

INTERNET SAFETY AND COMPUTER ACCEPTABLE USE POLICY

PURPOSE:

This document is a System-wide policy that impacts all NEGRLS provided access to the Internet. It is based on the Mission Statement of the Northeast Georgia Regional Library System (NEGRLS). This policy applies to all users of NEGRLS provided access to the Internet regardless of the physical device used (e.g. library computer, user's laptop, hand held devices, etc.).

The Internet is a diverse tool that offers unique resources to the community. It is increasingly essential to learning. It offers new freedoms and demands new responsibilities. NEGRLS provides access to the Internet as one means of fulfilling its mission to support the role of its affiliates in making informational, educational, and cultural resources available to patrons in a variety of formats and as a means of complying with applicable laws.

RESPONSIBILITY OF THE LIBRARY:

It is the responsibility of NEGRLS to insure that policies governing library use of the Internet are in compliance with federal, state, and local laws and regulations.

Because the Internet is a fluid environment, the information available is constantly changing; therefore, it is impossible to predict with certainty what information patrons might locate. Just as the purchase, availability, and use of other library materials does not indicate endorsement of their contents by the library staff and board, neither does making electronic information available to patrons imply endorsement of that content.

By using the library's Internet service, users release and discharge the library system and its staff from any liability which might arise from the use of the service, including liability in relation to defamatory or offensive material or any breach of copyright which may occur as a result of use.

RESPONSIBILITY OF PATRONS AND PARENTS OF MINORS:

NEGRLS affirms its role in providing access to constitutionally protected materials, and also affirms the right and responsibility of parents to determine and monitor their children's use of library materials and resources. It is the responsibility of the parent or guardian to monitor and supervise their children's use of the Internet in selecting material that is consistent with personal and family values, and appropriate for the age and understanding of the children.

All Internet users at any NEGRLS library agree to hold the library, including the Regional Board, the individual county boards, and the library staff, harmless from

any claims, losses, damages, obligations, or liabilities relating to any reason, including:

1. Infringement of U.S. Copyright Law (*Title 17, U.S.C*) governing the reproduction, distributions, adaptation, public performance, and public display of copyrighted material;
2. The use and/or accuracy of information obtained from the Internet;
3. Damage to non-library software or hardware resulting from viruses downloaded via the NEGRLS provided Internet services;
4. Any use the patron makes of any material retrieved or accessed.

NEGRLS assumes no responsibility for any damage, direct or indirect, that users or anyone else may suffer through access to the Internet at any of our libraries.

To use the NEGRLS provided Internet service, the patron must read this policy or an abbreviated version prepared by the affiliated library and sign the "Registration for Internet Use" form, which agrees to the provisions of this policy as well as to additional requirements at each affiliated library.

FILTERING:

All library computers that access the Internet will have filtering software that meets legal requirements installed and activated. When there is no legal requirement to use filtering technology, the decision to implement the filtering solution provided by the State of Georgia, or another solution, will be at the discretion of each county library board. The software is a measure taken to filter Internet access to visual depictions that are obscene, contain child pornography, or are harmful to minors. If implemented, use of the software will be enforced by the library.

No filtering technology is 100% effective, and cannot substitute for the judgment and supervision of parents who make decisions for their child based on their family's values and the child's age and maturity. Parents are therefore ultimately responsible for monitoring the Internet activity of their children even though filtering software may be used.

Filtering software may block legal material that some library users may find useful, and it may not block all material that some may find offensive. The filter will be temporarily disabled at the request of any adult patron. The filter may be disabled by any adult library staff member. For purposes of compliance with the Children's Internet Protection Act, an adult is 17 years old or older. The requested use will be in compliance with library policy and will be for lawful uses only.

When filtering is not in place because it is not legally required, or is disabled (or ineffective), the patron still may not view materials that are legally obscene,

contain child pornography, or are harmful to minors. Such materials can be accidentally accessed on occasion. The patron has a responsibility to report such accidents; it is not acceptable to leave the computer without reporting it as the material left may be viewed by other patrons, including children.

RULES AND GUIDELINES:

Patrons should be aware of the following:

- The use of NEGRLS's Internet service is a privilege and a conditional service and inappropriate use of this conditional service can result in the cancellation of that privilege. Accessing the Internet at the library assumes compliance with the library's Internet policy.
- The Internet access computers as well as other library computers are available, subject to periodic maintenance, during regular library hours.
- Users must have basic computer skills.
- Use of the Internet access computers is on a first-come, first-served basis. Each affiliated library may impose time limits and other rules in order to ensure equitable access to all patrons.
- Users are financially responsible for any charges they incur from use of the Internet, including the cost of printing.
- Not all sources on the Internet provide accurate, complete or current information. Patrons need to carefully examine the source and question the validity of the information they find.
- Library computer terminals are neither private nor secure.
- Library staff has the authority to end an Internet session at any time.
- The Library does not provide email accounts to patrons.
- The Library is concerned about the safety and security of minors. When using email extreme caution must be taken by minors in regard to information of a personal nature.
- Responsibility for resolution of problems relating to any invasion of the user's privacy or loss of data rests with the user. The library assumes no liability for loss or damage to the user's data or injury arising from invasion of the user's privacy.

It is the policy of NEGRLS to maintain an environment that promotes ethical and responsible conduct in all online activities by staff and patrons. This policy is a practical and logical extension of our community's commitment to conduct that is legal, responsible, ethical, and considerate of others.

1. If the patron resides in the NEGRLS service area, he/she must present a valid PINES card each time Internet access is requested. Temporary access for users not residing in the NEGRLS service area will be provided in accordance with affiliate rules.
2. Users may not install their own software.
3. The downloading of illegal information from the Internet could lead to prosecution. The user may not use the Internet for any illegal activity, including copyright violation, or place any material on the Internet related to any illegal activity. Access, via the Internet or software or devices

- brought in by the patron to visual material that is obscene, contains child pornography, or is harmful to minors is prohibited. Neither minors nor adults shall access inappropriate material on the Internet and World Wide Web.
4. Uploading or creating computer viruses is considered a criminal offense and will result in immediate loss in Internet privileges and/or criminal prosecution.
 5. Minors shall not reveal their personal home address, location, or home phone number. Only the parent or legal guardian may supply this information on the Internet. Giving out personal information about another person, including home address and phone number, is prohibited.
 6. Users shall not seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent other users on the Internet.
 7. No Internet user shall disrupt the use of the Internet by others; hardware or software shall not be destroyed, modified, or abused in any way.
 8. Malicious use of the Internet to develop or use programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computer device is prohibited.
 9. Harassment and sending hate mail or chain letters are prohibited.

While the NEGRLS Board of Trustees does not exercise direct control over all aspects of the use of computers and the Internet at affiliated libraries, the system as a whole does comply with applicable federal and state laws and regulations. Any additional policies and/or guidelines related to Library Internet/Computer use shall be the responsibility of the each individual county library board. Copies of all such policies shall be filed with the Regional Board and may not be in conflict with this policy, or state, federal, and local laws and regulations. Each affiliated library shall prepare a brief "Rules of Conduct" sheet that includes the above policies as well other pertinent information herein and any local requirements. This sheet (or the full policy) may be presented to each applicant for Internet use and shall include a statement that it is based on this full policy statement and that the applicant may request a copy.

TERMINATION OR SUSPENSION OF ACCESS:

Authorized Library staff, given reasonable cause to believe that a user has failed to comply with the Internet Safety/Acceptable Use Policy and/or Rules either through direct observation or from evidence left on the computer, may terminate a user's session immediately.

PENALTIES FOR VIOLATION:

Problems arising from an affiliate's policies will be resolved by the affiliated library board. Likewise, any liability arising from such problems will be the responsibility of the affiliated library board.

Problems arising from application of the Regional policy will be handled as follows:

In the case of creating or purposefully uploading a computer virus, trojan horse, worm, or other malicious program to the network or to any computing device, the patron shall lose all Internet Privileges permanently. If a staff member creates or purposefully uploads a computer virus, trojan horse, worm, or other malicious program to the network or other computing device, he/she will be dismissed immediately from employment at NEGRLS. If a contractor creates or purposefully uploads a computer virus, trojan horse, worm, or other malicious program to the network or other computing device, the contract will be immediately terminated and the contractor shall not be eligible to contract with the library. No action will be taken against a patron who accidentally opens an inappropriate web site, so long as the problem is reported to the circulation desk. If, however, the patron does not report the incident, he/she shall be given the benefit of the doubt for one such occurrence. A second unreported incident shall result in that patron losing his/her Internet privileges for three months. A subsequent unreported incident after the three-month period will result in permanent revocation of Internet privileges.

In most other instances, the following shall apply:

First Violation – Internet/Computer privileges will be revoked for two (2) weeks.

Second Violation – Internet/Computer privileges will be revoked for three (3) months.

Third Violation – Internet/Computer privileges will be revoked permanently.

For every incidence of infraction, the library staff member(s) involved will write a detailed report of the incident. These will be kept on file by the Affiliated Library Manager.

In most cases the following procedure will be used: within three working days the user will be sent a written notice of this action. If the user is a minor, his/her parents will be sent a written notice of the action. The notice will contain the reasons for the action and the penalty for the violation, as well as any other pertinent details, such as notification of law enforcement agencies.

In cases where the patron has accessed child pornography (*18 U.S.C 2256*) the patrons internet privileges will be immediately suspended and the appropriate law enforcement agency will be called.

In cases where any other material that is clearly in violation of Official Code of Georgia 16-12-80 is accessed, the patron's Internet Privileges will be revoked immediately.

APPEALS PROCESS:

An Internet user whose Internet privileges have been revoked shall have the right to appeal and/or request Internet access privileges be reinstated. An appeal must be in writing and submitted to the affiliated Library Manager within five days of the prohibition. Within ten days of the receipt of the appeal, the Library Manager and the Regional Director shall review the matter and notify the patron in writing of his/her decision. If the decision is averse to the patron, the patron may appeal in writing within five days to the Affiliated Library Board of Trustees, which shall consider the matter and issue its decision in writing following the next regularly scheduled board meeting.

If the affiliated Library Board's decision is averse to the patron, the patron may appeal in writing within five days to the Regional Board of Trustees, which shall consider the matter and issue its decision in writing immediately following the next regularly scheduled board meeting.

No further appeals to the Library will be considered.

DEFINITIONS:

Obscene – Obscene materials are (in the Children's Internet Protection Act) said to be defined by *USC 18 Sec 1460*, but in fact all this citation does is define what is meant by "visual depiction" of obscenity. The actual legal definition of "obscene" has not been codified, but instead lies in the Supreme Court decision *Miller vs. California* of 1973. The "Miller Test" defines obscenity as material possessing all three of the following characteristics: a) an average person applying contemporary community standards, would find the material, taken as a whole, appeals to the prurient interest; b) the material depicts or describes, in a patently offensive way, sexual contact as specifically defined by applicable state law; c) the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

The State of Georgia's definition of obscenity closely follows the Supreme Court guidelines given above. According to *OCGA 16-12-80* material is obscene if

- a. To the average person, applying contemporary community standards, taken as a whole, it predominately appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion; (2) The material taken as a whole lacks serious literary, artistic, political, or scientific value; and (3) The material depicts or describes, in a patently offensive way, conduct specifically defined in subparagraphs (A) through (E) of this paragraph:

- (A) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;

- (B) Acts of masturbation;
- (C) Acts involving excretory functions or lewd exhibition of the genitals;
- (D) Acts of bestiality or the fondling of sex organs of animals; or
- (E) Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.

Child Pornography – The federal child pornography statute, 18 U.S.C 2256, defines “child pornography” as “any visual depiction” of a minor under 18 years old engaging in “sexually explicit conduct,” which includes “actual or simulated” sexual intercourse, bestiality, masturbation, sadistic or masochistic abuse, or “lascivious exhibition of the genitals or pubic area.” The statute’s definition includes not only actual depictions of sexually explicit conduct involving minors, but also images that “appear to be” minors engaging in sexually explicit conduct. The applicable information from this section is reproduced below:

U.S Code, Sec. 2256. Definitions for chapter

- (2) "sexually explicit conduct" means actual or simulated -
 - (A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
 - (B) bestiality;
 - (C) masturbation;
 - (D) sadistic or masochistic abuse; or
 - (E) lascivious exhibition of the genitals or pubic area of any person;
- (3) "producing" means producing, directing, manufacturing, issuing, publishing, or advertising;
- (5) "visual depiction" includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image;
- (8) "child pornography" means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where -
 - (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
 - (B) such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct;
 - (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or
 - (D) such visual depiction is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct; and

- (9) "identifiable minor" -
- (A) means a person -
 - (i) (I) who was a minor at the time the visual depiction was created, adapted or modified.
 - (II) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and
 - (ii) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and
 - (B) shall not be construed to require proof of the actual identity of the identifiable minor.

Harmful to Minors – Visual depiction which a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; b) depicts, describes, or represents in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and c) taken as a whole lacks serious literary, artistic, political, or scientific value as to minors. (Definition from the CIPA and 47 U.S.C 254).

Minor – Children’s Internet Protection Act definition - An individual who has not attained the age of 17. Official Code of Georgia Definition (OCGA 16-12-102(1) – One who is under 18 years of age. As NEGRS must comply with federal law, which takes precedence over state law, the CIPA definition shall be applied.

REGISTRATION FOR INTERNET USE

I agree that I will use the NEGRLS and library provided access to the Internet and the Library's computers for educational and informational purposes only, and to receive or send email. I understand and will abide by the "Internet Safety and Computer Acceptable Use Policy." I understand that any violation of law while using the computers may subject me to criminal prosecution. Further, I understand that if I violate any rule, my Internet access privileges may be revoked and/or appropriate legal action taken in accordance with policy. I understand that the Library's computers are neither private nor secure.

Signature of User

Date

Staff Signature

Date

If a user is under the age of 17 years, the parent or legal guardian must be present and must read and sign this agreement.

Minor's Name _____

As the parent or legal guardian of the above minor, I have read the "Internet Safety and Computer Acceptable Use Policy." I understand access is for educational and informational purposes. I recognize and agree that even with filtering technology it is impossible for the Library to completely prevent access to controversial and/or inappropriate materials on the Internet. I agree that the Library is not responsible in any way for any such materials acquired or viewed by my child. I hereby accept full responsibility for my child's Internet use in the library.

Parent or Legal Guardian

Date

Witnessed by:

Staff Member

Date

Northeast Georgia Regional Library System Wireless Access Policy

Wireless Internet service capability is available at all affiliated libraries. Each affiliate provides this service for users with portable computers or devices capable of receiving wireless signals during normal library business hours; use during other times will be in accordance with local policy. Use of these wireless access points is governed by the library's Internet Access Policy. All users are expected to use the library's wireless access in a legal and responsible manner, consistent with the educational and informational purposes for which it is provided. Users may not violate federal, Georgia, or local laws, including the transmission or receiving of child pornography or harmful material, fraud, or the downloading of copyrighted material.

The libraries will provide wireless Internet access to patrons with valid PINES cards who have read and signed the library's Internet Policy. A current card must be presented each time wireless service is requested. Visitors will be granted access to wireless Internet service upon presenting a current picture ID with age verification. A password will be given to eligible patrons.

Library staff will provide general information on the settings necessary to access the Internet via these connections, but are not responsible for any changes patrons make to their computer settings and cannot guarantee their hardware will work with the library's wireless connection. If a user has problems accessing the Internet over these connections, staff will verify the library's connections are working properly, but they cannot assist in making changes to the user's network settings or perform any troubleshooting on the user's own computer.

The library makes no guarantee that the wireless connection is secure, although it will be encrypted. Even with encryption there may be untrusted parties between patrons and anyone they communicate with, and any information being sent or received could potentially be intercepted by another wireless user. Cautious and informed wireless users should choose not to transmit credit card information, passwords, or any other sensitive personal information while using any wireless "hot spot." Please take appropriate precautions when using this service.

The library will not be responsible for any information that is compromised, or for any damage caused to patron hardware or software due to electrical surges, security issues, or consequences caused by viruses or hacking. All wireless access users should have up-to-date virus protection.

Printers are not available via the wireless connection.