

Memo to CFLA-FCAB Members

From the CFLA-FCAB Intellectual Freedom Committee

Re: Notices of Personal Liability

Background

Recently, several Canadian libraries have been served with a document titled: *Notice of Personal Liability Facilitating in Exposure of Minors to Sexually Explicit Materials, Performers, Activities and/or Event*. It is a form letter produced by [Action4Canada](#) and can be found on their website at <https://action4canada.com/political-lgbtq-activism/> .

The *Notice* poses as a legal document, citing excerpts from the Criminal Code of Canada and accusing the recipient of contravening the law. It demands the removal of all the books found at a link on Action4Canada's website, plus any other books written by the authors on the list. Finally, the Notice alludes to Freedom of Information (FOI), demanding the library surrender any written communications or records associated with the selection and purchasing of those titles.

Libraries need to know that the Notice of Personal Liability...

- has no legal value with regards to its claims of the recipient breaking the law, and
- does not replace processes that the library already has in place to facilitate challenges to library materials, such as a Request for Reconsideration form.

Freedom of Information requirements and procedures vary across Canada. Recipients should consult their provincial or territorial legislation (see Appendix B).

Recommended Response

The *Notice* is flawed and misleading. Apart from the inaccuracies noted above, it refers to schools throughout yet has been sent to public libraries, and references SOGI 123 which is restricted to the British Columbia and Alberta curricula. The *Notice* appears to be an intimidation tactic created for widespread use in an organized campaign but may also be viewed as an individual library patron expressing their disapproval. Libraries may wish to inform the patron of existing policies and procedures by which patrons can request a formal review of a specific item in the collection, noting that a separate form must be completed for each item. (See Appendix A for a sample response.)

Reporting

The CFLA-FCAB Intellectual Freedom Committee is tracking this issue and encourages libraries receiving such a notice to report it to the CFLA-FCAB Challenges survey. Subsequent requests for reconsideration of individual titles or FOI requests should also be reported to the Survey in [English](#) or [French](#).

Additionally, the Centre for Free Expression (CFE) at Toronto Metropolitan University and the Book and Periodical Council (BPC) are interested in this development. For more information on these efforts, see their web pages. [CFE](#) [BPC](#)

Questions related to the Challenges Survey should be directed to the Intellectual Freedom Committee at IFCchair@cfla-fcab.ca.

Appendix A

Date: _____

To: _____

From: _____, _____ Public Library

Re: "Notice of Personal Liability" from Action4Canada.com

Dear _____,

We have received your form letter*, dated _____, found on the website <https://action4canada.com/>.

The _____ Public Library has a process in place for our patrons to express objections to a particular item in the Library's collection. Enclosed are sections of our policy manual relating to the selection of items, intellectual freedom, and challenges to materials. Also enclosed is a copy of the Request for Reconsideration of Library Materials form. Please note that a separate form must be completed in detail for each item before the Library will review a patron's request.

Kind regards,

Enclosure:

Request for Reconsideration of Library Materials; Challenges to Library Materials; Canadian Federation of Library Associations Statement on Intellectual Freedom and Libraries; British Columbia Library Association Statement on Intellectual Freedom; Selection Policy; Parental Responsibility.

* <https://action4canada.com/wp-content/uploads/liability-notice-pornographic-books-sogi-resources.pdf>

Appendix B

Freedom of Information Request

Legislation relating to freedom of information and protection of privacy exists at both federal and provincial levels in Canada. Federally supported libraries in prisons and federal departments are covered by federal [legislation](#) and the Government of Canada has published a [guide](#) that can be referred to.

Schools, public libraries, and other public bodies established by provincial legislation are subject to provincial or territorial acts. A list of such acts is included at the end of this memorandum.

CFLA-FCAB encourages all provincial, regional, and territorial library associations to review the legislation applicable to them and issue such specific guidance as is appropriate.

Canadian Provincial and Territorial Legislation

British Columbia

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96165_00

Alberta

https://www.qp.alberta.ca/1266.cfm?page=F25.cfm&leg_type=Acts&isbnln=9780779762071

Saskatchewan

<https://www.canlii.org/en/sk/laws/stat/ss-1990-91-c-f-22.01/latest/ss-1990-91-c-f-22.01.html>

Manitoba

<https://www.gov.mb.ca/fippa/index.html>

Ontario

<https://www.canlii.org/en/on/laws/stat/rso-1990-c-f31/latest/rso-1990-c-f31.html>

Quebec

<https://www.quebec.ca/en/access-information/>

New Brunswick

<https://www.canlii.org/en/nb/laws/stat/snb-2009-c-r-10.6/latest/snb-2009-c-r-10.6.html>

Nova Scotia

<https://www.canlii.org/en/ns/laws/stat/sns-1993-c-5/latest/sns-1993-c-5.html>

Prince Edward Island

<https://www.princeedwardisland.ca/en/legislation/freedom-of-information-and-protection-of-privacy-act>

Newfoundland and Labrador

<https://www.princeedwardisland.ca/en/legislation/freedom-of-information-and-protection-of-privacy-act>

Yukon

https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2018/2018-0009/2018-0009_1.pdf

Northwest Territories

<https://www.justice.gov.nt.ca/en/access-to-information-held-by-public-bodies/>

Nunavut

<https://www.gov.nu.ca/sites/default/files/consolidation-of-access-to-informationand-protection-of-privacy-act.pdf>