



Internet Use Policy

Approved by Thomas County Library Board

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Thomas County Public Library System

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**Thomas County Public Library System
Internet Use Policy**

This policy impacts all computers in the Thomas County Public Library System that have Internet access and all patrons' use of the Library's wireless Internet on personal devices.

The Internet is a diverse tool that offers unique resources to the community. It is increasingly essential to learning. In accordance with the Children's Internet Protection Act (CIPA), TCPLS provides **filtered** access to the Internet as one means of fulfilling its mission to make informational, recreational and cultural resources available to its patrons in a variety of formats and as a means of complying with applicable laws.

A. Responsibilities of the Library

It is the responsibility of TCPLS to ensure 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. ***Making electronic information available to patrons through their use of Library computers and wireless Internet access does not imply Library 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.

B. Responsibility of Patrons and Parents of Minors

TCPLS upholds and affirms the right of individuals to have access to constitutionally protected materials and also affirms the responsibility of parents to determine and monitor their children's use of Library materials and resources, including those available from the Internet. ***It is the responsibility of the parent or guardian to monitor and supervise their children's use of the Internet in selecting materials that are consistent with personal and family values, and appropriate for the age and understanding of the children.***

TCPLS 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.

All Internet users at a TCPLS Library agree to hold the Library, including the Library Board of Trustees 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 through the Library's electronic information system;
3. Damage to non-Library software or hardware resulting from viruses downloaded via the Library's Internet services.

C. Filtering

All Internet access will be filtered to meet legal requirements. This is a measure taken to restrict Library Internet access to visual depictions that are obscene, contain child pornography or are harmful to minors.

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 Internet filtering is used.

Filtering software may sometimes block legal material that some Library users may find useful, and it may not block all material that some may find offensive. The filter may be disabled at the request of an adult patron for "*bona fide research or other lawful purpose*" in accordance with current CIPA and Federal regulations. The Library's IT Manager and the Reference Department Manager are both authorized to disable the filter when a request is approved.

When filtering is disabled (or ineffective), that patron may not view materials that are legally obscene, contain child pornography or are harmful to minors. It is the nature of the Internet that such materials can be accidentally accessed on occasion. The Library acknowledges that some such sites open additional windows and block the patron from exiting. **A patron who accidentally opens an inappropriate web site and cannot get out of it should report this fact to the Reference Desk immediately.**

D. Rules and Guidelines

Patrons should be aware of the following:

- **The use of TCPLS's Internet service is a privilege and a conditional service, not a right**, and inappropriate use of this conditional service can result in the cancellation of that privilege.
- TCPLS uses a software program to register users on adult computers. Library cards must be updated and in good standing for computer use.
- The Internet access computers as well as other Library computers are

normally available, subject to periodic maintenance or unscheduled outages, during regular Library hours.

- Use of the Internet access computers is on a first-come, first-served basis. Each affiliated Library may impose time limits in order to ensure equitable access to all patrons.
- Library computer terminals are neither private nor secure.
- Library staff has the authority to end an Internet session at any time.
- Accessing the Internet at the Library assumes compliance with the Library's Internet policy.
- The Library does not provide e-mail accounts to patrons.
- The Library is concerned about the safety and security of minors. **Therefore, no patron under age 11 may access the Internet without a parent or guardian present with the child at all times.** When using e-mail, minors must take extreme caution in regard to information of a personal nature. Minors should not reveal their personal home address, location, home phone number or other identifying information.
- Responsibility for loss of data and for resolution of problems relating to any invasion of the user's privacy rests with the user. The Library assumes no liability for loss or damage to the user's data or to injury arising from invasion of the user's privacy.
- Library staff is not authorized to provide technical assistance to customers' personal computers and/or other electronic devices. The Thomas County Public Library System assumes no responsibility for any damages done directly or indirectly to personal data and equipment.

It is the policy of TCPLS 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 behavior that is legal, responsible, ethical and considerate of others.

1. Uploading or creating computer viruses is considered a criminal offense and will result in immediate loss of Internet privileges and/or criminal prosecution.
2. Users are financially responsible for any charges they incur from the use of the Internet, including the cost of printing and online purchases.
3. The user shall accept the computer as it is set up by the Library and make no changes to its configuration. Users may not attach other hardware to the Library computers or install their own software.
4. 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 to material that is obscene, contains child pornography or is harmful to minors is prohibited.

5. Minors may not access inappropriate material on the Internet and World Wide Web.
6. Giving out personal information about another person, including home address and phone number, is strictly prohibited.
7. 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.
8. No user of the Internet shall disrupt the use of the Internet by others; hardware or software shall not be destroyed, modified or abused in any way.
9. 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.

TCPLS complies with applicable federal and state laws and regulations.

E. Penalties for Violation

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

In the case of creating or purposefully uploading a computer virus to the network or to any computing device, the patron shall lose all Library privileges immediately and permanently. If a staff member knowingly creates or purposefully uploads a computer virus to the network or other computing device, he/she will be dismissed immediately from employment at TCPLS. Violations may be referred to law enforcement at the discretion of the Director if the Director deems that a law may have been broken or if the library has suffered material harm as a result of the virus.

In all other instances, the following shall apply to Library patrons:

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.

F. 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 a Department Manager within five days of the prohibition.

Within ten days of the receipt of the appeal, the Department Manager and the Director shall review the matter and notify the patron in writing of their decision.

If their decision is adverse to the patron, the patron may appeal in writing within five days to the Library Board of Trustees, which shall consider the matter and issue its decision in writing following the next regularly scheduled board meeting. No further appeals to the Library will be considered.

G. Definitions

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 explicitly conduct.

Harmful to Minors – Any depiction which:

1. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. 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, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals; and
3. taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors. (Definition from the Children’s Internet Protection Act (CIPA) and *47 U.S.C. 254*).

Minor – CIPA 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 TCPLS must comply with federal law, which takes precedence over state law, the CIPA definition shall be applied.

NCIPA – Neighborhood Children’s Internet Protection Act

Obscene – 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:

1. an average person applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest,
2. the material depicts or describes, in a patently offensive way, sexual contact as specifically defined by applicable state law; **and**
3. 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:

1. 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 the following subparagraphs (a) through (e) of this section:
 - 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.