Hooray for MORE Freedom!
**Privacy, Confidentiality & Intellectual Freedom
In the Public Library**
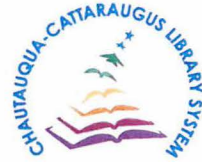
Internet and Wireless Access Considerations

SUMMARY

Access to the internet via public access computer stations and, increasingly, wireless connections from patrons' own devices, is an essential service that public libraries provide their communities. Participation in our civil society, its communities, opinions, and services, is predominantly digital and conducted online. Policies and practices in the public library should reflect our belief that access to the internet is one more content rich, protected speech containing, resource available to our communities.

POLICY ACTIVITY

Nearly every policy on Internet Use and Wireless Access, contain some language on some or all of the following aspects of this library resource:

> Why provide access in the first place
>
> Guidance for parents - resources for safety online
>
> Access for minors
>
> Filters/CIPA/Disabling filters
>
> User Responsibilities
>
> Restrictions on who can use (everyone, card holders, card holders in good standing)
>
> Prohibited Acts
>
> Privacy practices of the library on PACs and wireless
>
> Time and place restrictions / limitations
>
> Limitations/Disclaimers of Liability
>
> Technical Requirements for Wireless
>
> Technical limitations for wireless
>
> Consequences for unacceptable use and appeal

Using the following considerations, sketch out a policy that balances full access to protected speech with common sense approaches that fit your limited resource, your space, and your mission.

POLICY & PROCEDURE CONSIDERATIONS

As public forum for the retrieval of information, library policy governing access to resources discovered online (either through library owned computers or library wireless routers), should contain as few limitations as possible to protect patrons' right to First Amendment protected speech.

> Don't include in policy:
> - Arbitrary limitations to access
> - Prohibitions against access to protected speech
>
> Do include in policy:
> - Guidance on what is unprotected speech
> - Clear instruction on disabling of the filter and the limits of filters
> - Clarity on the consequence and appeal process

DEFINITIONS

CIPA - The Children's Internet Protection Act is a piece of legislation restricting access to e-rate funds to education institutions (schools and libraries) that don't follow certain steps to protect children
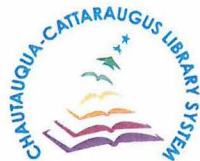
online, including a filtering mechanism on internet access that children can use and information on protecting oneself, or one's child online. This legislation is not a criminal law that applies to all internet connections in all education organizations, it is about funding restrictions.

Protected Speech - Expression which is not obscene, child pornography, or advocating (and successful in advocating for) immediate illegal activity.

CIPA SPECIFIC DEFINITIONS

Paraphrased from http://e-ratecentral.com/CIPA/Childrens_Internet_Protection_Act.pdf

Minor - Not yet 17 years old.

Child Pornography - The visual depiction (however generated) of sexually explicit conduct where a minor is engaged in sexually explicit conduct. (Complete definition: https://www.law.cornell.edu/uscode/text/18/2256)

Harmful to Minors - Any visual depiction (any form) that appeals to a degrading or unhealthy interest in nudity, sex, or excretion; actual or simulated sexual act or contact; lewd exhibition of the genitals; lacks serious literary, artistic, political, or scientific value as to minors.

Obscene - Any visual depiction (any form) that appeals to a degrading or unhealthy interest in nudity, sex, or excretion; lacks serious literary, artistic, political, or scientific purpose or value.

LEGISLATION

From CIPA (http://e-ratecentral.com/CIPA/Childrens_Internet_Protection_Act.pdf): No funds made available under this Act for a library ... may be used to purchase computers used to access the Internet, or to pay for direct costs associated with access the Internet, for such library unless -

(A) such library—

``(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

``(I) obscene;

``(II) child pornography; or

``(III) harmful to minors; and

``(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

``(B) such library—

``(i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are--
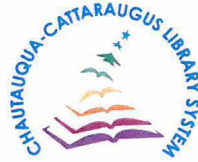
``(I) obscene; or

``(II) child pornography; and

``(ii) is enforcing the operation of such technology protection measure during any use of such computers.

ALA GUIDANCE

"**A primary goal of the library profession is to facilitate access to all points of view on current and historical issues. All proposals for restricted access should be carefully scrutinized to ensure that the purpose is not to suppress a viewpoint or to place a barrier between users and content. Libraries must maintain policies and procedures that serve the diverse needs of their users and protect the First Amendment right to receive information.**" (from Restricted Access to Library Materials: An Interpretation of the Library Bill of Rights)

Minors and Internet Activity -
http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/minors-internet-activity
Filters and Filtering - http://www.ala.org/advocacy/intfreedom/filtering
Restricted Access to Library Materials: An Interpretation of the Library Bill of Rights -
http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/restrictedaccess

CASE LAW

CIPA Filters & Adult Access to Protected Speech
United States v. American Library Association, No. 02-361 (June 23, 2003)
From: T. Chmara (Jenner and Block) "Quick Summary of Decision (mid-day June 23, 2003)"

The Supreme Court issued its opinion in the CIPA case today. The Court reversed the lower court's ruling and upheld the federal law in a very narrow plurality opinion.

Five justices plainly agreed with the lower court that filtering software blocks access to a significant amount of constitutionally protected speech. Justices Stevens, Souter and Ginsburg dissented from the judgment on the ground that the blocking software blocks access to an enormous amount of constitutionally protected speech. Justices Breyer and Kennedy, each of whom filed concurring opinions, joined only in the judgment of the plurality and not the opinion. They agreed with Justices Stevens, Souter and Ginsburg that the filters block access to constitutionally protected speech.

Nonetheless, Justices Breyer and Kennedy joined in the judgment that the law should be upheld on the ground that the disabling provision of the statute can be applied without significant delay to adult library patrons and without the need for the patron to provide a reason for the request to disable.

For example, Justice Breyer made clear in his concurring opinion that he only joined the plurality's judgment because "[a]s the plurality points out, the Act allows libraries to permit any adult patron access to an 'overblocked' Web site; the adult patron need only ask a librarian to unblock the specific Web site or, alternatively, ask the librarian, "Please disable the entire filter." Concurring Opinion of Justice Breyer, at 5.
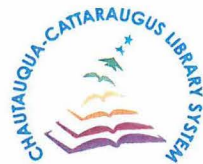
Additionally, Justice Kennedy cautioned that "[i]f some libraries do not have the capacity to unblock specific Web sites or to disable the filter or if it is shown that an adult user's election to view constitutionally protected Internet material is burdened in some other substantial way, that would be the subject for an as-applied challenge." Concurring Opinion of Justice Kennedy at 1. There is no doubt, therefore, that libraries that refuse to disable filters at the request of an adult patron or that impose substantial burdens on a patron's ability to have the filter disabled risk an individual litigation in which the library will be a defendant.

Take away: What makes filtering, in compliance with the standards of the CIPA, constitutional, is the **ability of adults using the library to ask that the filter be disabled for their use**. Without this disabling feature, which the adult should be able to request without additional questions of content being sought or engaged in, the library is unduly abridging access to First Amendment protected speech. (Full case: https://www.law.cornell.edu/supct/html/02-361.ZO.html)

RESOURCES
**Protect Patron Privacy on Public Access Computers & Wireless Connections
Library Freedom Project: Privacy Toolkit for Librarians -**
https://libraryfreedomproject.org/resources/privacytoolkit/

SAMPLES
The following are excerpts from larger policies on specific policy considerations.
Onondaga County Public Library
Wireless Internet Access at the Central Library
The Onondaga County Public Library offers free wireless Internet access on all floors of the Central Library for library patrons to use with their own personal notebooks, laptops and other mobile devices. Wireless users agree to abide by the library's Internet Use Policy.

Requirements: Windows or Mac laptop/notebook computer or personal digital assistant (PDA) with an 802.11b or 802.11g wireless Ethernet adapter and Internet browsing software.

Limitations and Disclaimers: The library assumes no responsibility for the safety of your equipment or data while using the library's network.

The library's wireless network is not secure. Information sent to and from your laptop can be captured by anyone else with a wireless device and the appropriate software. We recommend that you do not use this network to transmit sensitive information.

Library staff can provide a general information handout for connecting your device to the wireless network but cannot troubleshoot problems relating to your wireless device, or assist in making changes to your network settings or hardware configuration.

We recommend that you have up-to-date anti-virus software installed on your wireless device.

Printers are not available to wireless users. If you would like to print, save your work to a disk or a USB flash drive, or email it to yourself and sign up for one of the library's public access computers.

Do not block or cross aisles or floors with extension or power cords. Your power cord cannot constitute a trip hazard or otherwise block access for Library patrons or staff. Please do not move chairs or tables to electrical outlets.

Filters: To comply with the Children's Internet Protection Act and restrict access to online content that may be considered harmful to minors the Onondaga County Public Library's Central and Branch libraries have installed technology protection measures (filters) on all computers with Internet access, including laptops. As a wireless user, you will be subject to the same filters as used on all public access computers.

Public access computers in adult areas of the library offer library users age 17 and older the option to unblock many sites.

NYPLA Safety Net for the Internet: A Parent's Guide / Policy on Public Use of the Internet
What Parents Should Know

"Blogging," "friending," "tagging," and "Googling" are all part of the new language of cyberspace. These are verbs children use every day to talk about what they do online. It is important that parents understand this new language and provide their children with guidance in navigating the Internet. The Internet is a wonderful tool for children to do research, play games, and communicate with family and friends. Unfortunately, just as people can be rude, obnoxious, and exploitative in person, the anonymity of the Internet can sometimes amplify poor behavior and create an environment that is not always appropriate for children.

Get Involved and Set Rules

The best way to ensure your child's safety on the Internet is by getting involved and setting rules for your child's use of the Internet.

- If you don't know how to access the Internet, ask at your local library to find out whether it offers free classes on how to use the Internet.
- Spend time with your child when he/she is online.
- Ask your child to share his/her blogs or online profiles with you.
- Monitor the amount of time your child spends online. Excessive use of online services, especially late at night, may signal a potential problem. The same parenting skills that apply to the "real world" also apply online.
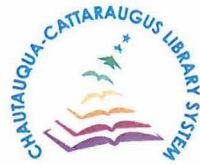- Set rules for your child's use of the Internet.

Tips for Parents

Here are some other things you can do to help keep your child safe online:

- **Privacy.** Educate your child about the importance of keeping personal information private.

- Discourage your child from giving out personal information such as his/her last name, age, home address, school name, or telephone number without your approval.
- Discourage your child from sharing his/her online passwords with anyone other than you.
- Familiarize yourself with how your child's information is being used online. Read the privacy policies of the websites your child visits regularly.

- **Social Networking.** Encourage your child to be honest about his/her age when signing up for social networking sites (e.g., Facebook, Twitter, Second Life, and MySpace) or blogs. These sites and services often have minimum age requirements and may not be appropriate for all children.
- **Posting Images/Videos.** Discourage your child from posting photos or videos online without your approval.
- **Inappropriate Messages.** Discourage your child from responding to messages that are suggestive, obscene, threatening, or otherwise inappropriate.
- **Meeting Strangers.** Don't allow your child to arrange a face-to-face meeting with someone he/she met over the Internet without your approval. Remember that people online may not be who they say they are.
- **Other Tips:**
  - **Advertising and Inaccurate Information.** Teach your child to be a critical consumer of information. Make sure your child knows that not everything he/she reads on the Internet is true.
  - **Child Exploitation.** If you or your child becomes aware of the transmission of child pornography, report it to the National Center for Missing and Exploited Children at 1-800-843-5678.
  - **Communication.** Talk with your child about his/her favorite websites, how much time he/she should spend online, what information he/she can share with online friends and what kinds of sites you want him/her to visit.

For more tips, please go to the following websites: ConnectSafely.org or fbi.gov.

Policy on Public Use of the Internet

To fulfill its mission of providing public access to information of all types in a wide range of formats, The New York Public Library provides access to Internet resources. The Internet offers access to many valuable local, national, and international sources of information. However, some information found on the Internet may be inaccurate, incomplete, dated, or offensive to some individuals. A good information consumer must evaluate the validity and appropriateness of information found.

Public Users' Security

Users should be aware that the Internet is not a secure medium and that third parties may be able to obtain information regarding users' activities. However, The New York Public Library will not release information on the use of specific Internet resources by members of the public except as required by law or necessary for the proper operation of the Library.

Phelps Community Memorial Library

COMPUTER ACCEPTABLE USE POLICY

Introduction
The Phelps Community Memorial Library computers are available primarily for research and educational purposes. The internet is an unregulated medium than changes constantly and unpredictably, the library is not responsible for the quality or accuracy of information found. Users are responsible for evaluating information received via the internet.

Rights of Users
Caution: The Internet is not a secure medium and all transactions, files and communications may be subject to unauthorized access by third parties. The library, however, respects a patron's right to both confidentiality and privacy and will not release information on the use of electronic resource by members of the public except as required by law. Library computers include a content filter. Since children utilize all computers, users wishing unfiltered access should ask for library staff assistance.

Children
The library affirms the right and responsibility of parents and legal guardians to guide their children's use of all library resources and we encourage them to do so. The library complies with the Neighborhood Children's Internet Protection Act by following a number of policies and procedures.

Information on safe and secure use by minors of direct electronic communications (including email) is available at the library. It is the parent's responsibility to discuss these safety precautions with their children.

Prohibited Activities
The Phelps Community Memorial Library is a family-oriented establishment. Therefore, the viewing of pornography is prohibited.

Use of the Internet for activities that violate local, state or federal laws is prohibited. This includes but is not limited to activities such as viewing child pornography, committing fraud, hacking, unauthorized access, or spreading libel or slander.

RULES AND PROCEDURES

Registration
Anyone presenting a valid Pioneer Library System card in good standing (no fines or overdue material) may use the computers. Exceptions will be made for visitors to the area. Users will be required to sign a Phelps Community Memorial Library Acceptable Computer Use form.Anyone 17 years of age or under must also have a parent sign his/her form. Anyone under the age of 12 must have an adult sit with him/her at the computer at all times.

Availability

Computers are not reserved and availability is on a first come, first served basis. Computer time is limited to 30 minute blocks and all patron computers will be turned off 15 minutes before closing.

Only one person is allowed at the computer at a time (except for those under 12 years old).

Staff Assistance
The library staff is trained to provide limited startup support and will assist as time allows.

Computer Use Restrictions
-Users may not install any software from disk drives and files downloaded or saved to the computer hard drive will disappear at the end of the day.
-Users may only download to a library owned disk.
-Users may not make any changes in any program setup or the hard drive configuration.
-Users may not operate outside the approved windows menu.
-Users should immediately report any problems with equipment to the library staff.
-Shutting down or restarting equipment will be done by staff only.
-Users should report anything unusual or strange to library staff.
-Users will be permitted to print as follows:
- Black and white pages are 5 cents per page
- Limited color printing is available from a library owned floppy disk at 25 cents per copy
- Copies will be picked up and paid for at the circulation desk

Suspension of Library Privileges
The user is held responsible for his/her activity on the Internet. Persons who do not abide by these rules may be prohibited from using computers or other library equipment, have their library privileges suspended, be barred from the library and/or be prosecuted for illegal activities. Parents of minors will be notified of any infractions. Users will be responsible for any damage due to improper use.

Roswell P. Flower Memorial Library
Wireless Internet Connection
Wireless connection exists for patrons to access with the appropriate equipment in their laptop computers. Library staff will provide configuration settings for wireless connections setup. However, the user is solely responsible for making these changes on their personal computers. Printing to library computers will not be possible with wireless connections.
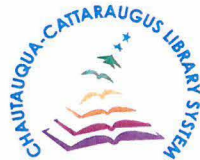
Ellicottville Memorial Library

INTERNET ACCESS POLICY

Philosophy
The Ellicottville Memorial Library provides public access to the Internet as a way of enhancing its existing collections with electronic resources from information networks around the world. Internet

access is important to Library users for conducting research, retrieving information, exploring ideas and facilitating communication.

The Library strives to balance the rights of individuals to access information and the need to provide a welcoming setting for people of all ages. The Library is committed to providing users and employees an environment that is free from all forms of harassment, including sexual. Starting points for searches and key Internet sites should be appropriate to the Library's Mission Statement.

The Library is committed to offering open access to the Internet, to supporting the right to privacy and confidentiality of Library users, and to following the provisions of the Children's Internet Protection Act (CIPA).

The Library provides access to the Internet. The demand for use of the Internet can exceed the Library's computer resources. To assure fair access for all persons, the Library establishes rules and procedures that regulate the time, manner, and place of Internet access.

Use by Minors

The Library respects the responsibility of all parents/legal guardians to guide their own minors' use of the Library, its resources and services.

Because information on the Internet constantly changes, even with technology protection measures, it is not possible to totally protect or control what children may encounter. Children 12 years and younger who use the Internet unsupervised may be exposed to inappropriate or disturbing information and images. Parents are encouraged to discuss with children the use of the Internet in relation to their values and boundaries and to monitor their children's use of the Internet.

User responsibility

Use of any Library workstation must be for legal purposes only.

Because Internet workstations are located in public areas shared by persons of all ages and backgrounds, users are expected to show consideration for others when viewing web pages. All users are expected to respect the privacy of those using the computers.

No person shall use a Library workstation in a way that disturbs or interferes with users, employees or operations of the Library.

Users may not:

- View, print, distribute display, send, or receive images or graphics of obscene materials or material that violates laws relating to child pornography.
- Disseminate, exhibit, or display to minors materials that are harmful to minors.
- Use an Internet workstation to transmit threatening or harassing material.
- Engage in any activity that is deliberately offensive or creates an intimidating or a hostile environment.
- Violate copyright or software licensing agreements.
- Gain unauthorized access to any computing, information, or communications devices or resources.
- Damage, alter or degrade computer equipment, peripherals, software and configurations.

Failure to comply

All Library users must comply with this Internet Access Policy.

Violations may lead to revocation of Library privileges, including the right to visit the buildings and grounds.

Offenders ordered from the premises who do not comply may be subject to arrest and prosecution for trespassing.

Responsibility and authority of Library employees

Library employees may provide assistance to identify appropriate sites for Internet searches and answer questions on the use of computers and other electronic resources in the Library. Time constraints, however, may prevent employees from providing in-depth computer or other technology training or assistance to individual users.

Library employees shall take prompt and appropriate action to enforce the Internet Access and Internet Safety Policies. They are authorized to terminate an Internet use session by anyone who fails to comply with these policies.

Library employees may refuse to assist a user if they believe that it will require them to view pornographic images on a computer display screen or in printed form, and they are required to immediately request assistance from a supervisor or manager.

Liability

The Library assumes no responsibility for any damage, direct or indirect, that users or anyone else may suffer through access to the Internet at one of its outlets. All public Internet users at the Library agree to hold the Library harmless from any claims, losses, damages, obligations related to the following:

- Infringement of U.S. Copyright Law governing the reproduction, distribution, adaptation, public performance, and public display of copyrighted material.
- The use and/or accuracy of information obtained from the Library's electronic information system.
- Damage to non-Library software or hardware resulting from viruses downloaded via the Library's Internet services.