

Management of acceptable use of computing facilities in the public library: avoiding a panoptic gaze?

Introduction

This paper investigates the language utilised in Acceptable Use Policies (AUP) in Scottish public libraries. Through this examination the paper aims to ascertain if power relationships between local authorities, public libraries and users are apparent. Finally, the paper aims to determine if Foucault's theory of panopticism is relevant to public libraries in this context.

Panopticism is concerned with the idea that in particular institutions and situations it is possible for people to be constantly observed, and be aware of same. Foucault adapted Jeremy Bentham's Panopticon prison model, where all prisoners could be viewed from one central location of a circular structure without ever knowing if they were actually being viewed at any point. The notion here is that behaviour may adapt in the knowledge that the behaviour *could* be being observed. Foucault's work also observed how power exists in a panoptic environment. It must be stated that Foucault did not deem power to be necessarily oppressive; it is seen as a productive force circulating through society (Haider & Bawden, 2007) and he views power and knowledge as being interdependent of one another.

The proposed research questions are:

1. How effectively do AUPs portray the message of local authorities, particularly with regard to the representation of Internet filtering and surveillance when using public library computer facilities?
2. Can power relationships be perceived from thorough examination and Foucauldian discourse analysis of the AUPs of Scottish public libraries?
3. Do these perceived power relationships indicate that panopticism is relevant in present day public libraries?

These research questions will be investigated by applying Foucauldian discourse analysis to the AUPs of local authorities in Scotland.

Literature Review

Acceptable Use Policies

The term 'Acceptable Use Policy' has become almost synonymous with Internet and computer policies and it is now well known and used so frequently that it has become an abbreviation, AUP, and a term in its own right (Smith, 1999). Although these documents contain more information than solely instructions relating to acceptable and unacceptable use, the term has become standard when relating to ICT provision.

AUPs have been defined as a policy document that can be formal or informal and provides details of what can be considered unacceptable use of the facilities and the consequences that may occur if the policy is not complied with (Simbulan, 2004). Laughton (2008) highlights three main goals that must be kept in mind when creating an AUP:

1. Educating users about behaviour and activities that may harm the organisation
2. The provision of a legal notice relating to behaviour that is not deemed acceptable and the consequences that may occur
3. The protection of the organisation from any liabilities it may face from unacceptable use of computer and Internet facilities.

These goals specifically relate to a corporate AUP but they are largely transferable between different sectors with slight rephrasing. Much of the literature relating to the subject of AUPs refers mainly to their use in schools and the corporate sector (Stewart, 2000; Kelly, 2001; Nolan, 2005; Young, 2010; Doherty et al, 2011). While this is somewhat relevant with regard to the current study of use in public libraries, it highlights a significant gap in the research. Much of the research in this area is relatively limited in scope and refers only to the content of the AUP and what features should appear in an effective policy. A considerable amount of the available literature is written with a professional focus rather than an academic emphasis (Doherty et al, 2011), which is more likely to stress the practicalities of writing and maintaining an AUP rather than any theory behind it.

There has been some academic research relating to this topic; Lichtenstein (1996) identified a range of issues that should appear in an effective AUP and grouped them into the following categories: legal, managerial, administrative, operational, technical and human issues. This particular research focused on corporate policies and although it may be

transferable to use in public libraries, the language used for the categories themselves is relatively business concentrated. This is comparable with research by Sturges (2002); he has written with a specific focus on public Internet use access in libraries and has detailed seven essential features of an effective AUP:

1. Aims and objectives – Why the service is provided and what should be achieved by this.
2. Eligibility – Who the service is provided for.
3. Scope – The limits of the service.
4. Illegal use – A reminder that this is prohibited.
5. Unacceptable use – A description of what is deemed unacceptable by the particular institution.
6. Service commitments – The services that will be provided by the particular institution.
7. User commitments - Any agreements that must be adhered to by the user.

Although all of these features are extremely important to include when formulating an AUP, it could be argued that the essential characteristics are primarily the explanations of unacceptable and illegal behaviour, often displayed as a code of conduct (Kelehear, 2005) and the limits and boundaries of the service. Further to this, the scope of the service must be explicitly stated within the AUP, this refers to the limitations on services provided, rather than solely the type of content; for example if chat facilities, downloading or printing are prohibited. It is also crucial that this section of an AUP would inform users if the service is filtered and if the user or the computer will be under surveillance when in use (Sturges, 2002).

Unacceptable Behaviour

It is crucial that an AUP defines, in a clear and concise manner, what is meant by the terms 'acceptable' and 'unacceptable' within the context of the provision of public computer and Internet access (Laughton, 2008). The primary function is to detail the behaviours and activities that are deemed unacceptable such as accessing pornography, chat rooms or gambling websites. An AUP will also outline possible illegal activities such as copyright and intellectual property infringement or more serious offences such as child pornography and

the potential legal consequences that may occur from such misuse of facilities. Therefore, theoretically, the fact that a user has read and agreed to the terms of an AUP, they will be solely responsible for their actions and the organisation will not accept liability and be accountable for any wrongdoing and misuse (McMenemy and Burton, 2005).

It is also suggested that the AUP be an opportunity to promote good practice to users with regard to security and awareness in order to minimise the possibility of security threats (Nolan, 2005). The notion that there may be disciplinary action could be perceived to contrast with the suggested “non-authoritarian” style of an AUP (Sturges, 2002). It could also be suggested that the regulation embedded within AUPs could be perceived as going against a fundamental feature of public libraries; that it is an open and welcoming place and that if the policy is not effectively introduced and implemented then it could undermine the core values of the institution (Ward, 2003). This also relates to the long-standing question concerning librarians: are they gatekeepers of information and are they there to restrict access (Cooke, 2006) where they deem necessary?

Surveillance and Filtering

A further key role of an AUP is to inform users if the computer facilities they are using have filtering software installed which may block certain websites or information. It may also notify users that their activities will be under surveillance while making use of ICT resources. This can be done most efficiently and effectively with the use of software to log details of websites visited but also by physical supervision. This is seen as particularly important as it means that users are under no illusions as to their behaviour being monitored (Smith, 1999; Sturges, 2002).

Weaknesses of AUPs

Many organisations refer to their documents as the more generic ‘Internet Use Policy’ or ‘Codes of Conduct’; however, AUP has become a familiar, but potentially loaded, term. Sturges (2002) recognises this and describes his aversion to the use of the term but he recognises that it may be confusing to refer to a term that may be less familiar to other people.

There may be an ethical dilemma faced by information professionals relating to the use of filtering and the issue of accountability and professional ethics is also important to note in

this context; although an AUP does transfer liability onto the user rather than the provider, as a professional this may not always be enough for a librarian and they may still feel a responsibility for what is being accessed under their supervision. If the AUP is supported by complementary filtering software (Criddle, 2001), this may alleviate some of the burden of responsibility felt by the librarian.

It must also be noted that without effective implementation by staff, an AUP is unlikely to make significant progress in changing users' attitudes and behaviour when making use of public Internet facilities (Ward, 2002). If the policy is unenforceable or ambiguous and open to interpretation then it is ineffective (Smith, 1999). It is therefore to the benefit of all staff and users that the AUP be a clear and manageable document.

Filtering and Monitoring

Internet filtering has become a common, and controversial, method of controlling access to information in a public library. It is widely used in public and school libraries in the US due to links with federal funding. In the UK, it was found in 2000 that 71% of public libraries in the UK used some form of filtering or blocking software (Willson and Oulton, 2000). This proportion seems to have increased since then; it was found that 31 of 32 local authorities in Scotland use filtering methods (Brown and McMenemy, 2013).

Different methods of monitoring and supervision can be used in public libraries to manage access on computers and the Internet. Common examples include logging of the users and the material they access and physical supervision within the library or "shoulder-surfing" (Poulter et al, 2009). These both have ethical and practical implications as they relate to the notion of personal privacy and they come with distinct difficulties for monitoring the behaviour of every person at all times.

Foucault, Panopticism and Surveillance

Michel Foucault's work laid down foundations for much of the research relating to surveillance studies and in particular. *Discipline and Punish: The Birth of the Prison* has proven to be a standard for this emerging and multidisciplinary field (Wood, 2003). The theory of panopticism is based on Jeremy Bentham's concept of a model prison from 1787, referred to as The Panopticon, and it was a method for enabling the few to monitor the

actions of the masses and it has been used to describe the potential for centralised surveillance and the connotations of this on social control (de Saulls and Horner, 2011). Bentham's model consisted of a circular shaped building divided into cells and in the centre of this building, a high tower would be erected and would include wide windows to allow visibility and light into the cells. A supervisor would be placed in the tower in order to provide constant surveillance of the cells. Each cell would have two windows, the first on the inside, looking out onto the central tower and the second on the outside, to let light and air into the whole cell. In addition to this, the backlighting of the Panopticon would ensure that the supervisor could clearly see into all cells and witness the actions of the prisoners within. The prisoners themselves would be unable to observe other prisoners, due to the side walls of the cells or to see occupants of the central tower. Bentham envisaged the use of blinds and door openings to ensure that slight noises, light and shadows could betray the presence of a supervisor in the tower.

The inherent principle of the Panopticon was that power should be visible yet unverifiable: Bentham's hope for this concept was that prisoners would regulate themselves and start conforming to prison and societal rules without the need for disciplinary practices. A key feature of this theory is that there does not necessarily need to be a supervisor in the tower, that the very possibility of a guard's presence and a disciplinary gaze would be enough to curtail the behaviour of prisoners as they would be constantly and consistently unsure if they were under surveillance (Mills, 2003). The possibility of being watched ensured an automatic functioning of power and all individuals became entangled in impersonal power relationships, which automatised and disindividualised power (Smart, 2002).

Foucault examined this architectural model and transformed it into a theory for a disciplinary society based on the exercise of power through surveillance (de Saulls and Horner, 2011). He suggested that it could be used for additional purposes, rather than just prisons. For example: hospitals, to escape infection; mental health facilities, to ensure no violence between patients; schools, to avoid time-wasting and copying; and workplaces, to reduce theft and distractions (Foucault, 1977; Elden, 2003). It has been argued that the model of a prison and the concept of the Panopticon is essentially an allegory for the establishment of the disciplinary society, the panoptic society of constant surveillance that effectively disciplines the population in order to achieve control in society (Bernstein, 1994).

Foucault initially discovered Bentham's model when studying the origins of clinical medicine and in particular hospital architecture during the second half of the 18th century (Foucault, 1980). Foucault suggests that Bentham's Panopticon has a diabolical aspect to it; he refers to the fact that in this model, neither the watcher nor the watched can escape from the perpetual cycle. Power is no longer primarily in the hands of the watcher or the watched but it has become an individual mechanism; a machine that no longer identifies with or belongs to any individual but has become its own being (Foucault, 1980).

This theory of panopticism has been examined by Alistair Black in relation to public libraries from 1850-1950. He describes libraries as having "a strange mix of control and freedom" referring to the nature of the library as an access to vast amounts of information but under the watchful eye of a librarian as "gatekeeper" (Black, 2005). Many public libraries built in this time period could be argued to have been inspired structurally and physically by the Panopticon: they included a central point of observation and a circular arrangement of rooms and furniture.

Methodology

A qualitative approach was found to be most effective for use in this research context; particularly through the use of Foucauldian discourse analysis.

The researchers used actual AUP documents as sources of data for this research as these can be easily read and analysed, they have not been produced specifically for the purposes of the research and they are relevant to the current research questions (Bryman, 2012). The AUP documents were obtained by sending a Freedom of Information (FoI) request to all 32 local authorities in Scotland. The use of FoI requests was selected by the researchers as it was deemed to be the most efficient method of procuring the documents.

Scotland was chosen as the geographical scope for this research due to the fact that it is split into 32 local authority areas, this being a manageable number for the researchers to work, and also for relevance as this corresponds with the researchers' geographical location.

Discourse Analysis

Discourse analysis has been defined as "the study of the way in which an object or idea, any object or idea, is taken up by various institutions and epistemological positions, and of the

way in which those institutions and positions treat it. Discourse analysis studies the way in which objects or ideas are spoken about" (Finlay, 1987, p.2). Fairclough (1995) states that a key reason for the use of discourse analysis as an effective methodology is that "texts constitute a major source of evidence for grounding claims about social structures, relations and processes" (p.209). There are various methods for applying discourse analysis and they examine a range of structures and conceptual relationships. With this in mind, the particular method used by the researchers was critical discourse analysis; it is based on Michel Foucault's discourse theory as his interest lies in the viewing of discourse as "the societal process of understanding and self-definition" (Stahl, 2004, p.16). A fundamental feature of Foucauldian critical discourse analysis is the way in which it identifies the knowledge contained within discourse and how this knowledge is connected to power relationships. With this knowledge, the use of discourse analysis has allowed the researchers to critically examine these power relationships (Jager and Maier, 2009). Discourses exercise societal power due to the fact that they institutionalise and regulate different ways of talking, thinking and acting (Jager and Maier, 2009).

It has often been the case within the library domain that the discourses used are entwined with specific institutional forms and this has led to power over information and resources, for example, who is permitted to use the information, how it can and should be used, the social roles of the institutions managing the information and the roles of the professionals involved (Frohmann, 1994). It was hypothesised that these institutional forms and hierarchical natures would be evident within AUPs. It was also deemed important by the researchers to examine how other examples of social and cultural context, such as traditions and customs (Budd, 2006) are presented within the documents, as these can further add to potential power relationships. For example, these traditions and customs can be identified through themes relating to roles and responsibilities of both library staff and users.

Discourse analysis is a relatively underused methodology and particularly in the library and information science field (Olsson, 2010). This adds to the originality of this research, making it somewhat unique within the discipline.

Data Analysis and Coding

The literature review revealed many emerging themes and therefore informed the coding process. It allowed the researchers to gather information regarding key themes and to transfer these into theme nodes in NVivo, the software package that has been used in order to aid with the collation and analysis of the AUPs. Nodes are the route by which coding is undertaken when using this software; NVivo describes them as a collection of references about a specific theme or subject. These nodes were applied to sections of text in order to code and once the documents were coded, the nodes incorporated references to the sections of the documents that are relevant.

Initial concepts used to group data were related to types of information that would commonly appear in an AUP in order to answer the first research question. These themes have been informed by the literature review, in particular by Sturges (2002) and Doherty et al (2011). The preliminary theme nodes were:

- Access management
- Acceptable behaviour
- Unacceptable behaviour
- Copyright or license compliance
- Roles and responsibilities
- User monitoring
- Presence of filtering software
- Sanctions for policy violations
- Policy management

It was decided throughout the analysis of the documents that the theme of roles and responsibilities was relatively vague and did not recognise the different accountabilities that were evident within the policy documents. This led to the decision to split the roles and

responsibilities theme node hierarchically into two further branches – user commitments and service commitments. This highlighted the importance of local authorities addressing the desired roles that ought to be played by each stakeholder, in this case both user and service organisation.

These initial concepts were examined in further detail and grouped into additional categories that related to the Panopticon metaphor. This particular method was utilised in order to examine the second research question posed and to determine if power relationships can be perceived through the AUPs made available to members of the public in each Scottish local authority. Both the language used and the actual content of the AUP were considered when determining which key theme may be used throughout the analysis. These analytical concepts were:

- Discipline
- Surveillance/Panoptic gaze
- Power and resistance
- Knowledge and expert knowledge

After the process of coding was completed, the researchers were able to examine the data and identify patterns throughout.

Throughout this research, it has been important to take into account and identify both explicit and implicit themes throughout the documents as this can link back to significant and deeper social and cultural roots. It was essential to note that the absence of particular text or information in the AUP could be just as important as its presence. Further to this, it was also pertinent to examine other details of the documents such as presentation and length as these can also highlight a particular view of social reality. Features such as these enable the discourse to be put into a wider context and gave the researcher the ability to examine both the document as a whole and the individual parts.

Findings and discussion

The disparity between lengths of AUPs was found to be significant. This ranged from six (19%) of the 32 AUPs consisting of one page in length to one document (3%) made up of a considerable 17 pages. The average length was found to be 3.8 pages which may still be

	<u>Access management</u>	<u>Acceptable Behaviour</u>	<u>Unacceptable Behaviour</u>	<u>Copyright/ License Compliance</u>	<u>User Commitment</u>	<u>Service Commitment</u>	<u>User Monitoring</u>	<u>Filtering</u>	<u>Sanctions</u>	<u>Policy management</u>
--	--------------------------	-----------------------------	-------------------------------	--------------------------------------	------------------------	---------------------------	------------------------	------------------	------------------	--------------------------

considered a substantial length for an AUP. Sturges (2002) recommends that brevity of the document is of utmost importance as it needs to convey a message in the most simplistic way possible.

Overall Communication of AUP

The majority of the AUPs analysed focused solely on the types of behaviour that are deemed as *unacceptable* by the local authorities. Given that the conventional term for the document makes reference to acceptable use, it could be considered misleading for the document to detail only the behaviour that is not permitted of users. From a practical point of view, it is easier to define improper behaviour, particularly in this context as this list will be significantly shorter than a list of what is allowed. However, it is important to balance the negative aspects with more positive examples of behaviour. Doherty et al (2011) suggest that acceptable behaviour should be defined in an AUP and should provide a good overview of what is permitted within the specific context; it can also cover general Internet and computer usage information and recognised best practice.

Only five AUPs (16%) include guidance relating to and defining what they consider to be acceptable use. This means that the vast majority of the documents refer exclusively to behaviour that is considered unacceptable, leading to an overwhelming negative tone emanating from the policies throughout analysis.

The following table illustrates the presence of each key feature in every AUP from a Scottish local authority; this is illustrated by an X in the corresponding box. These have been anonymised to enable the researchers to provide a fuller understanding of the state of AUPs in Scotland as a whole rather than having a focus on individual documents or libraries.

Table 1- Key features of AUPs

<u>LA1</u>	X		x	x			x	x	x	x
<u>LA2</u>	X		x	x	X		x	x	x	x
<u>LA3</u>	X		x	x			x	x	x	
<u>LA4</u>	X	x	x	x	X				x	
<u>LA5</u>	X	x	x	x					x	x
<u>LA6</u>	X		x	x	X		x	x	x	
<u>LA7</u>	X		x	x	X	x	x		x	x
<u>LA8</u>	X		x	x	X		x	x	x	x
<u>LA9</u>	X		x	x			x	x	x	x
<u>LA10</u>	X		x	x	X		x	x		
<u>LA11</u>	X		x	x	X		x	x	x	x
<u>LA12</u>	X		x	x	X		x	x	x	
<u>LA13</u>	X		x		X		x	x	x	x
<u>LA14</u>	X		x	x			x	x	x	
<u>LA15</u>	X		x	x	X		x	x	x	
<u>LA16</u>	X		x	x			x	x	x	x
<u>LA17</u>	X		x	x	X		x		x	x
<u>LA18</u>	X		x	x	X		x	x	x	x
<u>LA19</u>	X		x	x	X		x	x	x	x
<u>LA20</u>	X		x	x	X	x	x		x	x
<u>LA21</u>	X		x	x	X	x	x	x	x	
<u>LA22</u>	X		x	x			x	x	x	x
<u>LA23</u>	X		x	x	X		x	x	x	x
<u>LA24</u>	X		x	x	X		x	x	x	
<u>LA25</u>	X		x	x			x	x	x	
<u>LA26</u>	X	x	x	x	X	x	x	x	x	x
<u>LA27</u>	X		x	x					x	
<u>LA28</u>	X		x	x	x	x	x	x	x	x
<u>LA29</u>	X	x	x	x	x		x	x	x	x
<u>LA30</u>	X		x	x	x	x	x	x	x	
<u>LA31</u>	X	x	x	x	x		x	x	x	x
<u>LA32</u>	X		x		x		x	x	x	x

Communication of Filtering

The aim of this research is not to identify the extent to which local authorities are actually using filtering software within their public libraries but it is examining how effectively it is

being communicated to users. Sturges (2002) states the significance of unambiguously declaring the prevalence of filters in an AUP yet only 26 Scottish local authorities (81%) explicitly reference in their AUP their usage of filtering; however, this does not necessarily mean that the remaining five authorities do not have filtering software installed on their computer and Internet facilities. It has been found in a study by Brown and McMenemy (2013) that 31 of these 32 authorities utilise some form of filtering as Internet control. The disparity between these statistics leads the researchers to believe that a number of local authorities have implemented a filtering system but are not explicitly communicating this to their users.

Of the 26 AUPs that made reference to a filtering policy, only 9 (35%) contained a detailed explanation with a paragraph of text whereas the majority described filtering in a vague and minimal fashion. Sturges (2002) recognises that brevity is of great importance in an AUP, but it must also contain significant details to describe fully the features the user is agreeing to before use.

It is unlikely that the description of filtering to users can be achieved in one brief statement; one sentence of explanation will not be enough to detail the scope of the filtering taking place and the differing levels of filtering that can be found when using computer facilities. There is also no mention of further informative resources available to users relating to the issue of filtering.

Nine AUPs were found to have significant sections designated to the description of filtering software; these all outlined the filtering policy, the different categories that exist and the reasons for having this in place. The eight AUPs that used only one sentence to detail the issue of filtering merely alerted users to its existence and offered no further specifics relating to the subject.

Communication of Monitoring

Of the 32 local authorities, 29 (91%) inform users via the AUP that their actions when using computer and Internet facilities are monitored whether electronically or physically. As previously stated with regard to filtering, the absence of this information in the AUP does not necessarily mean that monitoring is not taking place. For the purposes of the research, however, it must be assumed that if it is not specifically mentioned then the practice does

not take place. This is recognised by the researchers as being a limitation but the focus of the study is on the AUPs themselves.

Findings relating to Foucauldian concepts

The requirement to follow rules and procedures within the library as stated in the AUP correlates with numerous Foucauldian concepts such as discipline; surveillance; knowledge; and power and associated resistance. These analytical themes all carry the potential for different types of power relationship.

Discipline

Foucault (1975) states that discipline can be used in order to construct non-egalitarian and hierarchical forms of power relationship. He also notes that discipline should be used without excessive force and recognises the important of constant observation and surveillance in this context.

All 32 of the AUPs included some form of disciplinary material; they each included a list of rules and behaviour that is considered inappropriate and each document also provided information relating to the sanctions or consequences that would be faced by those who did not uphold the rules and regulations. However, it must be noted that although every local authority stated these forms of discipline, the ways in which they were communicated to users differed greatly. In particular, the language used had distinct variations within each AUP.

An example of balance being achieved can be found in the AUP from LA28 which states that the policy has been written to “protect the interests of the Library Service and the community it serves. Failure to comply with the AUP’s terms and conditions may result in the use of the IT facilities being suspended, withdrawn; or may lead to prosecution.” This manages to convey to the user the importance of the rules and guidelines; the use of words such as “suspended”, “withdrawn” and “prosecution” have very negative connotations but this is balanced with terms such as “protect” and “community” which may inform the user that the rules are in place for a legitimate purpose and these words invoke friendly and positive connotations. The very fact that negative words are included also reminds the user that they are involved in a power relationship and that the local authority has power over

the individuals; they are the provider of the service and have put safeguards and rules in place in order to control the behaviour and actions of these users.

The AUP from LA29 devoted an entire section of the policy to detailing the potential penalties for misuse. In addition to this, there were also a number of mentions of sanctions outwith this designated section. This led to an overall negative tone, particularly as language such as “infringe” and “terminated” had been repeatedly used. Terms such as these are used to reinforce the power relationship that can be perceived between local authority and public library users. There were also examples of AUPs that merely contained lists of rules with barely any other information made available to users and therefore, these were of a very regulatory nature, leading to an imbalance of power between user and local authority.

It must also be noted that seven of the AUPs (21.9%) state that they do not prohibit any legitimate online activities with the exception of those which are illegal or abusive or that they are proponents of freedom of information principles and do not restrict access to legitimate information for users. However, this is juxtaposed by the fact that five of these still have filtering software installed and used in their public libraries. This is concerning as it sends a mixed message to the users.

Surveillance/Panoptic Gaze

Foucault believed that the key to a regulated society or environment could be found in the continual surveillance of individuals; this is often referred to as the panoptic gaze which is omniscient but unverifiable. The theory is that the subject self-regulates its own behaviour in order to keep within the confines of the rules and regulations set out by those holding positions of power. This also brings with it countless ethical issues relating to privacy and discretion and this has been addressed by the local authorities in many different ways.

As has been stated earlier, the majority of the AUPs inform the user that constant monitoring of their activities will take place both electronically and physically. Although two of the 29 (6.9%) that communicate monitoring to users notify that the content of emails cannot be seen and is kept confidential, the majority do not mention the issue of email at all. The very fact that this information is absent in many AUPs is significant in itself as it is effectively avoiding the issue altogether. This does not inform users of any rights they may have or any assumptions they may hold of privacy and in this case it may put them at a

disadvantage. This is a further way for local authorities to hold power over users; whereas an explicit mention of the policy of monitoring email traffic would allow for some degree of transparency.

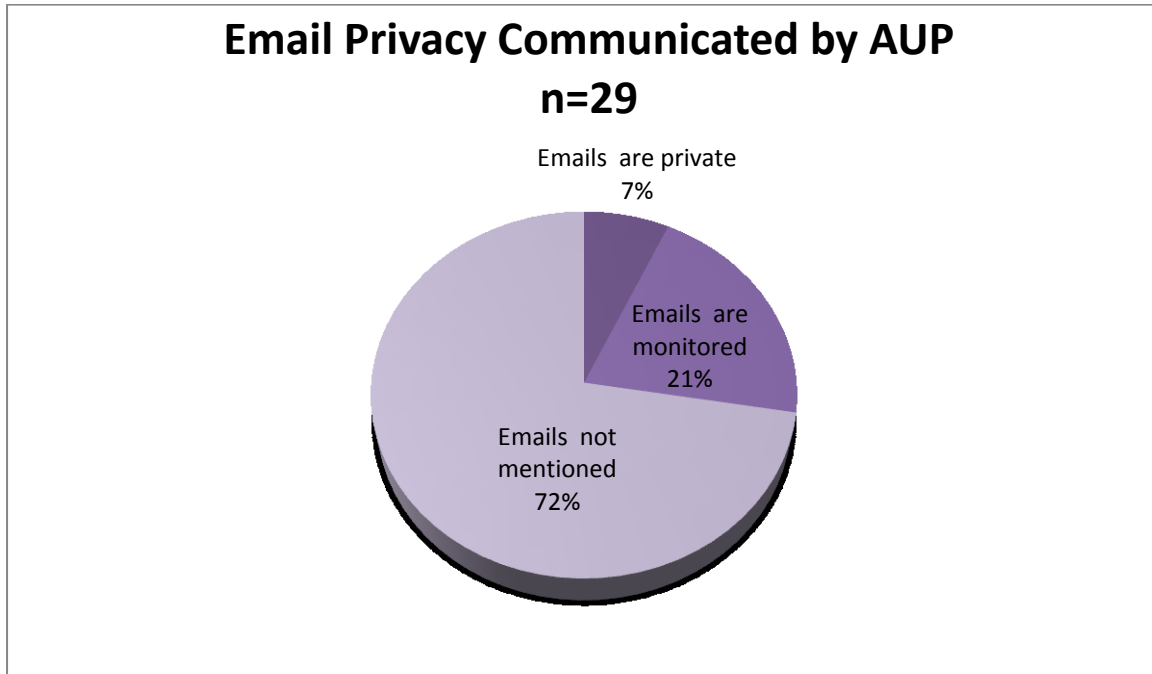


Figure 1: Email Privacy

In order to inform users that surveillance of their activities will be taking place, LA3 stated that “to ensure reasonable and fair use of computers...monitoring of use may be undertaken.” By using this particular phrasing the local authority has managed to avoid using language that may be perceived as negative. Indeed, the use of the words “reasonable” and “care” imply that the practice of monitoring is a worthy one and that to disagree with its implementation would make one unreasonable and uncaring. By using language such as this, the local authority allows its image to be perceived in a calm and considerate manner. The use of the word “may” supports the notion of the Panopticon by not informing users if they are definitively being monitored and ensuring that users cannot verify if they are actually under surveillance at any given moment.

A further local authority, LA10, informed users of monitoring by stating that “monitoring of computer systems and networks is necessary to maintain optimum performance of the service...the content of email communications sent and received will not be routinely

monitored but may be accessed to resolve technical problems”. This implies that the practice of monitoring is only in place in order for the authority to be kept up to date and informed of issues relating to IT and systems support and to maintain and resolve these problems. This is rather misleading as it is unlikely that this is the only reason for the authority to utilise surveillance.

Six AUPs (21%) inform users that the content of sent and received emails can be monitored and the AUP from LA9 specifically states that the “user should not have any expectations of privacy in the use of these resources.” Although this may be assumed when users have read the policy document and are made aware that monitoring will take place, the unambiguous phrasing of this sentence could be construed as a warning or thinly veiled threat to users. Within the context of an AUP, and overall, the context of a public library setting, language such as this is unnecessary. It is in direct contrast with many important principles of public libraries and it is unlikely to allow users to feel comfortable when using their resources. A common argument to this would be that if users have nothing to hide then there is no reason for them to be concerned or fearful about policies such as monitoring. However, the intrusion and sheer invasion of privacy is, in itself, an issue that members of the public have a right to be apprehensive about. As providers of information, public libraries have a responsibility to treat users well and to respect basic freedoms such as the right to privacy.

This issue is also evident elsewhere in the AUPs and to a much more severe level. Two authorities (6.3%), LA20 and LA25, state in their AUP that users’ actions, such as the websites they visit or any emails they send or receive, can be used against them as evidence in court. Although this has only occurred in a small number of the AUPs analysed and it does not represent the overall view in Scotland, it is still noteworthy as it is a particularly remarkable example of the significance of discourse within a policy document.

Knowledge

Foucault recognises the correlation between power held by individuals or groups and knowledge; power is established through acknowledged forms of knowledge, expert knowledge and societally accepted truths. It is important to note that power should not always be seen in a negative way and that power is a necessary inevitability within any

society and knowledge makes this the case. It is not always a coercive force but can be used in a positive way to ensure a safe and productive society.

This context is significant when examining and analysing the AUPs as there are many references to expert knowledge throughout the documents and although they highlight the evidence of power relationships between library staff and users, it appears as though such knowledge is being detailed in order to inform users and not to marginalise them. 17 AUPs (53%) inform users that the knowledge and skills of the library staff are available to them as a resource and they are able to share with them as much as possible. This is particularly noted in relation to issues such as copyright, information literacy and safe use of the Internet facilities.

However, it was also found that of these 17 local authorities, 11 still publicise the skills and expertise of their staff, but do so in a relatively discouraging manner. This has been done by communicating to users that library staff may only be able to help with very basic IT issues and often refers users to book a course provided by the library for IT skills. Although this is inarguably a useful resource and great opportunity for users, it may not be suitable for many who cannot commit to a course but merely would appreciate some one-on-one assistance from a librarian. This is demonstrated by examples such as: “staff will try wherever possible to help internet users in the proper use of the computers. However, as demand for computer access rises, staff may not always be able to give dedicated assistance. Information on the availability of training is available at all times” from LA8 and “assistance is only possible where our staff have both the skills and time available according to the demands of other library users. Our learning centres operate on a self-help basis and staff assistance cannot be guaranteed at all times” from LA31. Both of these examples are portraying essentially the same message and do so in a relatively negative way. They both inform users that the libraries can provide the knowledge that is needed yet they may only have availability or opportunity to impart some of it.

This is in contrast with AUPs that publicise library staff’s skills in a more positive and welcoming manner. For example, LA24 states that “staff are happy to help, if required, with internet searches and to advise parents on safe surfing for children.” Simply, by using the word “happy” in their document, a cheerful and positive outlook is portrayed; a user would

be able to picture a friendly and smiling member of staff more than willing to aid them with their inquiries. The word “safe” also allows users to feel comfortable in the library environment and it ensures that the library staff and services are approachable and not harmful.

When addressing the topic of legal matters that may be relevant for users to be informed of, with relation to computer and Internet access, it is important that this is communicated in a clear, concise and easily comprehensible manner. This is difficult to achieve effectively, particularly in a document such as an AUP, which will be read by a wide variety of individuals. This is made more difficult by the fact that there are numerous laws that could potentially concern users of computer and the Internet. 21 of the AUPs (66%) communicate this to users merely by stating that “knowingly doing anything which constitutes breaking the law” is considered an unacceptable use of the facilities offered. Broad statements such as this have been found to be very common throughout the analysis of AUPs but they only touch on the importance of the subject at hand and this is not enough to fully warn users of the risks involved.

It was found that three other policies (9%) make statements such as: “not using the IT facilities in any way which may result in a breach of the Copyright, Designs and Patents Act 1988 and the European Copyright Directive 2001 and Copyright and Related Rights Regulations 2003; Data Protection Act 1998; The Civic Government (Scotland) Act 1982; Sexual Offences Act 2003 (as applicable); Public Order Act 1986; Computer Misuse Act 1990; Human Rights Act 1998 (all as amended); and any other local, regional, national and international law, order or regulation.” Although this is arguably more specific and allows the users an opportunity to familiarise themselves with the laws in question, it could also be seen to be too much information to appear in an AUP, particularly without further description or context. The language that has been used in this example is not in itself a deterrent for users but the nature of the statement could be; a long list of Acts such as this may make users feel uneasy as they may not be familiar with the specific details of each and every one.

A short but detailed statement mentioning the legal issues that may be faced by computer users would be more likely to appear welcoming to users. This would take the focus away

from what is unacceptable or illegal behaviour and instead leaves an opening for a focus on the more positive aspects of the library and computer services and staff. This is done effectively in nine (28%) of the AUPs analysed; for example, the detailing of the copyright requirements such as a single copy of any given page is permitted. This can also be seen by AUPs letting users know about the legalities of hacking or online defamation, rather than referring to all illegal activities under one overarching statement.

Power and Resistance

The concept of power has informed much of this research and it is particularly important to examine how it is exercised with relation to resistance due to the fact that when power is exerted, there will always be resistance. This can be seen throughout the analysis of AUPs as discourse has been used to exercise power over users of public libraries and how it has attempted to quash any potential resistance before it even has the opportunity to occur.

A wide variety of language was found throughout analysis that was used to describe the types of acts and use that were deemed to be unacceptable by the local authorities. These all carried judgemental undertones. Examples of these include “grossly offensive” (LA2); “indecent” (LA2, 7, 10, 20, 27 and 28); “disturbing” (LA5, 11, 13, 24 and 26); “depraved” (LA9); “offensive, indecent or menacing” (LA10); “any way that offends decency” (LA3) and “offensive, immoral or distressing” (LA11). It is recognised that it is important to discourage users from behaving in certain ways when using publicly accessible computer facilities and that this may need to be worded in a negative manner in order to highlight the potential for sanctions and consequences. However, the use of vocabulary such as “immoral” and “depraved” could be perceived as being too extreme in this case. This supports the notion that power is being exercised by local authorities in an attempt to curtail users’ conduct and also to halt the possibility of resistance; in this case, this is done with the use of condemnatory language to shame users into displaying the desired behaviour.

These examples also highlight the subjective nature of the concept of appropriate and inappropriate behaviours and also the potential for bias that can be found through the use of language and discourse. The issue of subjectivity has been addressed in seven of the 32 AUPs (22%). This is important as it shows recognition on the part of the local authorities that just because they deem something to be inappropriate, does not automatically mean users

will feel the same way and leads to the assumption that users have full responsibility for the information they choose to access. This is communicated by LA18 with the statement “what may appear to be acceptable to one person may be very offensive to someone else”. This is a less disparaging way of detailing this point as it does not use the type of critical language that has previously been mentioned yet it allows users to consider fully their behaviour in relation to the context of a public library environment and the effect this may have on other users or library staff in the vicinity. For example, LA7 and LA28’s inclusion of “please remain sensitive to the fact that you are working in a public environment shared by people of all ages” in their AUPs reminds users of this fact in a calm and neutral manner with no sense of underlying judgement or explicit mention of the issue of acceptability. However, this approach has not been utilised in the majority of Scottish AUPs.

This is in contrast with the 19 AUPs (59%) that inform the user that any member of library staff, a librarian or the council have final judgement over what is considered to be acceptable behaviour in any particular local authority. It recognises the fact that this is a subjective matter but does not give users any opportunity to challenge it and that only those who have the ability to exercise power in this context are considered able to make this decision. For example: “the Council’s decision on this matter will be final” and “the Librarian’s decision on what constitutes unacceptable use is final”. These imply that users are unable to decide for themselves if particular activities are appropriate for a public library setting. This leads to further ethical questions relating to the decision of judgement of material. A librarian will have training, skills and experience of work and behaviour within the library environment and therefore may be qualified to make decisions of acceptability. However, this may not be the case when it is the Council or local authority which is given the responsibility of making these judgements. It is less likely they have the abilities or experience of a professional librarian and therefore, it may not be in the public’s best interest for them to be making this contentious decision. The use of the word “final” in these examples highlights the attempt to stop any potential resistance from users. It allows users to recognise the futility of any disagreement and attempt to challenge their decision or policy.

There were many isolated examples of discourse emphasising power and resistance throughout the 32 AUPs examined; many of these could not be analysed in order to make

patterns or be brought together to make further specific hypotheses overall. However, their very existence within the policies supported the existence of power more broadly. LA17's AUP includes the statement "the use of the network is a privilege not a right". This is wildly out of place in an AUP as it is both authoritative and condescending and it portrays a message that ought not to appear in an institution that should fundamentally be concerned with access to information. It could always be argued that this is essentially incorrect as libraries are a service paid for through public taxation. This particular AUP also refers to the facilities as a "privilege" later on in the policy, further validation of the power being exercised over users. Any resistance or challenge to this policy would simply result in the "privilege" being removed.

The AUP from LA3 notes that "using the computer for purposes clearly in contrast with the interests of [the] Council is forbidden". It is later noted that this includes user access to jokes, cartoons and games. This suggests that the local authority in question believes some resources available on the Internet to be unworthy or unbecoming. Resources such as jokes and games are perfectly legal though may not always be educational or conducive to lifelong learning. However, the local authority could be considered domineering and heavy-handed by suggesting that this access is not in the interests of the Council and therefore not a legitimate form of information.

A further significant isolated example is in an AUP from LA14, which states that activities (in this case gambling) "where the reputation of the Trust may be at risk" are not permitted in public libraries. This is noteworthy as it allows users to see that the reputation of the library and local authority seems to be more important to council officials than freedom of access to information, a central principle of libraries. It must also be noted in response to this particular example, that online gambling is not illegal and therefore, it could be considered unethical for this local authority to pass judgment in this way.

Conclusion

This study has found that the vast majority of local authorities in Scotland do not effectively portray the content of their AUPs; by thorough examination of the literature the researchers were able to extract ten key features that ought to appear in an AUP.

It was found that only one of 32 local authorities included information relating to all of these features. It was also found that one local authority contained as few as four of these key features. The median number of features included in the policies was seven.

Communication with users is an exceptionally crucial part of a public library's role and this should be recognised nationwide, not solely by one local authority.

This research also found that 26 authorities explicitly state in their AUPs that Internet filtering software is installed on their publicly accessible computers yet it was found by Brown and McMenemy (2013) that 31 of 32 local authorities actually have filtering software in place. This is a significant discrepancy as it further supports the suggestion that AUPs do not all successfully communicate key policies to users.

By using discourse analysis as a research method, this study found that power relationships are evident and can be perceived throughout the AUPs. By identifying the key Foucauldian themes of discipline, surveillance, knowledge, and power and resistance throughout the AUPs, the researchers were able to analyse and identify the existence of power relationships and consider the implications these could have on users and on the library services being provided. It was found that much of the language used throughout the AUPs enabled local authorities to exercise power over library users. There were many instances of disciplinary and authoritative vocabulary used throughout the policies which are at odds with the recommended neutral tone of an AUP. The vast majority of local authorities communicate to users that they are under constant surveillance when using library facilities; this is likely to warn users to regulate their behaviour as they are aware that everything they do will be monitored and recorded by the local authority; and thus a further method used to exercise power over citizens. Knowledge has also been used to exert power, though not necessarily in a negative and oppressive way. It is held by library staff rather than local authorities and in general, used to aid and provide support to users. However, it was found that not all the AUPs analysed were effective in communicating this in a positive way and many seemed to hold this expert knowledge over their users, thereby exercising power in a very different way than is necessary.

Finally, the theme of power and resistance was used to determine how power was identified by the local authorities and how discourse was used to quash any potential

resistance before it had the change to occur. This study found that this was mostly found in individual examples throughout all the AUPs and that this was a common feature that appeared during analysis of the documents, thus providing further evidence of power relationships throughout Scottish public libraries. It is important to reiterate the fact that power is not always exercised in a negative fashion in society but that it can be productive and conducive to cooperation and mutual understanding when applied in an appropriate manner.

This final research question addresses the issue at the heart of the entire study; it takes into account both effectiveness of communication as asked by RQ1 and also the power relationships that have been identified in response to RQ2. It has been established throughout this study that the exertion of power by local authorities has been used as a method of control over users of public libraries and the computer and Internet facilities provided by them. It can, therefore, be suggested that Foucault's theory of panopticism is highly relevant in present day public libraries. The library setting enables staff to watch over users, electronically and physically, at all times. By their reading of the AUP, users are made aware that this may be the case but they will never be able to verify if they are actually being monitored at any one moment and therefore, they may self-regulate their behaviour in order to comply with the policy. This is exacerbated by the power relationships that have been found, which puts local authorities in a higher position than users in a hierarchical interpretation of the public library system, thus supporting the notion of a disciplinary gaze (Mills, 2003).

Bibliography

- Allen, M., Coopman, S., Hart, J., and Walker, K. (2007) 'Workplace Surveillance and Managing Privacy Boundaries. *Management Communication Quarterly: McQ*. 21(2) pp. 172–201
- Black, A. (2001) 'The Victorian Information Society: Surveillance, Bureaucracy and Public Librarianship in 19th Century Britain.' *Information Society*. 17(1) pp. 63-80
- Black, A. (2005) 'The Library as Clinic: A Foucauldian Interpretation of British Public Library Attitudes to Social and Physical Disease, ca. 1850-1950.' *Libraries and Culture*. 40 (3) pp. 419-434
- Brown, G.T. and McMenemy, D. (2013) 'The Implementation of Internet Filtering in Scottish Public Libraries.' *Aslib Proceedings*. 65(2) pp. 182-202

- Bryman, A. (2012) *Social Research Methods, 4th Edition*. Oxford: Oxford University Press
- Budd, J.M. (2006) 'Discourse Analysis and the Study of Communication in LIS.' *Library Trends*. 55(1) pp. 65-82
- Cooke, L. (2006) 'Do We Want a Perfectly Filtered World?' *Library Student Journal*. Available from: <http://www.librarystudentjournal.org/index.php/ljsj/article/view/21/162> Accessed on 18/6/2013
- Criddle, S. (2001) 'Managing Internet Access: Acceptable Use Policies and Filtering.' *Library and Information Briefings*. 99 (May 2001) pp. 1-13
- De Saulls, M. and Horner, D.S. (2011) 'The Portable Panopticon: Morality and Modern Technologies.' *Journal of Information, Communication and Ethics in Society*. 9(3) pp. 206-216
- Doherty, N.F., Anastasakis, L. and Fulford, H. (2011) 'Reinforcing the Security of Corporate Information Resources: A Critical Review of the Role of the Acceptable Use Policy.' *International Journal of Information Management*. 31(3) pp. 201-209
- Elden, S. (2003) 'Plague, Panopticon, Police.' *Surveillance & Society*. 1(3) pp. 240-253
- Fairclough, N. (1992) 'Discourse and Text: Linguistic and Intertextual Analysis within Discourse Analysis.' *Discourse and Society*. 3(2) pp. 193-217
- Finlay, M. (1987) cited by Frohmann, B. (1994) 'Discourse Analysis as a Research Method in Library and Information Science.' *Library and Information Science Research*. 16 (2) pp. 119-138
- Foucault, M. (1977) *Discipline and Punish: The Birth of the Prison*. London: Penguin
- Foucault, M. (1980) 'The Eye of Power' in Gordon, C. (ed.) *Power/Knowledge*. Brighton: Harvester
- Frohmann, B. (1994) 'Discourse Analysis as a Research Method in Library and Information Science.' *Library and Information Science Research*. 16(2) pp. 119-138
- Graham, L.J. (2005) *Discourse Analysis and the Critical Use of Foucault*. Paper presented at Australian Association for Research in Education, 2005 Annual Conference. Sydney. 27th November – 1st December
- Haider, J. and Bawden, D. (2007) 'Conceptions of "information poverty" in LIS: a Discourse Analysis' *Journal of Documentation* vol 63 (4) pg 534-557
- Jager, S. and Maier, F. (2009) 'Theoretical and Methodological Aspects of Foucauldian Critical Discourse Analysis and Dispositive Analysis.' in Wodak, R. and Meyer, M. (eds.) *Methods of Critical Discourse Analysis, 2nd ed*. London: Sage
- Kelehear, Z. (2005) 'When Email Goes Bad: Be Sure that Your AUP Covers Staff as well as Students.' *American School Board Journal*. January, pp. 32-34

- Kelly, S. (2001) 'Is Someone Watching You?' *Information World Review*. 165(Jan 2001) pp. 18-19
- Kranich, N. (2005) 'Filtering Materials on the Internet Contradicts the Value of Open Access to Material' *Public Libraries*. 44(4) pp. 198-200
- Laughton, P.A. (2008) 'Hierarchical Analysis of Acceptable Use Policies.' *South African Journal of Information Management*. 10(4) Online Journal Available from: <http://www.sajim.co.za/index.php/SAJIM/issue/view/34> Accessed on 5/7/2013
- Lichtenstein, S. (1996) 'Internet Acceptable Usage Policy.' *Computer Audit Update*. 1996(12) pp. 10–20
- McMenemy, D. (2009) *The Public Library*. London: Facet
- McMenemy, D. and Burton, P. (2005), 'Managing Access: Legal and Policy Issues of ICT Use' in McMenemy, D. and Poulter, A. (eds) *Delivering Digital Services: A Handbook for Public Libraries and Learning Centres*. London: Facet
- Mills, S. (2003) *Michel Foucault*. London: Routledge
- Nolan, J. (2005) 'Best Practices for Establishing an Effective Workplace Policy for Acceptable Computer Usage.' *Information Systems Control Journal*. 6 pp. 32–34
- Olsson, M.R. (2010) 'Michel Foucault: Discourse, Power/Knowledge, and the Battle for Truth.' in Leckie, G.J., Given, L.M. and Buschman, J.E. (eds.) *Critical Theory for Library and Information Science*. California: Libraries Unlimited
- Poulter, A., Ferguson, I., McMenemy, D. and Glassey, R. (2009) 'Question: Where Would You Go to Escape Detection if You Wanted to Do Something Illegal on the Internet? Hint: Shush!' *Global Security, Safety and Sustainability Communications in Computer and Information Science*. 45 pp. 1-8
- Resnick, P. J., Hansen, D. L., and Richardson, C. R. (2004) 'Calculating Error Rates for Filtering Software.' *Communications of the ACM*. 47(9) pp. 67-71
- Riedy, M.K. and Wen, J.H. (2010) 'Electronic Surveillance of Internet Access in the American Workplace: Implications for Management.' *Information & Communications Technology Law*. 19(8) pp. 87-99
- Simbulan, M. (2004) 'Internet Access Practice and Employee Attitudes towards Internet Usage Implementation in Selected Philippines Financial Institutions.' *Gadjah Mada International Journal of Business*. 6(2) pp. 193-224
- Smart, B. (2002) *Michel Foucault: Revised*. London: Routledge
- Smith, M. (1999) *Internet Policy Handbook for Librarians*. New York: Neal Schuman Publishers

- Stahl, B.C. (2004) 'Whose Discourse? A Comparison of the Foucauldian and Habermasian Concepts of Discourse in Critical IS Research.' *Proceedings of the Tenth Americas Conference on Information Systems, New York, New York, August 2004.* pp. 4329-4336
- Stewart, F. (2000) 'Internet Acceptable Use Policies: Navigating the Management, Legal and Technical Issues.' *Information Systems Security.* 9(3) pp.1-7
- Sturges, P. (2002) *Public Internet Access in Information and Library Services.* London: Facet
- Sundin, O. (2006) 'Professionalism and LIS: (re) constructing the Librarian and the User.' in Kjertmann, J. et al (eds.) *Information, Innovation, Responsibility: The Information Professional in the Network Society: proceedings for the 14th BOBCATSSS Symposium, 30th Jan-1st Feb 2006* Tallinn University: Estonia pp. 11-16
- Ward, R.C. (2002) 'Internet Use Policies and the Public Library: A Case Study of a Policy Failure.' *Public Library Quarterly.* 22(3) pp. 5-20
- Willson, J. and Oulton, T. (2000) 'Controlling Access to the Internet in UK Public Libraries.' *OCLC Systems and Services.* 17(4) pp. 194-201
- Wood, D. (2003) 'Editorial: Foucault and Panopticism Revisited.' *Surveillance & Society.* 1(3) pp. 234-239
- Wyatt, A.M. (2006) 'Do Librarians Have an Ethical Duty to Monitor Patrons' Internet Usage in the Public Library?' *Journal of Information Ethics.* 15(1) pp. 70-79
- Young, K. (2010) 'Policies and Procedures to Manage Employee Internet Abuse.' *Computers in Human Behavior.* 26(6) pp. 1497-1471