

GUEST FORUM

Ethics in Cataloging?

by Joni Lynn Cassidy

What's the problem?

As part of the American Association of Law Libraries (AALL) annual meeting 2005, the Online Bibliographic Services Special Interest Section (OBS-SIS) sponsored a program exploring the use of Z39.50 client software to access the catalogs of target institutions, obtain particular MARC records and import them to local online catalogs with little or no modification required.

There are two varieties of Z39.50 clients: the standalone kind, like *eZcat* and *BookWhere*, that will interface with any integrated library software that accepts a MARC record, and the kind that is built into an integrated library system, like *SIRSI's Smartport*.

Panelists and audience members expressed a wide range of opinions from accepting this practice as a natural outgrowth of expanded accessibility to "free" information via the Internet, to one speaker's summary, "You are not **sharing** if you did not ask and the other party did not agree."

For OCLC-member institutions, the issues become more complicated. Upon membership, these institutions make a commitment to limit use of OCLC records, systems and services to OCLC authorized users.¹ The re-distribution of records, even through involuntary channels such as Z39.50 MARC downloading, is in direct conflict with that commitment. The broader issue for OCLC as an international utility is that libraries taking records without contributing new records weakens the viability, both bibliographic and financial, of the database and will ultimately compromise its ability to survive into the future.

Ambassador Andrew Young once wrote, "Nothing is illegal if a hundred businessmen decide to do it." But, perhaps as librarians we could set a higher standard. Many institutions, Cassidy Cataloguing Services among them, limit their use of Z39.50 client software to targets they pay to access, such as RLIN, and the Library of Congress catalog which is considered to be in the public domain. The Lillian Goldman Law Library at Yale uses its Z39.50 client because it makes it easier to download records from RLIN, OCLC and "Access Law," an Innovative Interfaces union database of law libraries. However, there are other users who put no such restrictions on their choice of targets and that has forced libraries such as Harvard University and many libraries in England to configure their online catalogs in such a way as to block Z39.50 MARC-record capture and downloading.

Without a doubt, some readers will agree with Ambassador Young. In his article, "The Ethics of Z39.50-Based Cataloging,"² Tom Zillner wrote, "One aspect of the situation that can exacerbate the problem is that at least one vendor of a Z39.50 client encourages its buyers to appropriate records from open Z39.50 servers." An example of which can be seen by this quote from the *eZcat* website (copied 11/12/05): "Take advantage of Z39.50 technology and the Internet to obtain your MARC records free of charge. Search multiple library databases (Library of Congress, large public, and major university libraries) simultaneously."

Another quote found on the Webclarity (BookWhere) website (copied 11/12/05) reads: "BookWhere for Windows is an indispensable bibliographic search tool designed for libraries. Cataloguers and Reference Librarians will appreciate the ability to search thousands of [libraries and related databases](#) (**Some databases may require paid subscriptions or usernames/passwords for access*) including academic, public, and national libraries worldwide...Bibliographic records can be exported in MARC communications format for subsequent loading to a local library system or alternatively to our companion product [MARC Notepad](#) for editing/adding local holdings prior to loading. The AutoSync feature keeps your list of Z39.50 [databases](#) up to date with WebClarity Software, Inc.'s [Resource Registry](#)." The Resource Registry is the pre-configured list of target institutions.

These advertising statements beg the question, "Were these libraries contacted for permission to have purchasers of these products use their catalog records?" Or, did they mount their OPACs on the Internet with the intention of sharing their collections as research sources only, not as MARC-record superstores? By now, heavily targeted institutions may be feeling the stress of overuse by unauthorized users, thus making it difficult for authorized users to connect when they need to, or making response time impossibly slow.

Finding a Solution:

The notion was put forth at the AALL program that the Library of Congress' catalog is not the only one in the public domain. Some feel that any online catalog from an institution supported by tax dollars should be considered "open to the public" and therefore open for downloading. But, a representative from the University of Colorado Law Library explained that they don't consider themselves tax-supported. They consider themselves tuition-supported instead. So what then?

Zillner sensibly suggests as a first move, "ask the proprietor of the database from which you want to extract records and you may receive permission to do so. That completely eliminates any ethical problems whatsoever. I actually expect that a fair number of libraries would be willing to share their cataloging records if only they were asked to do so." Zillner goes on to suggest that the harvesting institution acknowledge the source of the record within the record itself.

Perhaps a policy of authentication will become necessary for institutions that share resources with other institutions and want to maintain that relationship, while also shutting out libraries that take but have nothing to offer in return.

Since the discussion during and after the AALL OBS-SIS program was so obviously charged with strong opinions on both sides, the OBS Executive Board decided that the issue deserved more study. To decide whether there should be development of an electronic records sharing policy (like an ILL policy), a code of ethics, a set of guidelines, or specific recommendations, the OBS Board has established a special committee to further investigate the issue. **The Special Committee on Record Sharing**, chaired by Pat Callahan, will conduct email discussions, surveys and town hall meetings to discover what libraries are doing. If you are an AALL member and are interested in being a member of this special committee, or have an opinion to share, please contact: Pat Callahan, Associate Director for Technical Services, University of Pennsylvania Law School, Biddle Law Library, 215-898-0230, pcallaha@law.upenn.edu.

Notes

1. Zillner, Tom. Z39.50 and Ethics. *New Tech News*, Fall 2000, Council of Wisconsin Libraries, p. 9.
2. Zillner, Tom. The Ethics of Z39.50-Based Cataloging. *New Tech News*, Winter 1999-2000, Council of Wisconsin Libraries, p. 3.

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Joni Cassidy is founder and co-owner with her husband, Michael, of Cassidy Cataloguing Services, Inc. It is a 20-year old company providing contract cataloging services and other kinds of library technical services to special libraries and academic libraries throughout the world. She teaches cataloging to graduate library school students at Queens College (CUNY) and Long Island University, and law cataloging to working law librarians polishing their skills. She can be reached at joni@cassidycataloguing.com.