

# **The Tonganoxie Public Library Policy for Information Access and Internet Safety**

## **Definitions**

This policy is set forth by the Library Board of the Tonganoxie Public Library (hereinafter referred to as “The Board” for Information Access and Internet Safety issues as they pertain to the Tonganoxie Public Library (hereinafter referred to as “The Library.”))

In an effort to be responsive to its mission for excellent service, The Library staff and Board are committed to address and meet the information needs of the people we serve. The Library strives to meet the expressed needs and preferences of its patrons by providing the greatest possible information access within the means of the Library and within the limitations of policy and law.

The Library is concerned for the safety and security of users who access online information while using the Library’s computers. It should be noted that the Library has no control over the content of the Internet and cannot be held responsible for what the user sees or otherwise experiences when connected to the Internet. The restriction of a minor’s access to the Internet beyond that required by this policy is the responsibility of that minor’s parent or legal guardian.

The safety and security of users accessing the Internet require those persons to be cautious, thoughtful, protective of personal information, and respectful of Library policy and state and federal laws.

## **Use of the Library’s computers**

Library computers will not be used to

- ...access or display information that is obscene as defined by Kansas law;
- ...participate in email, chat rooms, or instant messages that use information that is obscene as defined by Kansas law;
- ...disclose, use, and or disseminate personal information that could threaten or create a vulnerability for a minor, for any other person, or for the Library;
- ...attempt to gain unauthorized access to any data, computer, or network.

Any user who violates this policy may be prohibited from using the Library’s computers until the user agrees to comply. For repeated violations, any member of the Library staff will be required to prohibit that user’s computer access for 30 days or longer.

Users may appeal the revocation of Internet use privileges by petitioning the Board. The decision of the Board will be final.

The Library staff has the right and responsibility to stop any Internet session when the user has violated this policy.

## **The laws that guide this policy**

The Library complies with state and federal laws. We have a particular awareness of Kansas laws relating to obscenity (K.S.A. 21-4301; 21-4301a, and 21-4301c) and federal laws on copyright (U.S. Code, Title 17), the Children's Internet Protection Act (CIPA) and the Neighborhood Children's Internet Protection Act (NCIPA). The Library and Library users must comply with these laws.

The state laws referenced here are appended to this policy. In the U.S. Code, Title 17, are the laws that protect the rights of authors to their publications and other intellectual property. CIPA and NCIPA are laws adopted by Congress to protect children and others as they use the Internet from a computer located in a public Library or public school.

The laws require an age-related limitation of information access for, in the Kansas law, "...a child under the age of 18 years" and in CIPA and NCIPA, "...an individual who has not attained the age of 17." This limitation is applied to information that is obscene as defined in K.S.A. 21-4301; 21-4301a, and 21-4301c. In compliance with state law, the Library will apply this limitation to users under the age of 18.

To provide the definition required by CIPA and NCIPA, the phrase "matter...inappropriate for minors...." used in the federal law is regarded as synonymous with the definition of obscenity in K.S.A. 21-4301; 21-4301a, and 21-4301c.

## **Effective date**

This policy will take effect when it is ratified by the Board and signed by an authorized officer of the Board.

## **Summary & Background**

This document contains the Policy for Information access and Internet Safety as it pertains to public use of the Library's computers and specifically access to the Internet through those computers.

The Library is a forum for all points of view and adheres to the principles of intellectual freedom as expressed in the Library Bill of Rights formulated by the American Library Association and adopted by the Library Board. Users must comply with the United States copyright law, United States and Kansas obscenity statutes, and all other applicable laws.

The Internet is a global electronic network that provides access to ideas, information and commentary. The Library provides public access to the Internet in keeping with its mission as a forum for access to public information.

The Library has no control over the information on the Internet and cannot be held responsible for its content. Restriction of a minor's access to the Internet is the

responsibility of the parent or legal guardian. Within the above limitations, the Library follows policies and procedures that support maximum safety for minors when accessing the Internet at the Library.

## **The Policy**

I. The Library affirms the rights and responsibilities of parents or guardians to determine and monitor the children's use of Library materials and resources. Parents and guardians, not the Library or its staff, are responsible for the Internet information selected and accessed by their children. Parental permission is required for use of the Library Internet computers by children under the age of eighteen. The Library is not responsible, except as provided in this policy, for the use of the Internet by children who have obtained parental permission according to the procedures determined by the Library.

II. Using Library computer workstations in an inappropriate manner, as defined herein, is prohibited. Members of Library staff are under no obligation to monitor Library computer workstation usage and accept no responsibility for investigating the manner in which those workstations are used. When, however, a member of the Library staff observes a patron using a workstation in violation of the following subsections, the patron will be deemed to be using the workstation in an unacceptable manner, resulting in any or all of the following consequences:

- 1) Immediate termination of the Internet session.
- 2) Additional suspension of computer use or other Library use privileges.
- 3) Notification of appropriate law enforcement officials.

Materials on the Internet may be subject to copyright laws. Copyrighted materials may not be copied without permission of the copyright holder unless the proposed use falls within the definition of "fair use." (United States Code, title 17, Section 107)

III. Patrons shall not access or exhibit inappropriate matter on Library Internet workstations. Inappropriate matter shall include obscene matter, matter harmful to minors, or materials containing sexual exploitation of children, as defined by Kansas Statutes and the Children's Internet Protection Act. Specifically:

- 1) Patrons shall not access or exhibit obscene material on Library computer workstations. Disseminating or exhibiting obscene material is a crime in the state of Kansas. See K.S.A. 21-4301 as amended.
- 2) Customers shall not access material or computer-generated images deemed harmful to minors. See K.S.A. 21-4301a and K.S.A. 21-4301c, as amended.

3) Patrons shall not use the Library computer workstations in a manner that allows them to possess a computer generated image that contains or incorporates sexual exploitation of a child. See K.S.A. 21-3516, as amended.

IV. All patrons are prohibited from sending electronic mail, instant messages, or chat room messages that violate any local, state or federal laws. Violators of this prohibition are subject to the consequences described above. Because of limited staff and technical resources, chat, e-mail, and commercial transactions are not a service priority. Library staff will not provide assistance with those activities.

V. Patrons will use the Library's computers and software in a responsible manner and will not use them in a careless and/or abusive way. Misuse of computer equipment and Internet access may result in the consequences described above. Misuse includes, but is not limited to:

1) Activities causing damage to Library computer equipment, software programs, and data.

2) Activities deemed unlawful according to local, state and federal law.

3) Unauthorized access to secure data, including so-called "hacking." Violations will be immediately reported to appropriate law enforcement officials.

VI. Violation of individual privacy rights, including unauthorized disclosure, use and dissemination of personal information regarding minors is prohibited. Persons violating this prohibition are subject to the consequences described in section II above. Library staff will not disclose Library customers' use of the Library with respect to information sought or received, including Internet use, except pursuant to a valid court order or subpoena authorized under federal, state or local law.

VII. The Library will comply with suggestions found in CIPA and NCIPA to incorporate Technology Protection Measures (TPM) in the Library computer system. The reliability of this technology is questionable and the Library cannot be held responsible for prohibited information that may be displayed or for useful information that may be blocked.

The Library realizes that any filtering scheme or other TPM can inhibit research. For this reason, all computers in the Library will have a TPM in place but the ability to turn off or circumvent the TPM will be available by special request from any patron with a valid reason to do so. The decision to circumvent the TPM and the circumstances upon which unfiltered computer access will be available will be at the Library Director's discretion. The applicant may appeal the Library Director's decision by petitioning the Library Board. The Library Board's decision will be final.

The Library agrees to purchase and/or maintain subscriptions to online information services that serve a wide variety of areas of education and research, for children and adults.

VIII. All patrons who use the Library's computers will be required to read this policy. They will also be required to sign an instrument attesting to the fact that they have read and understand this policy and promise to abide by the rules herein described.

Parents or legal guardians of children below the age of eighteen years will be required to sign an instrument attesting to the fact that they have read and understand this policy and that they will be responsible for their children's responsible use of the Library's computers. These parents or legal guardians agree to hold the Library, its staff and the Board harmless in the event their children access questionable material on the Internet, either accidentally or on purpose.

IX. Free wireless Internet access is provided to the citizens of Tonganoxie at the Library courtesy of Sunflower Broadband. As a "Hot Spot," patrons may connect to the Internet with a wireless laptop, PDA or other portable device from within the Library. Library staff cannot offer technical support for establishing or maintaining a connection and the Library is not responsible for hardware or software damage, or for loss or theft of unattended equipment. The wireless connection is not secure. Since the radio signals can potentially be intercepted, activity requiring transmission of credit card numbers, passwords, and other personal information should be avoided. The wireless network is open and simultaneously connected computers are visible to each other, and therefore vulnerable to other users' viruses, malware, and hacks. Users are responsible for maintaining up-to-date antivirus software and firewalls. Patrons may only access web-based e-mail and printing from the wireless network will not be supported. The wireless Internet access is unfiltered, but all Library policies concerning legal and acceptable use of computers and the Internet apply.

The Board of the Tonganoxie Public Library hereby ratifies this policy.  
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