



MEETING DATE: 4/19/04

ITEM NO. 7

COUNCIL AGENDA REPORT

DATE: April 8, 2004
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER
SUBJECT: APPROVE REVISION OF LIBRARY'S INTERNET ACCESS POLICY

RECOMMENDATION:

Approve revision of Library's Internet Access and Acceptable Use Policy (Attachment 1)

BACKGROUND:

The purpose of this revision to the Los Gatos Public Library Internet Policy and User Agreement, and the associated implementation policies is to streamline the Internet management process at the library. The new policies and procedures will allow users to agree to internet policies online, each time an Internet session is initiated. This will replace a cumbersome manual process of reading and signing a paper copy of the Los Gatos Public Library Internet Policy and User Agreement. In addition, parental control of a child's/minor's access to the Internet is moved to the library card application, where parents/guardians are provided the option to deny access.

On December 18, 1997, as part of installation plans for Internet access in the Library, the Town Council accepted a public access policy. This policy is now over seven years old, crafted before widespread acceptance and use of the Information Highway. The policy was also put in place before courts in Livermore, California, ruled that public libraries cannot be held responsible for use of the Internet by minors. On February 11, 2004, the Library Board unanimously endorsed the attached draft revision of the Los Gatos Public Library Internet Access Policy and User Agreement.

DISCUSSION:

Currently, there is no mention of the library's Internet Access policy on the library card application. Person's wishing to use the Internet are required to read the Los Gatos Public Library Internet Access

PREPARED BY: Peggy Conaway Library Director (with signature)

Reviewed by: PSJ Assistant Town Manager OK Town Attorney Clerk Finance Community Development Revised: 4/15/04 10:12 am

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Policy and User Agreement (Attachment 2). The last page of this document contains an agreement which must be signed and returned to staff before Internet use can happen. Staff keep these agreements on file and must check them each time someone wishes to log on to the Internet.

The library proposes adding language to the library card application that informs applicants that the Library has an Open Access Internet policy. The Agreement portion of the User policy will be eliminated. The application will also inform parents that the Internet is a valuable tool for library research and information, and the library does not restrict its use, as it does not restrict the use of any library materials by age of the user. If a parent desires, the library can issue a card that denies internet use. (Attachment 3)

Using timing control software, a person desiring to use the Internet Stations in the library, must enter their library card number or be logged on by staff as a guest. The Internet Access and Acceptable Use Policy will display on the opening screen of all Internet workstations. Acceptance of this policy will then launch software that will automatically time and end the session. If the user does not accept the policy, an Internet session is not allowed. If the Internet user is a child who has a card that denies Internet Access, a session will not be allowed, and staff will not extend guest sessions to children without first checking their library account.

The new policy supports the Library Bill of Rights, previously endorsed by council, that allows no restrictions to materials regardless of age, and also strengthens the Library's position that parents or legal guardians are responsible for their child's use of the Internet. It also permits the efficient implementation of timing software. There is a savings in staff time by using the appropriate technology to sign on and time Internet Users, and a slight cost savings because the User Agreement will not be printed.

CONCLUSION:

The Library Board approved this draft Internet Access and Acceptable Use Policy on February 11, 2004. Staff recommends Council approval to bring the Access Policy in line with current use of the Internet as an information delivery tool.

ENVIRONMENTAL ASSESSMENT:

Is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

None

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Attachments:

- 1) Recommended Internet Access and Acceptable Use Policy
- 2) Los Gatos Public Library Internet Access Policy and User Agreement
- 3) Application Language

LOS GATOS PUBLIC LIBRARY
Internet Access
and
Acceptable Use Policy

Los Gatos Public Library is pleased to offer open access to the Internet. The Internet allows users to connect to international networks of information, resources and ideas outside the Library. The Library does not monitor and has no control over these resources nor does the Library have complete knowledge of what is on the Internet.

Information on the Internet may be reliable and current or it may be inaccurate, out-of-date, or unavailable at times. The Internet and its resources are always changing. Users should be warned that some material on the Internet might contain items that are illegal, inaccurate and potentially offensive and/or disturbing to some people. Library users access the Internet at their own discretion.

Los Gatos Public Library assumes no responsibility for the use of the Internet by children. It is the responsibility of the parent or legal guardian to determine what is appropriate. Parents may wish to read the guidelines for *Child Safety on the Information Highway*, produced by the National Center for Missing and Exploited Children and Interactive Services Association, and located at (http://www.missingkids.com/html/nmec_default_child_safety.html).

Rules governing Internet Use

The User shall observe and abide by all applicable laws, including, but not limited to, all copyright laws and software licensing agreements in his/her use of the workstations.

Also, for purposes of complying with Federal law, the User shall not: (i) make, create, solicit or initiate the transmission of obscene material; (ii) display harmful, offensive or obscene text or graphics when minors are present; and (iii) shall not leave workstations unattended under circumstances in which minors can purposely or inadvertently be exposed to harmful, offensive or obscene material.

The User shall not degrade or disrupt equipment or system performance, gain unauthorized access to resources or entities, or download files to hard drive.

The User shall not use his/her own software on any Library workstation.

Workstations are located in public areas which must be shared by library users of all ages. The User agrees to use the workstations in a responsible manner consistent with applicable law and the library behavior policy. The user agrees to be mindful and respectful of the rights of library patrons not to be inadvertently exposed to obscene material or material they or their legal guardians may find unsuitable, harmful, or offensive.

Privacy screens are available and may be requested by customers for use in the library. In addition, a staff

member may require a customer to use a privacy screen when a staff member deems it necessary.

Users may not invade the privacy of others. Each user has a right to a quiet and organized workspace. No more than two people may use a workstation at the same time.

Due to limited resources available for provision of public access to the Internet, the Library reserves the right to limit the amount of time an individual user may have access to library equipment.

The User must follow library instructions to properly log-in and log-off the Internet, and will access workstations in compliance with the rules of the library timing software.

The User shall be allowed to print up to 10 pages at no charge. After 10 pages, the charge will be \$0.05 per page.

Workstations will be shut down *no later than* 5 minutes before the Library closes.

Failure to observe any portion of this Internet Access and Acceptable Use Policy may result in loss of general library privileges, including limitation of Internet access rights. If user refuses a staff request to end problem behavior, the user will be asked to leave the library. Staff may call upon the assistance of other and/or supervisory staff, and if the situation escalates, police may be called.

9/03

LOS GATOS PUBLIC LIBRARY INTERNET ACCESS POLICY AND USER AGREEMENT

Includes Rules and Guidelines for Internet Access and Waiver, Release and Indemnification

The Los Gatos Public Library is pleased to offer our patrons access to the Internet. The Internet allows users to connect to international networks of information, resources and ideas outside the Library. The Library does not monitor and has no control over these resources nor does the Library have complete knowledge of what is on the Internet.

Information on the Internet may be reliable and current or it may be inaccurate, out-of-date, or unavailable at times. The Internet and its resources are always changing. Users should be warned that some material on the Internet might contain items that are illegal, inaccurate and potentially offensive and/or disturbing to some people. Library users access the Internet at their own discretion.

Minors under the age of 18 must have parental permission to use the Internet. The Los Gatos Public Library assumes no responsibility for the use of the Internet by children. It is the responsibility of the parent or legal guardian to determine what is appropriate. Parents may wish to read the guidelines for *Child Safety on the Information Highway*, produced by the National Center for Missing and Exploited Children and Interactive Services Association (<http://www.tpoint.net/child-safety.html>).

The Los Gatos Public Library (hereinafter "the Library") grants, as a limited privilege to its patrons, access to the Internet through designated Library computers ("workstations"). In consideration thereof, the undersigned ("User") hereby agrees as follows:

Section 1. Guidelines and Rules for Use.

- a. The user has read and understands the Library's *Internet Access Policy and User Agreement* and agrees to abide by the Guidelines and Rules set forth below:
- b. All users under nine years old shall be accompanied by a parent, legal guardian or adult caregiver.
- c. All minors (under 18 years old) must have an *Internet Access Policy and User Agreement* (Section 4) on file in the Library, signed in-person by a parent or legal guardian.
- d. The User shall observe and abide by all applicable laws, including, but not limited to, all copyright laws and software licensing agreements in his/her use of the workstations.
- e. Also, for purposes of complying with Federal law, the User shall not: (i) make, create, solicit or initiate the transmission of obscene material; (ii) display harmful, offensive or obscene text or graphics when minors are present; and (iii) shall not leave workstations unattended under circumstances in which minors can purposely or inadvertently be exposed to harmful, offensive or obscene material.
- f. Workstations are located in public areas which must be shared by library users of all ages. By signing this agreement, the User agrees to use the workstations in a responsible manner consistent with applicable law, mindful and respectful of the rights of library patrons not to be inadvertently exposed to obscene material or material they or their legal guardians may find unsuitable, harmful, or offensive.

Section 4. Permission for Use by Minor Child.

The following minor child(ren) over whom the user has legal guardianship is (are) hereby authorized to use the Library workstations to access the Internet, subject to Sections 2 and 3 above.

Child's Name _____

Child's Age _____ Birthdate _____

Address _____

Phone Number _____

Child's Name _____

Child's Age _____ Birthdate _____

Address _____

Phone Number _____

Section 5. Signature of Adult Internet User

Signature _____

Printed Name _____

Street Address _____

City, State, Zip _____

Home Phone Number _____

Daytime Phone Number _____

This Agreement is executed this _____ day of _____, 20__.

Received By Library Staff _____

Date: _____

2/00

New library card applications

Under the signature line, this language will be added:

Please read important information on reverse side before signing, especially regarding Open Access Policy ***

The reverse side of the application will have general library use rules (check out periods, fines, etc.) and end with the following statement:

“***PARENTS/GUARDIANS: The Library has an open access policy to all materials and information sources. This means we do not restrict any item in the collection or limit access to the Internet. It is a parent’s right and responsibility to ensure that their children use the Library according to individual family beliefs and guide use by minor/s under their guardianship. To assist you in this guidance, the library creates and maintains child-friendly web pages to which you can direct your child. The library can issue a card that will deny your child access to the internet, but be aware that this prevents them from using library subscription databases, a rich source of information for school assignments. You must request such a card for your children.”

Attachment 3

