

CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: LIBRARY

AGENDA DATE: MARCH 5, 2013- REGULAR

CONTACT PERSON/PHONE: DIONNE MACK, LIBRARY DIRECTOR, 543-5413

DISTRICT (S) AFFECTED: ALL

SUBJECT:

Approve a RESOLUTION that the City Manager be authorized to approve the Computer Use Policy for the El Paso Public Library, which is in compliance with the Children's Internet Protection Act.

BACKGROUND / DISCUSSION:

The Children's Internet Protection Act (CIPA) was enacted by Congress in 2000 to address concerns about children's access to obscene or harmful content over the Internet. In early 2001, the FCC issued rules implementing CIPA and provided updates to those rules in 2011. The legislation includes provisions related to the E-rate program, administered by the Federal Communications Commission (FCC), and the Library Services & Technology Act (LSTA).

CIPA imposes certain requirements on libraries that receive discounted rates for Internet access, Internet service, or internal connections under the E-rate program, or receives funding through LSTA. In a nutshell, the Children's Internet Protection Act requires public libraries to install Internet filtering software on all of its computers (public access and staff) if the library uses federal money to purchase computers that will access the Internet or to purchase Internet access.

What CIPA Requires

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 that includes technology protection measures. The protection measures must block or filter Internet access to pictures that are: (a) obscene; (b) child pornography; or (c) harmful to minors (for computers that are accessed by minors).

Suggested revisions to the July 25, 2000 adopted policy include:

- Configuring system setting defaults to filtered internet access for all library users.

In compliance with the June, 2003 CIPA ruling (02-361) by the Supreme Court, unfiltered access to the Internet shall be made available to adults requesting such access **on a per session basis**. Unfiltered access will continue to be un-available for anyone under the age of 18.

- Remove references to ten free print-outs per user.

Over the last decade El Paso Public Library has enjoyed unprecedented growth in public technology availability and use. The number of available computers has increased by 350% and use by over 235%. The goal has always been to provide the best service possible to library patrons but budget reality dictates that we are not able to continue to offer free print services valued at \$74,265 per year.

In past years, the El Paso Public Library received outside funding in addition to tax revenue collected by the City of El Paso. From 2002-2011, El Paso Public Library received direct state aid averaging

\$60,000 per year from the Texas State Library and Archives Commission (TSLAC) and was therefore able to subsidize technology, including public printing services. In 2012, the Broadband Technology Opportunity Grant (BTOP) provided provisions allowing for continued subsidies thru May 1, 2013.

With the elimination of all direct state aid, library funding from state and local sources has declined, when adjusted for inflation, by \$214,376 or 2.5%. If this program were to continue this expense would need to be financed through the general fund.

**Regional Comparison
Fees for Print Jobs
Per Page**

Public Library	Black & White	Color
El Paso Public Library (only library to offer 10 free prints)	\$ 0.10	
Albuquerque Public Library	\$ 0.15	
Ft Worth Public Library	\$ 0.15	\$ 0.50
Harris County Public Library	\$ 0.10	\$ 0.50
Houston Public Library	\$ 0.15	\$ 1.00
San Antonio Public Library	\$ 0.25	
Metropolitan Library System (Oklahoma City)	\$ 0.10	\$ 0.50

PRIOR COUNCIL ACTION:

On July 25, 2000 Council approved a resolution authorizing the Mayor to sign the Acceptable Use Policy for the El Paso Public Library System.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD/COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: 

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to approve the Computer Use Policy for the El Paso Public Library, which is in compliance with the Children's Internet Protection Act. (All Districts.)

ADOPTED this _____ day of _____, 2013.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

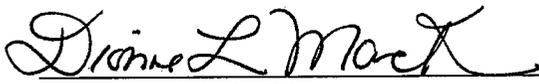
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Kristen L. Hamilton
Assistant City Attorney

APPROVED AS TO CONTENT:



Dionne L. Mack, Director
El Paso Public Library

Computer Use Policy

Introduction

This document constitutes a Library-wide policy for the management of public computers and wireless network resources. In agreement with the Children's Internet Protection Act (CIPA ~ Public Law 106-554, which is codified in 47 USC 254), all Library public access workstations use filtering software to access the Internet. Adults 18 or older who need unfiltered access for any lawful purpose may request it from a staff member. Unfiltered access will be granted on a per-search basis.

Purpose

The El Paso Public Library offers access to information resources in electronic format and public computers as part of the Library's reference and literacy services and in accordance with the Library's mission. The Library's electronic services are not intended to provide access to every software or hardware application or to every source of information available. The Library only assumes responsibility for information provided on the Library website, which is maintained and updated by Library staff. El Paso Public Library has no control over the information accessed through the Internet, other than the content provided on the Library's website. Internet resources offer links to many valuable sources of information. However, not all sources on the Internet provide accurate, complete, or current information. A good information consumer evaluates the validity of all information found.

Supervision of a child's access to the Internet is ultimately the responsibility of the parent or guardian; the Library does not have the right or responsibility to act in loco parentis (on behalf of the parent/guardian). However, in accordance with the Children's Internet Protection Act (CIPA ~ Public Law 106-554), the Library does use internet filtering software on all its public-access computers to prevent both minors (persons under the age of 18) and adults from accessing certain visual depictions that are (1) obscene (as defined in section 1460 of title 18, United States Code), (2) child pornography (as defined in section 2256 of title 18, United States Code) or, with respect to use of computers with Internet access by minors, (3) harmful to minors. Furthermore, all customers must abide by §43.22 and §43.24 of the Texas Penal Code, which prohibits the intentional or knowing display of such materials, while being reckless about whether a person, especially a minor, is present who will be offended or alarmed by the display.

Responsibilities of Users

Rules Governing Use

Software has been loaded on most public access computers to manage computer sign-up in defined time increments. This software requires the user to log on to the computer using a barcode, either from a valid library card or a guest pass supplied by the Library. In order to provide equitable patron access, computer usage is limited to a finite number of sessions per day. All computer sessions, regardless of length, count towards the session number total. Session limits may vary by location and by type of workstation. Computer users must respect the established time limit and honor any staff request to end

their session. Printing is available for a per page fee from most computer workstations, and patrons are responsible for full payment for any printing done at the Library.

Users may not:

- Circumvent filtering or blocking software, or other security measures to access visual depictions deemed (a) obscene, (b) child pornography, or (c) harmful to minors, as defined in the Children's Internet Protection Act (CIPA ~ Public Law 106-554).
- Circumvent public access computer time management software, or procedures.
- Use the workstations or laptop devices to gain access to the Library's networks or computer systems or to any other network or computer system.
- Obstruct other people's work by consuming large amounts of system resources or by deliberately crashing any Library computer system.
- Attempt to damage computer equipment or software.
- Attempt to alter software configurations.
- Attempt to cause degradation of system performance.
- Use any Library workstation for any illegal or criminal purpose.
- Violate copyright laws or software licensing agreements in their use of Library workstations.
- Engage in any activity that is deliberately and maliciously offensive, libelous, or slanderous.
- Install or download any software.

Violations may result in loss of access. Staff is empowered to terminate or extend a user session if appropriate. Unlawful activities will be dealt with in an appropriate manner, including notification of law enforcement authorities.

Supervising Children's Use

It is the Library's policy that parents or legal guardians must assume responsibility for deciding what electronic and online resources are appropriate for their children. There will be some resources that parents may feel are inappropriate for their children. Parents are responsible for informing their children as to which materials are and are suitable for use by the child. Parents should supervise their child's Internet sessions.

In agreement with CIPA regulations, all Library public-access workstations use filtering software to access the Internet. No filtering software can control access to all materials that an individual may deem inappropriate. El Paso Public Library does not guarantee the total effectiveness of technological protection measures such as filtering software.

Information on teaching children and teens to avoid the dangers that exist on the Internet can be found at NetSmartz: <http://www.netsmartz.org/index.aspx>. This site is sponsored by the National Center for Missing and Exploited Children.

Choosing and Evaluating Sources

The Internet is a global entity with a highly diverse user population and information content. Library customers use it at their own risk. The Library cannot protect users from materials they may find offensive. In choosing sources to link to our home page, we follow generally accepted library practices. Beyond this, we do not accept responsibility for content found in an Internet source. We are not responsible for changes in content of the sources to which we link, nor for the content of sources accessed through secondary links. As with printed information, not all sources on the Internet provide accurate, complete, or current information. Users should evaluate Internet sources just as they do printed publications, questioning the validity of the information provided.

Copyright

U.S. copyright law (Title 17, U.S. Code) prohibits the unauthorized reproduction or distribution of copyrighted materials, except as permitted by the principles of "fair use". Users may not copy or distribute electronic materials (including electronic mail, text, images, programs or data) without the explicit permission of the copyright holder. Any responsibility for any consequences of copyright infringement lies with the user; the Library expressly disclaims any liability or responsibility resulting from such use.

The Library expressly disclaims any liability or responsibility arising from access to, or use of, information obtained through its electronic information systems, or any consequences thereof.

Liability

The Library buildings may be subject to power surges and power outages, which may affect personal equipment and transactions taking place on public computers. The Library assumes no liability for any loss or damage to users' data or devices, invasion of the user's privacy, or for any personal damage or injury incurred as a result of using the Library's computing resources.

The Library is not responsible for the theft of personal computers or other devices, personal property loss or damage.

The El Paso Public Library assumes no responsibility for any damages, direct or indirect, arising from use of its Internet server (home pages), Internet connections (wireless or wired) or from its connections to other Internet services. The Library does not guarantee that individual users are protected from accessing information they personally may deem undesirable or disturbing.

Users acknowledge that security errors and hacking are an inherent risk associated with any wireless Internet service, and agree that they knowingly assume such risk, and further agree to hold the Library harmless from any claim or loss arising out of, or related to, any such instance of hacking or other unauthorized use or access into the user's computer.

Website Comment Form

In accordance with the Children's Internet Protection Act (CIPA ~ Public Law 106-554), El Paso Public Library does filter Internet access to certain visual depictions that are (1) obscene, (2) child pornography, or (3) harmful to minors.

If you were unable to access a Web site and you do not believe the content of that Web site falls into the above-mentioned categories, or if you were able to access a web site that you feel does fall into one of the above-mentioned categories, please download the form below so that our filtering software company may review the site in question.

Final: 1/17/2013

EXHIBIT A

El Paso Public Library
Misclassified Web Site Comment Form

In accordance with the Children’s Internet Protection Act (CIPA ~ Public Law 106-554), El Paso Library does filter Internet access to certain visual depictions that are 1) obscene, or 2) child pornography, or 3) harmful to minors.

If you were unable to access a Web site and you do not believe the content of that Web site falls into the above-mentioned categories, or if you were able to access a web site that you feel does fall into one of the above-mentioned categories, please fill out the information requested below so that our filtering software company may review the site in question.

Once completed, this form can be submitted to any staff member or mailed to:

Office of the Director
Attn: Manager of Technical Services
501 N. Oregon
El Paso, TX 79901

DATE: _____

LIBRARY BRANCH/UNIT: _____

What is the URL (Web Site Address) for the Web site?

This site: Should be blocked Should not be blocked

What, to your knowledge, is the content or purpose of this Web site?
(Use back of page if necessary)

Please provide any additional comments that would help in evaluating the appropriateness of this Web site.
(Use back of page if necessary)

Name

Phone Number

E-mail Address

Address

City/Zip

For internal use only

Sent to Technical Services(date, initials) _____

Rules for Public Computer Use

All patrons must have a valid EPPL card to use the public computers. Use of the computers and software is free. There is a minimal charge to print.

1. Patrons must scan their El Paso Public Library card or enter their card number manually to sign up for computer access at the Computer Kiosk when no computers are available. Non-renewable day passes are available to guest visitors. Reservations are not allowed.
2. Minors (anyone under the age of 18) must have a valid library card and a signed Internet Use Permission Form to use computers.
3. Patrons cannot use another's identification, barcode or personal identification number (PIN), with or without permission, to sign up or log on to a computer.
4. All cardholders are initially set up to have filtered Internet sessions.¹ Patrons age 18 and older, and parents/guardians of minors, may choose to designate unfiltered sessions for themselves and their minor children. Library staff may later change filtering designations upon patrons' request (in person) and in accordance with these Rules.
5. The Library reserves the right to designate computers in some areas as reserved for use by teens, children, and their caregivers. Adults are expected to use the computers in adult-designated areas.
6. To protect patrons' privacy, all privacy screens must remain on monitors at all times.
7. Computer use is limited to one-hour sessions, but patrons may register for additional one-hour sessions.
8. If patrons do not log on to assigned computers within 5 minutes of their session starting time, the computers will be assigned to the next patrons on the waiting list. If patrons on the waiting list are not present when their name is displayed, they will lose their turn and will have to sign up again.
9. Patrons must lock their sessions to walk away from the computer momentarily. If patrons do not return by the end of the locked time, their sessions will time out and the computers become available for use by the next patrons on list.
10. Patrons must log off their sessions when done.
11. Patrons need to complete their tasks when the time management software displays the 5- minute warning. Additional time will not be granted once the session has expired.
12. Downloading or saving of any files may only be done to the patron's own storage devices. Patrons may purchase a blank external storage device (e.g., diskette, CD, flash-drive) from Library staff. All devices are subject to inspection for viruses and outside programs before every session. The Library is not responsible for loss or damage to media or for corruption of data, including damage caused by mechanical malfunction or corruption or loss of data caused by virus or spyware infection while using library computers.
13. No more than two patrons may share one workstation. Disruptive behavior, noise, or conversation will not be tolerated and may result in loss of computer privileges.
14. If problems are encountered during sessions, patrons must notify a Library staff member immediately with a description of the problem. Problems will be resolved as staff time permits.
15. Computer sessions will not be automatically extended to accommodate computer down time.
16. Patrons may add value to their library cards to pay for printing at designated service desks. Payment for printing is automatically charged against the patron's account balance.
17. All cardholders are entitled to \$1.00 worth of free printing per day through LUNA. Additional printing is available at \$.10 per page for black & white and \$.25 for color printing. The cost of duplex printing is deducted based on each side printed.
18. Patrons will not receive a refund for any unused print credits. Credits or reprints will only be issued for bad prints resulting from mechanical or equipment failure.
19. Patrons with special printing needs must contact staff prior to releasing a print job.
20. Print jobs pending in the queue at the end of the business day will automatically be deleted.
21. El Paso Public Library will not be responsible for any items left behind.

¹See: http://www.elpasotexas.gov/library/help/internet_filtering.asp