

ADMINISTRATIVE REGULATIONS

TAB: Patron Services

DOCUMENT NUMBER: 20-15-11

SECTION: Access to Materials

SUBJECT: INTERNET USE POLICY

SUMMARY

This regulation states the library's policy on patron use of the Internet on the library's public access computer terminals. This regulation also sets out the library's Internet safety policy in accordance with the Children's Internet Protection Act (CIPA) and the Library Services and Technology Act (LSTA).

Effective Date:

July 12, 2012 (reaffirmed)

Reviewed:

November 8, 2018
October 22, 2020
February 11, 2021

A. POLICY

Public Access to Internet

1. The Internet is a global electronic network that provides access to ideas, information and commentary. The Johnson County Library provides public access to the Internet in keeping with its vision and mission statements.

Filtering and Patron Responsibility

2. The library has adopted the Internet plan set forth in this regulation in accordance with federal and state law. In order to meet the requirements of CIPA and LSTA, the library provides filtered access to the Internet. The Internet offers access to many valuable sources of information. Not all sources on the Internet provide accurate, complete, or current information. Patrons should accordingly evaluate the reliability of Internet sources just as they would print and audio-visual materials. The library has no control over the information on the Internet and cannot be held responsible for its content.

3. The library adheres to the statements in the Library Bill of Rights formulated by the American Library Association and

adopted by the Johnson County Library Board of Directors. As the United States Supreme Court stated in *United States, et al. v. American Library Association, Inc., et al.*, 539 U.S.194(2003), the "Library Bill of Rights states libraries should provide 'books and other...resources...for the interest, information, and enlightenment of all people of the community the library serves.' To fulfill their traditional missions, public libraries must have broad discretion to decide what material to provide to their patrons." The Library also recognizes that the goal and mission of CIPA is that the library has a substantial and compelling government interest in protecting young library users from material on the Internet that is inappropriate for minors. The library provides access to the Internet in accordance with these principles.

Filtered Access for Minors

4. The library provides an environment in which minors may have access to ideas, information, experiences and materials that support and enrich their lives. The library accordingly makes selection decisions with respect to the material that is made available to minors over the Internet by providing filtered access, which is the default status for all library computers on the library computer network. Filters are, however, imperfect. Guiding a minor's access to the Internet is the responsibility of the parent or legal guardian. The library does not supervise the use of the Internet by minors. As with all other library materials, parents or legal guardians are responsible for deciding what library resources are appropriate for minors in their care. There are some Internet resources that parents or guardians may consider inappropriate for minors in their care, even when access to the Internet is made by way of filtered access.

Disabling of Filters

5. The filters on the library computers will, upon request, be disabled for adult use in accordance with the terms of the Internet safety plan set forth in this regulation.

Compliance with Laws

6. Patrons who use the library's computer terminals or the library's computer networks comply with United States copyright law, with state and federal laws on obscenity, and all other applicable laws and library regulations.

Definition of Minor

7. For purposes of this policy and the Internet Safety Plan set out in Section B, the term "minor" means an individual who

has not attained the age of 18. The County Librarian shall devise procedures that authorize members of the library staff to determine whether a patron is an adult or a minor, as defined by this policy, including by way of the patron's library card and personal identification numbers.

Compliance with CIPA

8. This policy is adopted in order to facilitate the library's compliance with CIPA, to authorize the library staff to submit the certifications referred to in CIPA, and to qualify the library to be eligible to receive funds described in the act.

B. INTERNET PLAN

Technology Protection Measures

1. The Johnson County Library Board of Directors has adopted this Internet plan in accordance with CIPA and LSTA.
2. Technology protection measures in the form of filters are installed on the library's computer terminals and computer networks. These filters are designed to block the access of minors to visual depictions that constitute obscenity or child pornography or are harmful to minors. Obscenity, child pornography, and material harmful to minors are, for purposes of implementing the technology measures, defined as follows:
 - a) Pursuant to *Miller v. California*, 413 U.S. 15 (1973), obscenity is defined as follows: (1) Whether the average person, applying contemporary community standards, would find that the work (taken as a whole) appeals to the "prurient" interest; (2) whether the work depicts sexual conduct in a patently offensive way; and (3) whether the work (taken as a whole) lacks serious literary, artistic, political, or scientific value.
 - b) Pursuant to 18 U.S.C.2256, "child pornography" means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where—
 - i. the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
 - ii. such visual depictions are, or appears to be, of a minor engaging in sexually explicit conduct;

- iii. such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or
- iv. such visual depiction is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.

c) Pursuant to CIPA, “visual depictions” that are “harmful to minors” are defined as follows:

Any picture, image, graphic image file, or other visual depiction that—

- i. the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
- ii. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- iii. taken as a whole, lacks serious literary, artistic, political, or scientific value to minors.

Disabling of Filters for Adults

3. Upon the request of an adult, a member of the library staff will disable the filter on a library computer being used by that adult to enable access for a research or other lawful purpose. The technology that would permit the library to disable the filters on the wireless network does not presently exist. However, when a wireless network user wishes the disabling of the filter, the user may come to the library, where a member of the library staff may disable the filter on a library computer in accordance with this regulation. Filters will not be disabled for minors. The County Librarian is authorized to devise procedures to implement this provision. Members of the library staff who are 18 years or older may disable the filters on the library computers on which they are working for any research or other lawful purpose. Requests for the review and unblocking of the URL for a specific blocked site may be made to appropriate library staff for evaluation and forwarding to the filter provider.

Other Restrictions

4. Library computers and the computer networks shall not be used in a manner that is in violation of state or federal law, or in a manner that places the safety and security of minors at risk. Library computers and computer networks shall not be used by patrons, including minors, to gain unauthorized access to any data, computer, or network. The use of library computers by patrons, including minors, to engage in hacking or other unlawful online activities, is strictly prohibited.

Use of Library Computer Workstations

5. In order to be able to use a library computer workstation, a library patron must have a current library card coded to identify the patron as an adult or minor, as defined in this policy, and a personal identification number or log in with a library provided guest pass. The use or misappropriation by an individual of another individual's library card or personal identification number is prohibited.

C. LOSS OF PRIVILEGES

1. The library privileges of a patron who violates any provision of this Internet Use Policy or who uses a library computer workstation or the computer network in a manner prohibited by ARM 20-10-50 shall be subject to suspension in accordance with the Patron Code of Behavior, ARM 20-10-50.

February 11, 2021

ARM 20-15-11 END