

GREENVILLE COUNTY LIBRARY

INTERNET USE POLICY

Section 1. Purpose for Providing Internet Use : The Greenville County Library (hereinafter "Library") provides limited access to the Internet in a non-public forum, as a service to our patrons. The Internet is a resource that enables Library patrons to connect to information beyond that contained in the Library's collection. The Library is not a commercial Internet service provider. It is the Library's policy to provide Internet access to the public within the limits of available space, equipment, time, personnel, and other resources. The Library cannot guarantee access to the Internet at any given time. The Library is not open to the public for all forms of expressive activity. In offering Internet access, it is not the intent of the Library to create a public forum with respect to the receipt and communication of information through the Internet.

The Library may recommend interesting, useful, and legal Internet destinations and resources for Library patrons to access and explore. However, the Internet is currently an ungoverned and unregulated source of both verified and unverified information. While the Internet does contain a wealth of useful material, it also provides access to sites containing material that some patrons may find offensive or objectionable as well as access to sites that are illegal, unlawful, or obscene.

This Internet Policy is intended to affirm and serve to advance the following governmental interests:

- (A) The protection of children from exposure to obscene material, child pornography, or material harmful to them; and
- (B) The aid and support of parents and/or the guardians of children in the discharge of their primary responsibility for their children's well-being; and
- (C) The prevention of the creation of a sexually hostile work environment for library Staff and patrons, and the prevention of discriminatory conduct; and

- (D) The maintenance of discipline and order, and the limitation of disruptions in the study or work environment of the Library; and
- (E) The minimization of providing access to illegal pornography; and
- (F) The aid and support of Federal and state criminal and civil laws designed to deter and punish trafficking in obscenity, child pornography, stalking, and harassment by means of computer; and
- (G) The promotion of respect for authority and traditional values, be they social, moral, or political; and
- (H) With respect to minors, the exclusion of material which is "pervasively vulgar" or "educationally unsuitable" for the respective recipient age group.
- (I) The preservation of the Right of the Nation and the States to Maintain a Decent Society.

In providing computer access as an information resource, such as the use of or providing access to or through the Internet, World Wide Web, or an interactive computer service (as defined in 47 U.S.C. § 230 (e)(1) and (2) and § 231 (e) (1) and (3)), the Library realizes that electronic display is more public in nature than other print media. It also recognizes that while it is impossible to monitor totally all the information or images that can be accessed on the Internet, some amount of control can be exercised. The Library will seek to facilitate, provide, and encourage Internet use in its facilities that is in accord with general community standards. The public dissemination of obscene material or child pornography is not necessary nor required under the Library's mission and is inconsistent with public policy and community standards. The Library also seeks to avoid and minimize the opportunity that unrestricted access to the Internet would result in exposure and exhibition of offensive sexual materials that could contribute to a hostile work environment or other sexual harassment or discipline problems within the Library environment.

Recent news reports and studies indicate that the problem of children and adults (including registered sex offenders) accessing sexually explicit

pornographic materials (including child pornography, bestiality, hard core adult pornography, and with respect to minors, pornography that is harmful to minors) in public libraries may result in situations potentially harmful to public health and safety. In particular, a 1999 report entitled "Dangerous Access," released by Filtering Facts, a librarian organization that promotes the protection of children in public libraries, documents 503 incidents in which patrons have accessed pornography in public libraries. Children were involved in 245 of the incidents, and 20 involved child pornography, a molestation, and several attempted molestations. The report documents at least 195 incidents of children accessing pornography in public libraries, at an average age of 12 years. Many instances are reported where adults have exposed minor children to adult pornography and child pornography, such as would be done intentionally by pedophiles, child stalkers, or child pornography addicts. Most significantly, this Library's Board has identified more than 100 incidents in which patrons have viewed and displayed pornography. In a number of incidents, minor children and other unwilling patrons and Staff have been exposed to pornography and/or obscenity. Some of these exposures have been intentional. The viewing and displaying of pornography and/or obscenity has created an atmosphere that some patrons and Staff have described as negative and hostile.

The Library reserves the right to evaluate, test, use, and implement software and network control and filter mechanisms designed to limit or restrict access to sources of information or images deemed inappropriate for Library dissemination under the criteria set forth in Sections 2, 3 and 4, below. The Library reserves the right to restrict or attempt to restrict entry into the Library's computer terminals or network of any materials that may not or would not meet the Library's selection criteria or policy for the Library's physical book, film, magazine, or other collections, and the Library may use, employ, or delegate such judgments and functions to outside parties, consultants, Internet service providers or filter services, as well as to staff and directors of the Library. Finally, the Library reserves the right to claim and take advantage of the "Good Samaritan" immunity protections for voluntary use of screening and blocking mechanisms and procedures to restrict access to pornographic, violent, harassing, or otherwise objectionable materials, whether or not such material is otherwise constitutionally protected in other forums or places, as provided in federal

law in Title 47, United States Code, Section 230 (c) (47 U.S.C. § 230 (c) (1) and (2)).

Section 2. Prohibited Access Criteria: The Library will implement software and/or network control mechanisms designed to limit or restrict access to sources of information or images that may be deemed to be Obscene, including hard-core pornography depicting sexual conduct where penetration of the genitals is clearly visible and other explicitly sexual pornographic representations of sexual conduct ("ultimate sexual acts, normal or perverted, actual or simulated, ... masturbation, excretory functions, and lewd exhibition of the genitals") within the scope of federal and state obscenity laws and the constitutional test for obscenity provided by the United States Supreme Court in the "Miller Test" announced in *Miller v. California*, 413 U.S. 15, 24-25 (1973), *Smith v. United States*, 431 U.S. 291, 300-02, 309 (1977), *Pope v. Illinois*, 481 U.S. 497, 500-01 (1987), etc.

Section 3. Prohibited Access Criteria: The Library will implement software and/or network control mechanisms designed to limit or restrict access to images that may be deemed to be Child Pornography, containing a visual representation of a minor under 18 years of age engaging in sexually explicit conduct, as defined in 18 U.S.C. § 2256.

(A) There is an inference, which may be rebutted, that a participant in sexual activity, depicted as a minor through its title, text, visual representation, or otherwise, is a minor.

(B) As used herein, sexual activity includes sexual acts by minors such as intercourse, oral sex, and includes "lascivious exhibition of the genitals or pubic area." In determining when genital or pubic area exhibitions are "lascivious," guidance shall be drawn by the following factors discussed in *United States v. Dost*, 636 F.Supp. 828, 832 (S.D. Cal. 1986), affirmed, sub nom, *United States v. Wiegand*, 812 F.2d 1239, 1244 (9 Cir. 1987), cert. denied, 484 U.S. 856 (1987):

(1) examples of sexually suggestive or lewd photographs of children would be those in which the child is depicted as half or partially clothed, posed in such a way as to depict or suggest a willingness to engage in sexual activity or a sexually coy attitude.

(2) In determining whether a visual depiction of a minor constitutes a lewd or lascivious exhibition of the genitals or pubic area, the following factors, among any others, may be relevant in the particular case:

(a) whether the focal point of the visual depiction is on the child's genitalia or pubic area;

(b) whether the setting of the visual depiction is sexually suggestive, i.e., in a place or pose generally associated with sexual activity;

(c) whether the child is depicted in an unnatural pose, or in inappropriate attire, considering the age of the child;

(d) the child is fully or partially clothed, or nude;

(e) whether the visual depiction suggests sexual coyness or a willingness to engage in sexual activity;

(f) the visual depiction is intended or designed to elicit a sexual response in the viewer.

A visual depiction need not involve all of these factors to be a lewd or lascivious exhibition of a minor's genitals or pubic area. A determination may be made based on the overall content of the visual depiction, taking into account the age of the minor and the nature of the work and its context, promotion, or marketing.

Section 4. Prohibited Access Criteria: While a computer providing access to the Internet or other interactive computer service is being used by a minor or is being used in an area accessible to or frequented by minors, during such use the Library may also implement software and/or network control mechanisms designed to limit or restrict access to sources of pornographic information or images that may be deemed to be "obscene as to minors" or "Harmful to Minors," as that term is used in federal (47 U.S.C. § 231 (e)(6)) and similar state laws, for the age groups of minors who may be exposed to such materials.

Section 5. Application of Selection Criteria: The Library reserves the right to implement software and/or network control mechanisms designed to limit or restrict access to material that does not meet the established selection criteria that the Library applies to all other material, including material that violates federal, state, or local laws.

Section 6. Access to Terminals without Software and/or Network Control Mechanisms: Should an adult patron desire to access a computer without software and/or network control mechanisms for the purpose of obtaining information or images that do not meet the criteria listed in Sections 2 or 3 above, the patron shall be allowed access to a computer without software and/or network control mechanisms. In Main, the computer will be provided near the Reference desk. In the branches, the computer will be provided near the Staff desk. The Internet Use Policy shall apply at these computers in all respects.

Section 7. Disclaimers Regarding Internet Use: The Library has no control over the information contained on the Internet and is not responsible for its content. The Library cannot verify or be held responsible for the accuracy, reliability, quality, timeliness, or legality of information found on the Internet. The Library cannot be held liable for the conduct of Internet users. The Library may not be able to control access to materials or protect patrons from materials they may find offensive. Library users access the Internet at their own discretion and risk, and they are responsible for evaluating the validity and appropriateness of information accessed. Users should be aware that the Internet is not a secure or private medium and that third parties may be able to obtain information regarding users' activities. However, the Library will not disseminate information on the use of specific Internet resources by any users except as required by law or as is legally permitted and necessary for the proper operation of the Library.

Section 8. Warning and Notice to Parents and Guardians: Because the Internet includes some information which parents and guardians may deem to be unsuitable for their children, parents and guardians must provide the necessary guidance and oversight of their children. They are the primary ones who may make decisions regarding whether to permit their

children to have Internet access at the Library. Parents and guardians must ensure that they take all appropriate parental and guardian actions in respect to the use of the Internet at the Library by their minor children. The Library and its staff cannot act in the place of a parent or guardian.

As a condition of Internet use at the Library, each user must agree to comply with all applicable laws, rules, and regulations, including without limitation, all rules and regulations which may be established from time to time by the Library. Further, each user must agree to take no action on the Internet which could cause the Library to incur any expense beyond the general access fees. By initiating use, the user agrees to the fullest extent permitted by law to hold the Library harmless from any liability for any wrongful conduct of the user, including without limitation, any such unauthorized expense, costs, and attorney's fees.

The Library reserves the right to refuse access to the Internet to any person or persons for the violation of this or any other policy of the Library, in accordance with applicable law.

The following rules for the use of all Library Internet computers are adopted and established as an integral part of this policy:

Rules of Use for the Internet

- 1 Each user shall be deemed to agree, by advancing beyond the initial computer screens, to abide by the Library's Internet Use Policy
- 2 Users must sign in to use the Internet.
- 3 Users must hold a library card issued by the Greenville County Library.
- 4 Users are limited to two hours per day on the Internet at the Main library or at any branch. Users may use the Internet in increments of one hour.
- 5 Users may not send, receive, or display obscene materials, child pornography, and/or other materials prohibited under applicable local, state, and federal laws.

6 Users may not make unauthorized entry into other computational, informational, or communication services or resources.

7 Users may not misrepresent themselves or the Library by using computer accounts, access codes, numbers, passwords, signatures, or network identification assigned to others.

8 Users may not invade the privacy of others at any time or in any way.

9 Users may not use the Internet for illegal activities, including the violation of the rights of third parties, or activities inconsistent with the Library's tax-exempt status.

10 Users may not make any attempt to damage or alter the Library's computer equipment, software, or data, and/or the equipment, software, or data of others.

11 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." Subject to fair use, users may neither reproduce copyrighted materials (text, images, programs, and/or data) nor distribute such materials by any means (including electronic mail) without the explicit written permission of the copyright holder. Responsibility for any consequences of copyright infringement lies with the user. The Library expressly disclaims any liability or responsibility resulting from such use.

12 Only Library staff may reboot, restart, or log onto the Library's Internet computers.

If the Library determines that a user would benefit from additional instruction in the use of the Internet, the Library reserves the right to request that a user attend an orientation and/or training session.

Further, the Library reserves the right to limit the volume of printing of materials by patrons and/or to impose charges for such printing.

Violation of the Library's Internet Use Policy and of any other rules and regulations may result in a loss of access to the Internet (including the World Wide Web) through the Library's Internet connection and/or a loss of other Library privileges. Unlawful activities may result in prosecution by local, state, and/or federal authorities.

Users may appeal the loss of access to the Internet under the provisions of the Library's Suspension of Privileges Policy.

Because of the unsettled state of applicable local, state, and federal laws, this policy is considered to be a working document and is being implemented on a trial basis. The Library reserves the right to make any changes in this policy at any time.

Section 8. Severability: If any section, sub-section, sentence, clause or any part of this Policy is for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Policy; and it shall be construed to have been the Board's intent to pass this Policy without such unconstitutional, inoperative or invalid part therein; and, the remainder of this Policy, after the exclusion of such part or parts, shall be held and deemed to be valid as if such excluded parts had not been included herein.

This policy will become effective on _____, 2000.