



CFLA Issues Guidance on Responding to “Notices of Personal Liability”

July 7, 2022

The Canadian Federation of Library Association’s (CFLA) Intellectual Freedom Committee this week released guidance for public libraries (PDF) that receive a form letter created by Action4Canada titled *Notice of Personal Liability Facilitating in Exposure of Minors to Sexually Explicit Materials, Performers, Activities and/or Event*.

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.

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.

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

Appendix A (Sample Response)

Appendix B (Provincial websites for freedom of information)

(Via [Canadian Federation of Library Associations \(PDF\)](#))