

# **Public Library Internet Access Requirements** *at a Glance*

## **State Regulation:**

- Section 6 of the Michigan Library Privacy Act, 1982 PA 455, MCL 397.606, requires public libraries to either filter all of their public Internet computers except at least one for use by adult (18 years of age or older) patrons or to adopt and implement policies that prevent minors (under 18 years of age) from accessing sexually explicit materials on the Internet.
  - If a public library uses filters, it still is a sound practice to also have acceptable use policies in place addressing Internet usage.
  - Section 6 also applies to public libraries' wireless networks.

## **Federal Regulation:**

- The Children's Internet Protection Act (CIPA) P.L. 106-554 (2000), requires all public libraries that receive federal grant funds under the Library Service and Technology Act (LSTA) or E-Rate discounts for the provision of Internet services are required to filter all computers possessing Internet access and filters must be disabled upon request by an adult (anyone 17 years of age or older).
  - Failure to comport with CIPA requirements may jeopardize a library's eligibility for LSTA funding.
  - Even though CIPA defines an adult as anyone who is 17 years of age or older, Michigan libraries must adhere to the more rigorous Michigan definition that an adult is anyone 18 years of age or older.

Access requirements for computer equipment, software, and connectivity provided by funding from the Bill & Melinda Gates Foundation:

- "... grants will be made only to public libraries that provide direct access to computers for public use and will operate and administer the computers and Internet access without charges or fees to library patrons."
- Definition of public access computer: "The computer is available for access by the public at no cost and without intervention by staff."

Access requirements for Internet access at regional and selective federal depository libraries:

- Federal depository libraries must offer the general public free access, unrestricted by age or residency status, to online federal government information provided through the Federal Depository Library Program (FDLP). Depository libraries must allow users the option to use workstations without filtering software or have the capability of turning off the filter while searching FDLP information resources. Public access computer workstations may require user authentication for security reasons; however, signage must indicate that users may inquire at a

public service desk for assistance. Libraries may provide patrons the ability to log in at a workstation or staff may log them in at authenticated stations. Time limits and the use of sign up sheets are acceptable but should be comparable to the same measures used for non-depository workstation access.

**General Best Practice:**

- Libraries should have both behavior policies and acceptable use policies in place prescribing acceptable conduct with respect to use of their computers. These policies should provide notice and may contain time, place and manner restrictions. They should also furnish an appeal mechanism for people that lose privileges as a result of policy violation. Any and all content-based policies should be closely scrutinized by legal counsel to ensure they do not violate patrons' Constitutional freedoms.