Monterey County

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Report

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a. Receive a presentation on implementing internet content filtering on Monterey County Free Libraries (MCFL) computers to comply with the requirements of the federal Children's Internet Protection Act (CIPA)
b. Direct MCFL to take the necessary steps for implementation of internet content filtering and complying with CIPA by April 2017

RECOMMENDATION:
It is recommended that the Board of Supervisors:
a. Receive a presentation on implementing internet content filtering on Monterey County Free Libraries (MCFL) computers to comply with the requirements of the federal Children's Internet Protection Act (CIPA)
b. Direct MCFL to take the necessary steps for implementation of internet content filtering and complying with CIPA by April 2017

SUMMARY:
The Mission of MCFL is to bring ideas, inspiration, information and enjoyment to our community. MCFL is a network of libraries serving the diverse communities of Monterey County, with the vision of offering opportunities for all to achieve their potential and pursue happiness. Communities served cover coastal Monterey County and the Salinas Valley, from Pajaro and Aromas, to Big Sur and Bradley and Parkfield. Demand for library services in Monterey County remains high because of the lack of alternate resources in many of the communities MCFL serves.
MCFL is primarily financed through its own share of property tax. The majority of MCFL's budget funds staff salaries, both for permanent and temporary staff, and maintains its multiple locations, some of which are County-owned and some of which are leased. A small portion of the MCFL budget is used for the purchase of library materials, including books and magazines, DVDs and audio materials, databases and online subscriptions, and other library materials. A portion of the budget is also set aside for ongoing and increasing technology needs and maintenance.

The gap between the community needs and available funding continues to widen, and MCFL is constantly looking for grants and supplementary sources of funding. To this end, MCFL participates in the federal E-Rate program, which is operated by the Federal Communications Commission, and is designed to assist libraries and schools with providing the public and students with affordable telecommunications and internet access services. Under the E-Rate program, libraries and educational institutions can apply for and receive subsidies to purchase equipment and internet services.
The County library is a major source of computer and high-speed internet access for the public,

and for many Monterey County residents in MCFL's service area the library is the only source of high speed internet access. As a result, MCFL has tried to be as open and broad in its provision of internet access as possible. MCFL has long been a strong subscriber to the American Library Association's Library Bill of Rights and a supporter of the public's right to view constitutionally protected materials. In addition, because of the unreliability of internet filters, which resulted in over-filtering or under-filtering, and because of insufficient broadband availability which would cause filtering to fail, MCFL had previously offered internet content filtering as an opt-in option for the public rather than the default mode of internet access.

Because of the growing gap between MCFL's financial resources and the needs of the community, MCFL continues to seek ways to bridge this gap. With the improvement in the quality of filtering tools available and with the MCFL's improved broadband access, MCFL concludes that complying with CIPA is a good option at this time. Lack of filtering, or lack of CIPA compliance, has meant that MCFL has been limited in its ability to apply for some E-rate grant funding and federal grant monies.

For the past eighteen years, MCFL has successfully applied for and received Category 1 federal E-Rate discounts on library telecommunication services. This year MCFL applied for Category 2 E-Rate discounts on multiservice networking equipment and services, which includes discounts on Wi-Fi equipment, Wi-Fi licenses, aggregation routers, and cabling and installation for the MCFL multi-branch system. Category 2 E-Rate funding requires CIPA compliance. The Children's Internet Protection Act (CIPA) requires that K-12 schools and libraries in the United States use internet content filters and implement other measures to protect children from harmful online content as a condition for federal funding. It was signed into law on December 21, 2000, and was found to be constitutional by the United States Supreme Court on June 23, 2003.

The Supreme Court's decision means that any public library using E-rate or Library services and Technology Act (LSTA) funds for the following purposes must comply with CIPA's filtering requirement.
- *E-rate:* CIPA's filtering provision applies when using E-rate funds for Internet provider costs or for internal connection costs. The filtering provision of CIPA is not triggered by use of E-rate funds for telecommunication costs.
- *LSTA:* CIPA's filtering provision applies when using LSTA funds for Internet provider costs or for purchasing computers that access the Internet.
- The filter, referred to in CIPA must protect against access to visual depictions that (1) are obscene, (2) contain child pornography, or (3) are harmful to minors. CIPA does not require the filtering of text.

E-rate program rules allow libraries to determine their own processes for disabling technology protection measures during use by an adult (17 years and older), to enable access for bona fide research, or other lawful purpose. There is no provision for children 16 years and under to request disabling of a filter.

MCFL's filtering objectives are as follows: (a) Filter as CIPA legally requires. (b) Avoid over filtering which may interfere with the public's access to information that is lawful and protected under the First Amendment. (c) Provide, as the law requires, CIPA internet content filtering on all library-owned computers, which includes staff computers and public computers. (d) As

CIPA states, provide a way for adults (17 and older), including staff and public users, to request that the entire filter or specific blocked sites, access to which is protected under the First Amendment, can be disabled without question as to the reason for the request.

CIPA compliance will be achieved using current library technology. MCFL will use Comprise Technologies' Smart Access Management (SAM) software to turn on and off filtering. MCFL has used the system for 15 plus years and this company remains a leading vendor in this area of library services.

CIPA Compliance requires the MCFL to take the following steps: filter the internet filtering all computers including public and staff computers; have an internet safety policy; and educate minors on appropriate online behaviors.

Compliance with CIPA will allow MCFL to purchase technology and equipment at highly discounted rates, and will open up opportunities for MCFL to apply for federally funded grants with which to purchase computers and equipment that may connect to the internet.

OTHER AGENCY INVOLVEMENT:
The Information Technology Department is working closely with the MCFL in implementing the filtering change to comply with CIPA standards.

FINANCING:
Compliance with CIPA will offer MCFL the opportunity to apply for further grants and receive discounts on purchases of technology and equipment. There is no impact on the General Fund.

Prepared by: Jayanti Addleman, Library Director/County Librarian, (831) 883-7573
Approved by: Jayanti Addleman, Library Director/County Librarian, (831) 883-7573

Attachments:
PowerPoint Presentation on CIPA compliance by MCFL