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LIS 550, Policy Project Assignment
December 8, 2006

Public Policy Strategy for CIPA Implementation

What is the Children's Internet Protection Act (CIPA)?

The Children's Internet Protection Act (CIPA) was signed into law on December 21, 2000. In order for public libraries or schools to continue receiving funding for Internet access and internal connections services from the Universal Service Fund (USF) they must certify that they are enforcing an Internet safety policy which includes a technology protection measure that blocks or filters internet access for both minors and adults to certain visual depictions.[1]

On June 23, 2003 the U.S. Supreme Court ruled in a 6-3 decision that CIPA was constitutional. The ruling mandates that any public library using e-rate funds will need to comply with CIPA's filtering requirement. Under the law, adult patrons (age 17 and older) may request exception from filtering.[2]

What does this mean for SPL?

As is unfortunately the case for all public libraries, SPL is suffering from cutbacks and budgetary concerns that cause our reliance upon the continuation of funds from the e-rate program[3] to be a financial necessity. Without the discounts and funding in question, we will not be able to serve our constituents at current levels. Therefore, we consent to uphold the law and comply with CIPA regulations. In this statement we will address concerns regarding the responsible application of CIPA so that we in no way breach our patron's constitutional rights under the First Amendment. In particular we wish to address the primary concerns of ethics, privacy, and freedom of speech as well as answer some technical questions.

Ethically there is a fine line between censoring materials that may be harmful to minors and infringing upon the rights of our patrons. After thoroughly examining the policy text, as well as considering the District Court's rejection of CIPA and the Supreme Court's reversal of the District Court's CIPA ruling[4], we have come to the conclusion that it is ethical to block access to those materials that are deemed to be obscene, child

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[1] "Step 10: Children's Internet Protection Act (CIPA)" http://www.usac.org/sl/applicants/step10/cipa.aspx
[2] "What is the Children's Protection Act (CIPA)? King County Library System
http://www.kcls.org/about/cipa.pdf
[3] This federal initiative provides discounts to public libraries and to public and private K-12 schools on telecommunications services, Internet access, and some closely related costs, such as inside wiring. The discounts range from 20% to 90% with the deepest discounts going to those communities with the greatest need. Information from the ALA website:
http://www.ala.org/ala/washoff/WOissues/techinttele/erate/erate.htm
[4] The Supreme Court on June 23, 2003, in a 6–3 decision, upheld the constitutionality of the Children's Internet Protection Act (CIPA). http://www.ala.org/ala/oif/ifissues/issuesrelatedlinks/cppacopacipa.htm

pornography, and images that are harmful to minors; as these are not protected under the First Amendment[5]. While we have strong concerns regarding the rights of our patrons, we fully support the protection of youths and accept the burden of ensuring that responsible guidelines are in place, and that these measures do not impede the flow of the constitutionally protected right to the freedom of information for all of our patrons. It is our goal to uphold the ethical code of our profession as defined by the American Library Association, which states that we must provide the highest quality of service possible to our communities with particular attention to freedom of information, protection of privacy, and unbiased access to "appropriate and usefully organized resources"[6].

While it is impossible to guarantee that the library's new filtering and blocking system will be 100 percent effective in screening out inappropriate materials, and allowing protected resources, the task force created to analyze this issue has conducted careful research on the filtering and blocking systems available and SPL is confident that all steps are being taken to ensure that the plan selected is best suited to our needs. The sections following will provide further details on technology protection measures as well as information on youth's access to important health care resources.

The provision of quality service is of utmost importance and it is our goal to address all of your concerns. If this statement does not provide answers to any questions, please contact your local librarian who will be happy to provide further details on your particular area of concern; anonymous inquiries are also welcome.

What is SPL's chosen Technology Protection Measure (TPM)?

As discussed on the website of the Wisconsin Department of Public Instruction, CIPA "states that the Internet TPM must *protect* against visual depictions outlawed by the legislation."[7] To meet this requirement, we have chosen to implement a browser-based solution to the CIPA requirement of having a "Technology Protection Measure" or TPM on every computer in the library. We have chosen this route because there are significant issues with existing filtering software. First and foremost, these filters frequently block content that is benign. For example, breast cancer websites are blocked under some filtering schemas. As a library, we have an unwavering commitment to the First Amendment and want to keep misguided blocking to a minimum. Second, the filters are not effective at blocking all inappropriate content.[8]

As such, we at SPL have decided to implement our own software solution. It's important to keep in mind that the law requires only that the TPM *protect* against visual depictions.

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[5] As defined by the federal obscenity statute, 18 U.S.C. 1460 and child pornography as defined by 18 U.S.C. 2256.

[6] Please see Appendix I for the complete text of the code or
http://www.ala.org/ala/oif/statementspols/codeofethics/codeethics.htm

[7]"FAQ on E-rate compliance with the Children's Protection Act and the Neighborhood Protection Act"
http://dpi.wi.gov/pld/pdf/cipafaq.pdf

[8] "EFFector Online Newsletter" Vol. 13, No. 12 (December 22,2000)
http://www.eff.org/effector/HTML/effect13.12.html

It does not require blocking of text of any sort.[9] Our product development team started with Firefox, an open-source browser solution, and added the functionality we require in order to comply with CIPA.[10] The Firefox browser with the SPL-produced Extensions[11] will be running on all SPL-owned computers, including patron and staff computers.

The SPL Extension blocks all images in a webpage from loading on the initial page load. While this may seem like overkill, it is the only way to truly ensure that patrons are "protected" from inappropriate images. In order to view a blocked image, the patron simply clicks on the "View Blocked Image" link that appears where the image would normally load on the webpage. This ability to view blocked images will only be present on computers in the adult section and on staff computers. Computers in the children and teen areas will not have this option.

The Supreme Court's decision stated that TPMs must be capable of being turned off upon request.[12] With a Firefox Extension, this is remarkably easy. Disabling will be available only on adult computers and will be done by the librarian. This resets itself each time the browser is closed and restarted. While the library does not condone the use of public computers for the viewing of pornographic materials, we recognize the differences inherent in personal perspectives and rely on our adult patrons to self-regulate their use of library resources with consideration for the comfort level of other patrons. It is important to keep in mind that obscene and pornographic images are not protected under the First Amendment and the library reserves the right to ban access to sites deemed inappropriate for public viewing. As detailed in the next section of this document, the library's policy on appropriate use of computers will be at each computer.

A CIPA Review Committee will be established to create a list of recommended web sites. The committee will consist of librarians, teachers, parents and other community members. There will be separate lists for the adult, teen, and children's sections, and these recommended sites will not be filtered on their appropriate section computers. These sites will be primarily health and research sites that have been deemed appropriate by the committee fore each maturity level. This helps ensure that children and teens continue to have access to high-quality information.

What policies will SPL use to regulate and enforce CIPA?

By SPL accepting the e-rate funds and choosing to comply with CIPA regulations we publicly acknowledge our policies on: (1) our yearly certification process to receive e-

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[9] "Lawfully Surfing the Net: Disabling Public Library Internet Filters to Avoid More Lawsuits in the United States" Mary Minnow (2004) http://www.firstmonday.org/issues/issue9_4/minow/index.html
[10] "Mozilla's Hacker's Getting Started Guide: An Introduction to Hacking Mozilla" (1998-2006) http://www.mozilla.org/hacking/coding-introduction.html#whatis
[11] Per the Firefox website, "[e]xtensions are small add-ons that add new functionality to Firefox, from a simple toolbar button to a completely new feature. They allow you to customize Firefox to fit your own needs and preferences, while letting us keep Firefox itself light and lean." https://addons.mozilla.org/firefox/extensions/
[12] Report to Congress, Children's Internet Protection Act. Study of Technology Protection Measures, Pub.L.106-554, August 2003, Department of Commerce, NTIA.

rate funds and (2) how our library's internet safety policy and technology protection measure will be enforced.

At the end of each fiscal year SPL will participate in a certification process that will allow for the continuation of the e-rate funds. This process is administered by the Universal Service Administrative Company (USAC) chosen by the FCC to handle the process and disburse funding.[13] If SPL fails to submit our certification or comply with CIPA regulations our e-rate funding will be stopped, which is a situation we do not want to see happen. A committee comprised of library board directors and administrators will be responsible for overseeing the certification process. During this yearly certification process our library's internet safety policy and technology protection measure will be reassessed to see how effective or non-effective it has been in complying with CIPA and meeting the needs of our patron community. During this review process our patrons will be invited to attend a public hearing to express their opinions to the committee. These steps will be conducted in a timely manner to ensure the necessary paperwork is submitted on time and funding is not ceased.

Our library believes that technology alone cannot monitor or control negative behaviors that patrons might exhibit. Our internet safety policy and technology protection measure needs to be coupled with human monitoring in order to ensure the most successful implementation possible.[14] Library patrons will be made fully aware of our adherence to CIPA and the subsequent internal policies created to ensure compliance. They will also be informed of enforcement procedures if they choose not to follow the library's internet safety policy or try to bypass the technology protection measure without receiving the password from the librarian on duty. No patron will be unable to say that they did not know what the library's policy was as it will be physically posted on the computer terminals and patrons will be required to read it before logging onto the internet. SPL will have policies written in a number of foreign languages to serve our non-English speaking and reading patrons. Languages chosen will be determined by an assessment of the SPL patron population.

At no time will the computers located in the children's section be allowed to be used without the filtering mechanisms or the technology protection measure. The only exception to this rule will be the websites chosen by the SPL committee that finalizes decisions on appropriate health and research related websites. Parents can be assured that their children will not have access to obscene or harmful images while they are in the children's section. Children and teens will not be able to use adult or staff computers at any time during their library visit. Parents need to be made aware that it is beyond SPL's control if images are viewed by children in passing in the adult section. Unless these adults have violated content deemed appropriate under the First Amendment they have the right to view the images. SPL will do everything possible to ensure that computer terminals will not be open to this type of accidental viewing.

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[13] "Overview of the Program: Schools and Libraries -USAC" (Last Modified: November 3, 2006) http://www.universalservice.org/sl/about/overview-program.aspx

[14] Report to Congress, Children's Internet Protection Act. Study of Technology Protection Measures, Pub.L.106-554, August 2003, Department of Commerce, NTIA.

Enforcement will be conducted by SPL staff. Staff members will be responsible for observing patrons using the computer terminals. If a patron is felt to be violating the appropriate use and rules of conduct policies, or trying to bypass the technology protection measure, they will be asked by the staff member on duty to cease what they are doing. If the patron does not comply, they will be asked to leave the library and may lose their library privileges. The loss of privileges will be conducted on a case by case basis and may be subject to review by the library administration.

Please direct any questions or concerns regarding CIPA or SPL's internet safety policy, technology protection measure, and enforcement components to SPL administration. Thank you.

<center>**Personnel Policy Strategy for CIPA Implementation**</center>

I. Justifications for SPL Course of Action

As stated in the Public Policy, we take our role as protectors of the right to freedom of information very seriously. While we do have some very real concerns about controlling individuals access to online information, we believe that the best course of action for ensuring the continuation of quality service for our communities at the level with which they are accustomed is to accept the stipulations necessary for implementing CIPA. Without the funds received from the E-rate program the library would be forced to make drastic cuts in services. We feel that complying with guidelines for the protection of minors in exchange for the ability to maintain quality services does not contradict our professional Code of Ethics[15]. In terms of an ethical framework, we acknowledge that our decisions are in part rationalized using value sensitive or normative claims[16], which put us on the shaky ground of judging right and wrong behavior. However, as is discussed by Mason and Gallagher[17], technology has no built in sense of right or wrong, and with the accelerated rate of technological change, as well as the sheer range and scope of what is available online, we find it necessary to begin to lay some guidelines for how to best ensure that those vulnerable to exploitation are protected. It may be useful to examine two primary schools of ethical theory when evaluating the decision to comply with CIPA protocol. Both Utilitarian Theory[18] and Thomas Hobbes Social Contract Theory[19] support the necessity of acquiescing to government dictates for the greater good of the society. Our library is striving to find responsible ways to adhere to government guidelines while still providing the optimum level of service.

As you may know, when CIPA first appeared the ALA, along with the ACLU, filed lawsuits contesting the constitutionality of the Act in regards to concerns about its interference with the right to free speech[20]. This organized effort led to a ruling by the

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[15] http://www.ala.org/ala/oif/statementspols/codeofethics/codeethics.htm (Please se the appendix for the code in its entirety).

[16] Johnson describes the difference between descriptive and normative claims as being the difference between facts and values. Johnson, Deborah, 2001, Computer Ethics, 3rd Edition, New Jersey: Prentice Hall.

[17] Mason and Gallagher's working paper examines the ethics of technology management as related to four key factors: the pace of technical change, the malleability of technology, the invisibility of technical operations, and the potential irreversibility of technical impacts. Mason, Robert M. and Kevin Gallagher. "A Pragmatic Framework for MoT Ethics: Examples from Different Professions" (A Working Paper)

[18] The basic principle of Utilitarianism, as defined by Johnson, is that "Everyone ought to act so as to bring about the greatest amount of happiness for the greatest number of people". Johnson, Deborah, 2001, Computer Ethics, 3rd Edition, New Jersey: Prentice Hall.

[19] Similarly Johnson defines Social Contract Theory as the "idea of a social contract (between individuals, or between individuals and government) hypothesized to explain and justify the obligations that human beings have to one another". She quotes Hobbes as stating that "government is necessary to insure that natural justice is implemented properly because without government, there is no certainty that punishments will be distributed justly". Ibid.

[20] Information is taken from an analysis by ALA Deputy Director Deborah Caldwell-Stone. CIPA was passed in December 2000. Suits were filed against it stating that it was facially unconstitutional because it compelled libraries to violate the First Amendment rights of library users. A three judge panel in the

District Court stating that it found CIPA unconstitutional. The concern being that in the process of blocking or filtering materials considered to be inappropriate other important information would be lost, particularly information regarding health issues and constitutionally protected materials of creative expression. A 2002 study by the Kaiser Foundation found that more than 70% of 15-17 year olds use the internet to look up health information[21]. Ensuring that these teens are not restricted in their access to online health information is of utmost importance and is in keeping with the library's pledge "to seek to provide materials that would be of the greatest direct benefit or interest to the community"[22]. The review of this act by the District Court prompted suspicions of impeded access to protected resources, however, the Supreme Court ruled that when the act is taken at "face value"[23] the concerns are negligible and the initial decision was overturned. The impetus behind this upset was based upon the understanding that while filters may block access to constitutionally protected materials, they can be easily disabled for any adult patron. We find that this reversal is an acceptable compromise with minimal cost.

It is likely that as library personnel you will be questioned on the regulability[24] associated with this new policy of blocking. In order to protect the identity of our adult users online, as well as provide them with unlimited access, the librarian on duty will issue a general password that will allow them to log on to any server and have access to blocked pages. After considering other options involving online "authentication"[25], such as scanning a library card or other ID source, we have found this to be the least invasive compromise. The decision to enter further personal information online in regard to purchases, account maintenance, or chat rooms, is left up to the discretion of the individual user. Although of continued concern is the access for minors to information on sensitive health issues; from

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Eastern District of Pennsylvania unanimously found CIPA to be facially invalid. However, the Supreme Court overturned this ruling finding that filters, which can be deactivated upon request, do not over block protected speech. The plurality also found that, in developing collections, librarians traditionally exercise a content-based judgment in selecting -materials of "requisite and appropriate quality and that the filtering of "inappropriate" materials is in line with the mission to" facilitate learning and cultural enrichment". Caldwell-Stone, Deborah. "Public Libraries and the Internet." Published by International Municipal Lawyers Association. November-December 2003. Vol 44, No. 6.

[21]: See No evil: How Internet Filters Affect the Search for Online Health Information". A Kaiser Family Foundation Study. December 2002.

[22] See ALA Code of Ethics.

[23] "Face value" eliminates the discussion on future possibilities and circumstantial changes. See Stuart A. Sutton's audiolecture "Librarianship, Law and Order: Where (and How) Do You Stand?" Justice Kennedy voted to uphold CIPA on these terms, but warned that "if some libraries do not have the capacity to unblock specific websites 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 bethe subject for an as-applied challenge, not the facial challenge made in this case." Caldwell-Stone, Deborah. "Public Libraries and the Internet." Published by International Municipal Lawyers Association. November-December 2003. Vol 44, No. 6.

[24] Regulability defined as "the ability to control behavior within a particular cyberspace." Mason, Robert M. and Kevin Gallagher. "A Pragmatic Framework for MoT Ethics: Examples from Different Professions" (A Working Paper)

[25] Aunthentication is the process by which aspects of your identity become known…whether you chose to reveal them or not. Lessig, Lawrence, 1999, Code and Other Laws of Cyberspace, New York: Basic Books.

substance abuse to birth control, gender specific cancers and STDs, to eating disorders the Kaiser study has found that careful selection and implementation of software or blocking services combined with settings at the least restrictive levels allows for access to the vast majority of general health information sites. The study found that at this level an average of 1.4% of all health sites were blocked[26]. Although we are not happy with the prospect of any imposed censorship we feel that accepting this compromise is in the best interest of all of our patrons and are confident that our information management team has thoroughly researched the best available software and arrived at the most fitting solution for our needs[27]. Also, as discussed below, certain age-appropriate, vetted, high-quality health and research information sites will be available to patrons in the various computer sections.

As a closing point the administration would like to reiterate that the materials that will now be blocked are those that have previously been deemed as illegal or harmful[28]. Among print materials it is already standard practice for the library to select against any items thought to be obscene or containing child pornography. These materials are not protected under the First Amendment and therefore we are not impinging upon the constitutional rights of minors. Additionally, by allowing all adults unlimited online access through the issuance of a general password we are in no way impeding their access to information.

II. SPL's Technology Protection Measure

As discussed in the SPL public policy on CIPA, all SPL computers – including staff computers – will have the Firefox[29] browser installed with our SPL Extension,[30] which

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[26] Researchers simulated searches for health information on six different search engines that are popular among young people: Yahoo!, Google, AOL, MSN, Ask Jeeves, and Alta Vista. When filters were set at intermediate levels 5% of all health sites were blocked, and when set at the most restrictive levels 24% were blocked.   "See No Evil: How Internet Filters Affect the Search for Online Health Information." A Kaiser Family Foundation Study, December 2002.

[27] Please see Section II, Technology Solutions, for specific software applications.

[28] **Obscenity** - All or practically all of the States which ratified the First Amendment had laws making blasphemy or profanity or both crimes, and provided for prosecutions of libels as well. It was this history which had caused the Court in Beauharnais to conclude that "libelous utterances are not within the area of constitutionally protected speech," and this history was deemed to demonstrate that "obscenity, too, was outside the protection intended for speech and press. Beauharnais v. Illinois, 343 U.S. 250, 266 FindLaw for Legal Professionals. http://www.lp.findlaw.com
Child Pornography - In New York v. Ferber, the Court recognized another category of expression that is outside the coverage of the First Amendment, the pictorial representation of children in films or still photographs in a variety of sexual activities or exposures of the genitals. The basic reason such depictions could be prohibited was the governmental interest in protecting the physical and psychological well-being of children whose participation in the production of these materials would subject them to exploitation and harm. FindLaw for Legal Professionals. http://www.lp.findlaw.com

[29] "Firefox – Rediscover the Web" (2005-2006) http://www.mozilla.com/en-US/firefox/

[30] Per the Firefox website, "[e]xtensions are small add-ons that add new functionality to Firefox, from a simple toolbar button to a completely new feature. They allow you to customize Firefox to fit your own needs and preferences, while letting us keep Firefox itself light and lean." https://addons.mozilla.org/firefox/extensions/

blocks all images from downloading on a webpage. Adults using computers in the adult section will have two ways to deactivate the Extension. First, adults can simply click on the link that says "View Blocked Image" that will show up in place of the image. Second, patrons can ask a librarian to simply deactivate the Extension at any time. This is done by the librarian simply entering a password in a dialogue box as detailed in the "Filter Disabling FAQ" available on the staff intranet page. As discussed in the Supreme Court decision on CIPA,[31] it is imperative that librarians respond promptly to all requests for Extension deactivation. The staff librarian on duty is also responsible for ensuring that the user logs off after finishing their session and before another patron begins using the computer. This will reset the Extension to active.

There will be no option to deactivate the Extension on computers in the children's and teen computer areas. We realize that this is a drastic measure, but it is the only way to ensure compliance with CIPA. It is important that all library staff members are well versed in the reasoning behind our implementation of this policy in order to address patron concerns.

SPL recognizes that these measures could possibly make research of all kinds more difficult for young people. To counter this, we have formed a CIPA Review Committee. This Committee will be charged with reviewing available websites to create a list of "approved" websites that are primarily useful for health information and academic research. These website's images will not be blocked from patron viewing. While we abhor the concept of censorship, we feel that this compromise will allow us to comply with CIPA, retaining our e-rate funds, while still meeting the needs of our patrons. Any patron can request a review of a website and its addition to the list, as can SPL staff members. These websites will be reviewed regularly to ensure their content still meets our criteria for acceptability.

As discussed in more detail in the "Certification and Enforcement" section of this document, in order for patrons to use SPL computers, they must read a consent form that details appropriate use of computers as well as acknowledges acceptance of the risk of viewing blocked images.

III. SPL's Certification and Enforcement Policy

By SPL accepting the e-rate funds and choosing to comply with CIPA regulations the following is SPL's policy on: (1) the yearly certification process to receive e-rate funds and (2) how our library's internet safety policy and technology protection measure will be enforced by library personnel.

At the end of each fiscal year SPL administrative authorities will renew its certification with the Universal Service Administrative Company (USAC), which has been selected by

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[31] Report to Congress, Children's Internet Protection Act. Study of Technology Protection Measures, Pub.L.106-554, August 2003, Department of Commerce, NTIA.

the FCC to administer the certification process and disburse e-rate funding.[32] The staff member assigned to overseeing this process will complete the *Receipt of Service Confirmation Form* (Form 486)[33]. If SPL fails to submit its certification or comply with CIPA regulations,[34] our e-rate funding will be suspended until the form is processed.[35]

During this yearly certification process our library's internet safety policy and technology protection measure will be reassessed to see how effective or non-effective it has been in complying with CIPA regulations and meeting the needs of our patron community. During this review process our patrons will be invited to attend a public hearing to express their opinions to SPL administrators and board of directors.

Our library believes that technology alone cannot monitor or control negative behaviors that patrons might exhibit. Monitoring of patrons by staff members also needs to take place in order to ensure the most successful implementation possible of our internet safety policy and technology protection measure.[36] Library patrons will be made fully aware of SPL's adherence to CIPA and the subsequent internal policies created to ensure compliance. They will also be informed of enforcement procedures if they choose not to follow the library's internet safety policy or try to bypass the technology protection measure without receiving the password from the librarian on duty.[37] No patron will be unable to say that they did not know what the library's policy was as it will be physically

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[32] The Schools and Libraries Program of the Universal Service Fund, commonly known as "E-Rate," is administered by the Universal Service Administrative Company (USAC) under the direction of the Federal Communications Commission (FCC), and provides discounts to assist most schools and libraries in the United States to obtain affordable telecommunications and Internet access. It is one of four support programs funded through a Universal Service fee charged to companies that provide interstate and/or international telecommunications services.
http://www.universalservice.org/sl/about/overview-program.aspx

[33] "For the purpose of CIPA requirements, a school or library that is a recipient of service is considered to have "applied' for support in a funding year only when a *Receipt of Confirmation Form* for a funding request for Internet access or internal connections has been successfully processed into the USAC system."
http://www.universalservice.org/sl/applicants/step10/

[34] "Schools and libraries subject to CIPA may not receive the discounts offered by the e-rate program unless they certify that they have an Internet safety policy and technology protection measure in place. An Internet safety policy must include technology protection measures to block or filter Internet access to pictures that: (a) are obscene, (b) are child pornography, or (c) are harmful to minors, for computers that are accessed by minors."   http://www.fcc.gov/cgb/consumerfacts/cipa.html

[35] "No specific enforcement provisions, other than applicant certifications, have been established by the FCC. The only two principles of enforcement are: (1) No Universal Service Fund payments will be made on behalf of any applicant that does not file the requisite certifications and (2) If certification are found to be false – as determined by subsequent review or audit – applicants will have to reimburse the Fund for any funds and discounts received for the period covered." Internet Safety Policies and CIPA: An E-Rate Primer for Schools and Libraries http://www.e-ratecentral.com/CIPA/cipa_policy_primer.pdf

[36] Report to Congress, Children's Internet Protection Act. Study of Technology Protection Measures, Pub.L.106-554, August 2003, Department of Commerce, NTIA.

[37] SPL Policy (Displayed to Patrons Onscreen): Library users may not use the public library Internet stations for unlawful purposes or to view illegal content. The library uses technology protection measures to filter content in accordance with the Children's Protection Act. The Library will disable the technology protection measure upon any request by users 17 or over, for any lawful purpose." Lawfully Surfing the Net: Disabling Public Internet Filters to Avoid More Lawsuits in the United States. Mary Minnow http://www.firstmonday.org/issues/issue9_4/minnow/index.html

posted on the computer terminals and patrons will be required to read it before logging onto the internet.[38]

At no time will the computers located in the children's section be allowed to be used without the filtering mechanisms or the technology protection measure. The only exception to this rule will be the websites chosen by the SPL's CIPA Review Committee that finalizes decisions on appropriate health and research related websites. Children and teens will not be able to use adult or staff computers at any time during their library visit.

Enforcement of the internet safety policy and technology protection measure will be conducted internally by SPL staff. Staff members will be responsible for observing patrons who are using the computer terminals. If a patron is felt to be violating the appropriate use and rules of conduct[39] policies, or trying to bypass the technology protection measure, they will be asked by the staff member on duty to cease what they are doing. If the patron does not comply, they will be asked to leave the library and may lose their library privileges. The loss of privileges will be conducted on a case by case basis and may be subject to review by the library administration.

SPL seeks to protect the First Amendment rights of its patrons and their individual right to privacy.[40] In order to protect the privacy of our patrons and the interests of other library users (including minors), SPL will manage access to the Internet by the use of privacy screens, judicious placement of the terminals, and other appropriate means. Absolute privacy for patrons using the computer terminals cannot be guaranteed due to inadvertent viewing by other patrons.[41] CIPA does not require SPL to track internet use by adults or minors.[42]

SPL administration will work diligently at creating a safe working environment for its employees free of exposure to objectionable material and overt acts of harassment.[43] This includes both the public areas of the library and staff areas. In addition to the

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[38] SPL will have policies written in a number of foreign languages to serve our non-English speaking and reading patrons. Languages chosen will be determined by an assessment of the SPL patron population.

[39] Appropriate Use: "SPL has adopted rules regarding Acceptable Use of Electronic Resources. All users are asked to respect the privacy of other users and not attempt to censor or comment upon what others are viewing. The Library's Rules of Conduct and pertinent state, federal and local laws apply to all Library users." Rules of Conduct: see "The Seattle Public Library – About the Library – Rules of Conduct" Adopted May 27, 1997 and revised January 22, 2002 and March 16, 2004.
http://www.spl.org/default.asp?pageID=about_policies_conduct

[40] "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted." Section 3, The Code of Ethics of the American Library Association

[41] Sample Internet Safety Policy. Summer 2003. Texas State Library and Archives Commission.

[42] Children's Internet Protection Act: FCC Consumer Facts
http://www.fcc.gov/cgb/consumerfacts/cipa.html

[43] "We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions." Section Five, Code of Ethics of the American Library Association.

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posting of the internet safety policy, general library behaviors will be posted and enforced by SPL staff members.[44]

We strongly encourage all library personnel to provide feedback and suggestions on our course of action regarding CIPA implementation and certification.

Thank you,
SPL Library Administration
and Board of Directors

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[44] "Lawfully Surfing the Net: Disabling Public Library Internet Filters to Avoid More Lawsuits in the United States" Mary Minnow (2004) http://www.firstmonday.org/issues/issue9_4/minow/index.html

Appendix I

Code of Ethics of the American Library Association

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

I. **We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.**

II. **We uphold the principles of intellectual freedom and resist all efforts to censor library resources.**

III. **We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.**

IV. **We recognize and respect intellectual property rights.**

V. **We treat co-workers and other colleagues with respect, fairness and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.**

VI. **We do not advance private interests at the expense of library users, colleagues, or our employing institutions.**

VII. **We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.**

VIII. **We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.**

Adopted June 28, 1995, by the ALA Council