briefly discuss information access and copyright issues, related bills and concepts. I will discuss the copyright issue in better detail, especially as it relates to copyright of digital materials, because it affects the day-to-day activities of libraries today.

Information Access

Information access is one of the most important issues covered by information policy. It is important for democratic political discourse, which will not be possible without the appropriate information related to governance. (Jaeger, 2007, pp. 841-43)

In relation to information access, information policy determines the following:

- What information individuals can access.
- What information social groups can access.
- What information organizations can provide access to.
- What information the government must provide access to.
- What information the government does not have to provide access to.
- What information the government can access about citizens (Jaeger, 2007, p. 844).

The bill that is related to information access is Freedom of Information Act (FOIA), which I will discuss below.

Freedom of Information Act (FOIA)

Freedom of Information Act (FOIA) of 1966 “permits public access to government records, with certain exceptions. The exceptions include vital national defense and foreign policy information, critical trade and financial information, internal personnel records, confidential executive branch and interagency communications, information concerning ongoing law enforcement matters, and sensitive geophysical data” (Encyclopedia Americana, 2012).

FOIA had a positive outcome in making the government transparent. However, there was difficulty in classifying and declassifying large amount of bureaucratic documents (Encyclopedia Americana, 2012).

Copyright

Copyright protection is given for any ‘original work of authorship’ that is ‘fixed in any tangible medium of expression’. It gives the right to copy, distribute, display, perform or make derivative works or give license to others to perform those actions (Hamburg, 2009).

Copyright is one of the most important issues that affect libraries. Below I will try to briefly discuss bills, issues and controversies that relate to copyright.

First Sale

First sale is user protection in copyright law, which allows purchasers of tangible products containing copyrighted materials to dispose them in any way they wish (Anderson, 2002). This provision enables libraries to lend copyrighted materials that they purchase.

Fair Use

Fair use doctrine allows copying of copyrighted material for purposes of “criticism, comment, news reporting teaching (including multiple copies for classroom use), scholarship or research”, with consideration of the purpose and character of the use, the nature of the copyrighted work, the amount and substantiality of the portion used, and the effect of the use upon the potential market (Hamburg, 2009).

Fair use is important for libraries as they do transformation and reproduction of materials for users with disabilities (ALA (c), 1997-2012).

Digital Millennium Copyright Act (DMCA) and Digital Rights Management (DRM)

DMCA is one of the most important copyright bills. DMCA was passed by Congress in October 1998 and became effective in October 2000. This legislation updated U.S. copyright law in order to meet the demands of the digital age and to conform to the requirements of the World Intellectual Property Organization (WIPO) treaties. (ALA (a), 1997-2012)

One of the controversial sections in DMCA prohibits the circumvention of Digital Rights Management (DRM) technologies (ALA (a), 1997-2012). “The purpose of DRM technology is to control access to, track and limit uses of digital works. These controls are normally imbedded in the work and accompany it when it is distributed to the consumer” (Nisbet).

The library community widely opposes DRM. After the DMCA came out, the library community and others voiced their concern saying that DRM applies ‘second-level’ access controls and limits first sale rights on digital materials. With first sale rights, once a person buys a copyrighted product, he/she can sell it, give it away or dispose it. But this right cannot be

realized with DRM protected digital materials. At the time, the copyright office was not convinced with the library community's argument due to the following reasons:

- Digital copies can be made and transferred very easily.
- It is difficult to control how many times the material is transferred and whether the person who transfers the material has retained his/her copy as well. (Anderson, 2002)

Several writers in the library community opposed DRM technologies. DRM eliminates the first sale doctrine by limiting the secondary transfer of digital works to others, enforces 'pay per use' model of information dissemination, prevents preservation and archiving, and prevents 'fair use' that is necessary for education and scholarship (Nisbet; Berry, 2011).

Similarly Godwin stated that DRM technologies might pose problems to librarians and citizens to exercise their rights granted by copyright law in the following ways:

- It may prevent copying of works beyond the terms of their copyright or works in public domain.
- It prevents archiving in another more permanent storage media.
- It limits artistic creation by preventing access to older works.
- It prevents use of copyrighted materials within the limits of fair use.
- It makes it difficult to use materials for education purposes in real and virtual classrooms (Godwin, 2006).

The TEACH Act

The TEACH Act was signed by President Bush in November 2002. This legislation allowed the use of copyright protected materials by accredited, non-profit educational institutions “in distance education-including on websites and by other digital means--without permission from the copyright owner and without payment of royalties” (ALA (b), 1997-2012).

I believe the TEACH act is a very positive legislative action for the library and education community. However, the DMCA, especially its terms regarding DRA, may create difficulty for the library and education community to utilize their rights provided in the TEACH act.

I notice that the policies related to copyright address specific issues separately and not in a coordinated manner. Therefore, copyright policies seem to be unclear, inconsistent and contradictory at times.

Conclusion

With respect to copyright laws, I understand that there are still policy revision debates going on with the federal government. Public advocacy groups are also getting their voices heard regarding privacy, fair use, first-sale and preservation issues (Berry, 2011, p. 5428). I believe the library community should participate in the policy formation debate as much as possible. I hope future revisions in information policies regarding copyright as well as other issues would be coordinated, clear, supporting education and scholarship activities, suited for the digital environment, and creating a balance between the interests of different stakeholders.

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