



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Jane Light

SUBJECT: SEE BELOW

DATE: May 27, 2008

Approved

Date

6/3/08

COUNCIL DISTRICT: Citywide

SNI AREA: N/A

**SUBJECT: POLICY OPTIONS AND STAFF REPORT RELATING TO INTERNET
FILTERING PROPOSAL AND COMPUTER USE AT SAN JOSÉ PUBLIC LIBRARIES**

RECOMMENDATION

Staff recommends the following:

1. The City Council consider the proposal by Councilmember Pete Constant to change the current Library Internet Access and Computer Use Policy, which now provides open access to the Internet, to one that filters Internet access to reduce the viewing of pornography on library computers.
2. If the City Council decides to change the current policy, that the City Council provide specific direction to staff to develop and bring to Council for approval a new policy, based on the policy options or variations thereof as outlined in this report.

OUTCOME

City Council affirmation of current policy or adoption of new policy for Internet Access and Computer Use at the San José Public Library system. This memo includes analysis of several policy options regarding Internet access, as well as the results of work carried out by staff as part of the work plan approved by the Rules and Open Government Committee on November 14, 2007 and information related to questions asked at Rules Committee meetings on November 14, 2007 and January 23, 2008. At its meeting on May 15, 2008, the Rules Committee moved this issue forward for full Council consideration.

EXECUTIVE SUMMARY

On October 24, 2007, Councilmember Constant brought to the Rules and Open Government Committee a proposal to change the current Internet Access and Computer Use Policy adopted by City Council in 1997. The current policy allows free and open access to information via the Internet. Councilmember Constant specifically identified the exposure to sexually explicit photos and full-screen videos that can be viewed at San José libraries as a concern, particularly in

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relation to the number of children who visit the libraries and may be subjected to inadvertent viewing of sexually explicit material.

Staff proposed a work plan approved and amended by Rules in November 2007, which included researching best practices at other libraries, conducting outreach to specific groups and the community in general, testing several filter programs, and identifying and analyzing for Council consideration several policy options.

Staff conducted extensive research. Reports and studies were reviewed, and are listed in Attachment A. Surveys and interviews were conducted with numerous other local libraries and other large urban library systems. A number of community organizations were contacted as part of the outreach effort. The Youth Commission and Library Commission were asked for input, as well as the San José State University (SJSU) Library Board, and the SJSU Academic Senate. The President of San José State University, Don Kassing, wrote to Mayor Reed to express the SJSU position opposing installation of Internet filters at King Library and all branches. The San José Library Commission Chair, Caroline Martin, wrote to the Mayor and City Council to convey the Library Commission's vote of 8-1 recommending that the City maintain its current Library Internet Filter policy.

Outreach lists, written responses to the outreach effort, and a link to all the responses received online are included in Attachment B.

The information received from other entities, comments from groups and individuals via outreach, as well as comments and direction received from the Rules Committee, have assisted in the preparation of a set of possible policy options, should the Council decide to reconsider the current Internet Access Policy. The options are indicated below and described in more detail in the body of this report:

- (1) **Current policy maintained with administrative changes** – No change to current Internet Access policy to add filtering technology, but some changes, where possible, to the physical layout of computers in branches and King Library, and use of more privacy screens. Staff to continue to respond to customer complaints about inappropriate Internet and actively manage customer behavior.
- (2) **Filter children and teen area computers** - Install filter program only on computers located in children's and teens areas in libraries – parents may direct their children to use only those computers in the libraries.
- (3) **User choice except at children and teen area computers** - Install filter program on all computers but in adult/general areas, have a start-up selection by the customer of either filtered or unfiltered access.
- (4) **User choice for customers age 17 and over; filtered access for children under age 17 and at children's area computers; exemption from filter for SJSU cardholders** – Install filter program on all computers. SJSU students, faculty and staff cardholders would be exempt from filtered access, and adult cardholders (age 17 and over) would have the choice at start-up of filtered or unfiltered access. Other cardholders under age 17 would have filtered access, unless parent or guardian has requested permanent unfiltered access for the

child. Computers in children's areas would be filtered at all times, regardless of patron type or age of cardholder.

- (5) **Basic filter always on and additional filter level for users under age 17** - Install a basic level of filtering at all computers that is always in place, and an additional level of filtering for youth under age 17. Requests to unblock specific sites would be made to staff. For an urgent information need, staff would decide whether to unblock; other requests would be reviewed by the vendor within 48 hours.

This is a policy decision for the Council to weigh its concern for access to information with its concern to protect children from some Internet content. Concerns about technology costs should not be the primary point for decision-making; however, any decision to filter will have staffing implications, and technology costs resulting in increased costs to the City.

BACKGROUND

The San José Public Library is among the busiest in the United States. In fiscal year 2006-07, a total of 7,639,614 visitors checked out or renewed 14,060,019 items and logged into library-owned computers 2,109,135 times. Throughout library branches and King Library, there are slightly more than 1,200 public access computers available for customers. In the past two fiscal years, a limited number of complaints about pornography on computers were received by Library Administration.

The City of San Jose currently does not filter Internet access at public computers in its library system. The City Council's open access policy for the San Jose Public Library's materials and services was affirmed on September 23, 1997 by the Council to specifically include Internet access. The Dr. Martin Luther King, Jr. Library's Operating Agreement, by which the City and the University agree to operate the King Library jointly, addressed the possibility of a future change in City policy, requiring that any changes to the City's Internet access policy could not negatively impact the University's open access policy for its students, faculty, employees, and collections. Section 5.4.2 states:

"Change in Policy. In the event that City ordinances are passed or rules, policies or regulations are imposed by the City that restrict access for certain groups of users to Library Material within the City Library Collection or restrict use for certain groups of users of City sponsored services or programs, the City hereby agrees that it shall not restrict access to any Library Material within the University Library Collection or restrict use of any University services or programs. It is the intent of the City not to restrict University Users access to Library Collections. In addition, the University shall not be required to enforce, through its employees, any such ordinances, rules, regulations or policies imposed by the City."

The Council's 1997 decision is expressed as a departmental policy, and is reflected in the current Internet access and computer use policy for the King Library and the branch libraries, which states:

The SJSU King Library and the San José Public Library system provide access to the Internet in accordance with their mission of providing public access to information of all types in a wide range

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of formats. In doing so, the Library does not monitor and has no control over the information accessed through the Internet and assumes no responsibility for its content.

It is a violation of federal law to knowingly receive visual depictions of minors engaged in sexually explicit conduct. Anyone who does so is subject to federal criminal prosecution under the Protection of Children Against Sexual Exploitation Act of 1977(18 USC 2252).

Materials obtained or copied on Library computers may be subject to copyright laws, which govern the making of reproductions of copyrighted works. Users must comply with U.S. copyright law and other applicable laws.

The Internet is a global electronic network. It enables the Library to greatly expand its information services beyond the traditional collections and resources. However, not all information on the Internet is current, complete or accurate. The Internet may contain material of a controversial or mature nature. The Library neither restricts access to materials found on the Internet nor protects users from materials or information they may find offensive. The Library encourages all users to make appropriate use of the Internet.

Parents or legal guardians must assume responsibility for deciding what library resources are appropriate for their own children. It is both the right and the responsibility of parents and legal guardians to guide their own children's usage of library resources in accordance with individual family beliefs. The library has created Web pages for children (Kids Place) and young adults (Teen Web) which provide content and links to other Web sites that parents and legal guardians may find appropriate for their children. For more information on children and the Internet, see My Rules for Internet Safety.

On October 24, 2007, Councilmember Pete Constant asked the Rules Committee to consider a policy that would include installing Internet filters and software on all Library public access computers in order to reduce or eliminate the viewing of pornography in libraries which subjects children to inadvertent viewing of sexually explicit material. In his memo, Councilmember Constant forwarded a specific recommended policy. In subsequent discussions with Administration, he requested that the specific policy not be one of the policy options analyzed by staff.

The Administration reported back on November 14, 2007 with responses to specific Council questions from the October 24, 2007 Rules Committee meeting, as well as with a policy review plan and workload assessment to gather more information for City Council prior to Council making a final policy decision.

Additional questions were posed by members of the Rules Committee, and the Library Department began its research to complete the amended work plan. In early December, the City's Information Technology (IT) Department assigned management staff to work with the Library. IT staff have met with various Library staff and have been involved in the background research and testing of various filter programs, as well as addressing questions from the Rules Committee about the City's use of WebSense for City computers at City Hall. The City Attorney's Office will provide a separate analysis of the options presented in this memo.

On January 23, 2008, the Administration provided the Rules Committee with a status report of activities identified in the work plan, and received additional direction from the Rules Committee. Although still in process of completing the work plan, staff provided answers and

agreed to perform additional outreach and respond to further questions from the Rules Committee. Rules Committee members asked a number of questions related to, but not specifically answered in the work plan. Staff has prepared a Q/A listing, which is included in Attachment C.

The Rules Committee, at its May 15, 2008 meeting, voted to move this item forward to the full City Council for consideration at the evening meeting of June 17, 2008.

ANALYSIS

The policy issues can be summarized as:

Is the viewing of pornography on the Internet at libraries a problem that should be resolved by requiring the use of filtering technology on library computers and, if so, what specific policy should the Council set for how the technology is applied to library users and library computers?

Nationally, about fifty percent of libraries use filtering technology in some way. These local policies vary considerably. Some libraries filter computers in children's areas. Some filter every computer all the time with limited ability for adults to have sessions or search results unblocked. Attachment B includes the results of research into the practices and links to policies of other local libraries and selected other large library systems.

It is estimated that about half of parents in the U.S. choose to use filters on home computers. The "Focus on the Family" Issue Analysis for Pornography and Children refers to a study by Finkelhor, Mitchell, and Wolack titled *Online Victimization* which indicated that "the children who inadvertently saw these images [pornographic images] saw them while surfing the Internet (71%) and while opening e-mail or clicking on links in e-mail or Instant Messages (28%). 67% of these exposures occurred at home, but 15% happened at school and 3% in libraries."

Work Plan Elements

The elements of the work plan approved by Rules Committee on November 14, 2007 included: (1) Data Gathering and Analysis (identify and research options; review filtering policies and implementation elsewhere; test filter programs, and evaluate implementation issues re: King Library Operating Agreement), (2) Discussion and Community Outreach, and (3) Final Report to Council. It was reiterated that technology options would involve review and participation by IT staff, and outreach was expanded at the January 24, 2008 Rules Committee to include parents specifically.

1. Identify and Research Policy Options

Presented below are five options for consideration by Council. There are many options or combinations available, but staff selected these five options for analysis and presentation because they reflect a range of ways a Council Policy could address customer behaviors, Internet access,

and community standards. Other communities have similar policies in each case, and therefore staff was able to obtain information about procedures, costs and other implementation matters. The five options presented for consideration provide for a wide range, from strong staff interaction without filtering technology to manage customer behavior and access, to high reliance on filter technology to control customer access. Detailed information about each option follows the summary table below.

OPTIONS	SUMMARY	COSTS (approx)
Option 1: Current policy maintained with administrative changes	<ul style="list-style-type: none"> ▪ Reaffirm current open access policy. Direct staff to implement additional measures, such as privacy screens and movement of computers to other locations to minimize inadvertent viewing of other customers' Internet sessions. ▪ No King Library Operating Agreement impact. ▪ Staffing costs to install screens would be \$9,000, and the screens would cost approximately \$51,000. 	Start-up: up to \$60,000 Ongoing: TBD
Option 2: Filter children and teen area computers	<ul style="list-style-type: none"> ▪ Always-on filters in children's and teens areas; privacy screens on other computers. ▪ Staffing and training costs would be approximately \$44,000; hardware/software/operational costs would be approximately \$96,000 for the first year. 	Start-up: \$140,000 Ongoing: \$10,000
Option 3: User choice except at children and teen area computers	<ul style="list-style-type: none"> ▪ Always-on filters in children's and teens areas; user selected filter/no filter in other areas; privacy screens on computers. ▪ Staffing and training costs would be approximately \$65,000; hardware/software/operational costs would be approximately \$150,000 for the first year. 	Start-up: \$215,000 Ongoing: \$32,500
Option 4: User choice for customers age 17 and over; filtered access for children under age 17 and at children's area computers; exemption from filter for SJSU cardholders	<ul style="list-style-type: none"> ▪ Install filter program on all computers. SJSU students, faculty and staff cardholders would be exempt from filtered access, and adult cardholders (age 17 and over) would select at start-up choice of filtered or unfiltered access. ▪ Other cardholders under age 17 would have filtered access, unless parent or guardian has requested permanent unfiltered access for the child. ▪ Computers in children's areas would be filtered at all times, regardless of patron type or age of cardholder. ▪ Staffing and training costs would be approximately \$170,000; hardware/software/operational costs would be approximately \$150,000 for the first year 	Start-up: \$320,000 Ongoing: \$140,000

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<p>Option 5: Basic filter always on and additional filter level for users under age 17</p>	<ul style="list-style-type: none"> ▪ Always-on filtering everywhere. Under age 17 has additional level of filtering. ▪ Sites unblocked only for urgent requests with Library staff review. ▪ Staffing and training costs would be approximately \$250,000; hardware/software/operational costs would be approximately \$150,000 for the first year. 	<p>Start-up: \$400,000 Ongoing: \$275,000</p>
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Option 1: No change to current Internet Access policy, but some changes away from major traffic flow to the physical layout of computers in branches and King Library, and use of more privacy screens; continued staff response to customer complaints about Internet use by others and staff management of customer behavior.

These measures would reduce incidents of inadvertent viewing of objectionable sites accessed by others. These measures may include additional purchase and installation of permanent privacy screens, more staff interaction with customers whose viewing choices are disturbing the enjoyment of the library by others, moving some computers, and additional staff training on dealing with difficult customers and managing customer behavior. This option would not impact the current King Library Operating Agreement, and would be the least costly, possibly up to \$60,000 for placement of some permanent privacy screens and some additional dollars annually to replace or add additional screens.

Option 2: Install filter program on computers located in children and teen areas in libraries – parents can direct their children to use only those computers in the libraries.

Filtering technology would be installed on all children and teen area computers. This is the current policy of the City of Mountain View Public Library and many other libraries. Mountain View expects parents and guardians to guide and control Internet use by their children in a manner consistent with their personal values. The Mountain View policy does not restrict children’s use of other Internet computers, leaving the responsibility to parents to tell their children which computers and library materials they may use.

This option would be quite effective at preventing children and teens using the computers in areas of the library dedicated for them from inadvertently or deliberately viewing pornography. Use of privacy screens and changing the location of some computers in other areas of the library would also reduce the possibility that children would inadvertently be exposed to sexually explicit material. It would continue to provide unfiltered access to the Internet on computers not located in the children or teen areas. This option would not impact the current King Library Operating Agreement.

Estimated start-up costs would be approximately \$140,000 comprising two new servers, network engineering time and computer set-up, collateral publicity costs to inform the public of the change in policy, cost to purchase filter licenses at children and teen computers only, and purchase of privacy screens (as included in Option 1 above). Annual on-going costs would be approximately \$10,000 primarily for hardware utility costs and filter license renewal.

Option 3: Install filter program on all children and teen area computers, and allow computer users in other areas of the library to select "filter on" or "filter off" at start-up of sessions.

Filtering technology would be installed on all children and teen area computers and could not be turned off on those computers. All other public access computers would offer a choice at log-in of filtered or unfiltered access. This is the current policy of Santa Clara County Library System, and has been in place there for a decade. This option allows users to self-select their choice of filtered or unfiltered sessions at computers except those located in children or teen areas. Parents could instruct their children about which computers they may use and whether they should select filtered or unfiltered access.

This option would be quite effective at preventing children and teens from inadvertently or deliberately viewing pornography while using the computers in areas of the library dedicated for them. Use of privacy screens and changing the location of some computers in other areas of the library would also reduce the possibility that children would inadvertently be exposed to sexually explicit material. It would provide library users the option to select filtered or unfiltered access to the Internet on computers not located in the children or teen areas. It would give parents the option of instructing their children to select filtered access on any and all library computers they use.

This option would not require customers to request that library staff unblock a site or disable the filter for a computer session, but instead customers would self-select filtered or unfiltered access, except at children and teen area computers. Some of the libraries that responded to the SJPL survey indicated that customers may not ask staff for an unfiltered computer use session or to unblock a specific site because of language or cultural barriers, embarrassment or personal concerns. This option would not require customers to request staff to disable the filter. This option would not impact the current King Library Operating Agreement.

Estimated start-up costs for this proposal would be approximately \$215,000, mostly for licenses for all public access computers, filter set-up staffing costs, purchase of two servers, and staff training. Annual ongoing costs would be approximately \$32,500 for annual filter program license and hardware utility costs. For purposes of cost estimates, the cost of placing privacy screens on computers (estimated to be \$60,000 for Option 1) is also included in this proposal's start-up costs.

Option 4: User choice for customers age 17 and over; filtered access for children under age 17 and at children's area computers; exemption from filter for SJSU cardholders. In addition, filters would run on all computers located in children's areas at all times, with no unblocking permitted.

This option would use cardholder age data as a basis for offering filtered or unfiltered access to computers. Cardholders coded as San José State University students, faculty and staff would be exempt from the filtered access, thus not impacting the current King Library Operating Agreement. Adults, over 17 years of age, would make a selection at start-up of either filtered or unfiltered access. If choosing filtered access and then encountering blocked websites, adults may re-log in with unfiltered access to self-manage Internet use. Unless parent or guardian has requested permanent unfiltered access for their child in person at the library, children and teens under age 17 would be required to use filter program to view Internet sites.

In some cases, blocked sites that are not illegal or inappropriate for youth would not be accessible, due to filter program protocol. Response to requests by teens to unblock legitimate sites inaccurately blocked by the filter program would require an additional policy decision to be determined. Similar to option 3, this option would be quite effective at preventing children and teens from inadvertently or deliberately viewing pornography while using the computers in the library, based on their cardholder log-in. Use of privacy screens would be encouraged for adults who select unfiltered access.

This option is similar to Denver Public Library, and differs from Multnomah (Portland, OR) in that Multnomah gives choice of filtered/unfiltered access to teens. It is anticipated that additional programming could be performed to ensure that this option would not impact the current King Library Operating Agreement.

Estimated start-up costs would be approximately \$320,000 and ongoing annual costs of \$140,000 to implement filtering based on cardholder age, including one FTE Librarian to develop and maintain a local set of lists for "always allowed" and "never allowed" websites. Extensive programming to make exemptions for SJSU cardholders, to check age of public library cardholders, and to create exemption codes based on parental direction would be required to make any available filter program work appropriately for San José. Other jurisdictions have said that this programming and interface start-up effort may take many weeks before the Internet filtering system can be fully implemented.

Option 5: Install basic filtering at all computers for all users with no temporary unblocking except for urgent situations and after library staff has previewed the site. An additional level of filtering is set for everyone under the age of 17.

This policy option is based on that in place at Phoenix for several years. The Library would place basic filtering technology on all computers with Internet access.

Patrons 17 years of age or older would have a basic filter always on. The intent of the basic filter is to block websites that contain child pornography or material that is obscene. Those under 17 would be required to use an advanced level of filtering over and above the basic level. The intent of the advanced filter is to block websites that, in addition to the basic blocked items, contain material that is harmful for minors.

Phoenix requires an always-on filter with individual sites considered for permanent unblocking or blocking upon customer request, which is sent to the filter company for consideration. The library temporarily unblocks a site only if the patron requests emergency unblocking, and three library staff review and approve the request. Final decision about categorization resides with the software company, not the library, although the filter company often accepts the patron or library recommendation. The library maintains a local list of "always permitted" and "never permitted" sites.

Substantial research by Library staff and input from IT's staff has not identified a filter that was designed to specifically eliminate only child pornography and material that is obscene, or, further, to filter only websites that contain material harmful to minors. Instead, Phoenix Public Library and other libraries install filters developed for more general purposes and configure or adapt them to best meet the local governing board policy for the public library.

This option would most effectively prevent children from being exposed to sexually explicit images. Users under 17 would always have an advanced level of filtering and therefore be generally unable to access such sites or to inadvertently find them in search results. Some computer savvy or persistent youth would be able to "fool" the filter, but it would take effort and expertise. In addition, the basic level of filtering that would always be in effect for all users would reduce the possibility of children being inadvertently exposed to explicit sexual images being viewed by adults. Again, some users would be able to bypass the filter and view sexually explicit materials.

If a filtered search results in websites or web pages being blocked that the library customer thinks are incorrectly blocked, the customer may request either permanent or temporary unblocking as described above. In Phoenix, temporarily unblocking a site for a few hours is considered only in an emergency and must be approved by three library staff member who preview the blocked site. The process of asking a local staff member who passes the request to the identified staff, and waiting for some minutes for a decision may have a significantly chilling effect and result in few requests.

Youth, under the age of 17, who request temporary unblocking of a site must also have parental permission for that specific request to be considered. A teen seeking information about sexual identity, for example, who finds a website incorrectly blocked by the higher level of filtering would have to have a parent approve the specific request and ask library staff to preview and unblock the site as an urgent request. Many young people would be reluctant to do this, and would seek the information from somewhere other than their public library. This option may impact King Library access for University students, staff, and faculty, and would have to be discussed in some detail with SJSU prior to implementation. It may require additional programming to distinguish University users from public library users.

Estimated start-up costs would be about \$400,000, primarily for additional staff and policy/network training (\$250,000) and hardware/software acquisition and operating costs (\$150,000); annual ongoing costs would range from approximately \$275,000 to \$300,000, mostly for additional staff and annual filter license costs. Phoenix Library staff report that when the City Council set its policy it also added an additional 2.0 FTE Librarian and Library Assistant staff so that a staff member would be present at all times the library was open to handle requests as well as to develop and maintain lists of "always permitted" websites and "never permitted" websites that customize the filter program over time to better reflect the library's specific policy and needs. The cost estimate reflects similar additional staffing for San José. Because all computers would be filtered, the \$60,000 estimated in Option 1 for privacy screens would not be included in this option's cost estimates.

This option has the potential of making the library, or at least the branch libraries, eligible for federal e-rate discounts on Internet costs. When the library last received the discounts, before specific filtering requirements went into effect, it received a discount of approximately \$35,000 per year.

San José Public Library, for the purpose of this analysis of costs and impacts for this option, used costs for the Phoenix policy and the way it has been implemented. Phoenix staff spoke at length with San José's IT and Library staff to confirm its start-up and ongoing costs for implementing

filtering at their locations. San José costs would not be exactly comparable, due to the requirement to provide unfiltered access for San José State University faculty, staff, and students.

2. Review Filtering Policies and Implementation Elsewhere

A review of ten local library systems' Internet policies had previously been conducted to gauge community use of filtered access and see if there were any "best practices."

It did not include detailed questions about the filter products or costs. From the initial study of local jurisdictions, a "best practice" for systems using filter programs emerged: allow the customer to determine at the point of log-in whether or not to have filtered access. Another "best practice" for filtered systems is to place filters on children and teens area computers only, and to encourage parents and guardians to guide their children's use of whichever computers are most appropriate for their age, family principles, and/or homework assignments or information needs.

Staff undertook, as an element of the work plan, a survey of major urban libraries for the Rules Committee report. Several jurisdictions were included in both studies. The urban library systems selected and listed below were chosen for their urban settings in a similarly diverse community. All the researched library systems' Internet access policies are summarized with links to individual policies in Attachment D.

CALIFORNIA LIBRARIES

1. Alameda County
2. Los Angeles County
3. Sacramento
4. San Francisco
5. Santa Clara County

OTHER MAJOR LIBRARIES

1. Atlanta
2. Broward County (Fort Lauderdale)
3. Chicago
4. Dallas
5. Denver
6. Houston
7. Jacksonville (FL)
8. Kansas City
9. King County (Seattle, WA area)
10. Multnomah County (Portland, OR area)
11. Phoenix

A summary of filter use by library systems is indicated below.

No filters for children; no filters for adults

- Atlanta
- Broward County (Fort Lauderdale)
- Chicago
- Dallas
- Palo Alto
- Oakland
- San Francisco
- San Mateo County

Location-based filters on children's computers only and no filtering elsewhere

- Alameda County
- Mountain View
- Santa Clara City
- Sunnyvale

Location-based filters at all children's areas computers and offer choice at log-in on adult area computers

- Santa Clara County

Cardholder age-based - filter all children and offer adults to permanently select no filtering or basic filtering at log-in

- King County

Cardholder age-based - filter all children and offer teens and adults a choice at log-in

- Multnomah County

Cardholder age-based - filter all children/teens and offer adults a choice at log-in

- Denver

Cardholder age-based - filter all children/teens adults ask staff for unfiltered access at log-in

- Houston
- Jacksonville (FL)
- Los Angeles County
- Sacramento

Filters in place for children and adults

- Phoenix

State Law (Missouri) Requires Filtering with Certain Exceptions¹

- Kansas City Public Library

¹ Exception = Completely Separate Computer Locations: Kansas City Library has no separate area, so all computers are filtered; however, North Kansas City Library system physically separates children's computer locations, so adult access is unfiltered and children's areas are filtered.

3. Review Published Filtering Studies and Test Filter Programs

The library filter testing, and the review of the most recently published reports, was undertaken to determine if Internet filtering software applied in a public library setting, is presently able to block (and to what extent) child pornography, obscenity, and materials harmful to minors, and to block only those. A description of how the testing was conducted and the results are included as Attachment E.

All of this information about filtering technology is provided only as one point of information for the City Council as it considers policy options and weighs its concern to protect children from exposure to sexually explicit images with its desire to provide access to information at the library for its residents.

The conclusion staff reached from both the literature and its testing was that filtering technology for public libraries continues to be quite effective in blocking pornographic websites using

keyword searches with 85% or more accuracy, and less effective in blocking images that are contained in email attachments or sites that are not primarily pornographic in nature (sexually explicit images included in Craigslist.com, for example). It is possible for a determined computer user to view some sexually explicit sites on filtered computers, but it takes more effort and computer savvy than on an unfiltered computer.

A second conclusion reached from the published reports and staff's testing is that some over-blocking of content that is not of an adult sexual nature occurs with any filtering technology. The most likely subject areas to experience this over-blocking are, not surprisingly, related to sexuality, sexual health, and sexual identity. The most effective filters, according to the published research and staff testing, block approximately 15% of this information. In summary, the best filtering technology today blocks about 85% of sexually explicit images and about 15% of sexual health and information sites.

In addition to a literature review, staff identified filters that were recommended by libraries that currently filter, and were referenced in professional journals and reports which have already researched a variety of products available and used by public libraries.

Only a few recent published studies were found, so this research could provide up-to-date information. In addition, it provided library staff with the opportunity to learn how filters can be configured and used. If the Council decides to institute filtering, staff will be better able to develop technical and functional specifications in order to configure the technology to meet the specific change in policy directed by Council.

A total of four programs were evaluated by librarians from both SJPL and the University Library with the involvement of City ITD. They are indicated below.

- (1) **WebSense:** This program is used by the City of San Jose to implement Internet access controls for most City employees. Councilmember Constant suggested that it be one of the programs that staff evaluate. Other libraries surveyed indicated they use WebSense (Alameda County for children's area computers only, King County, and Phoenix).

The San José Public Library's Internet network is separate from the City's. It includes the King Library, serving the University Library users in the joint use library, as well as the branch library system.

- (2) **CyberPatrol:** Sacramento uses this product.
- (3) **FilterGate:** This option was recommended by other library users.
- (4) **Barracuda Networks:** This option was suggested by Councilmember Constant.

External Filter Study Results

Review of published reports and the results of staff testing showed that the percentage of over-blocking and under-blocking has stayed fairly constant over the past few years. Attachment E

includes a summary of recent filter test results which shows the similar results over time – a sampling of those external filter test results are listed below for quick reference.

Recent Filtering Studies and Their Findings

(from Attachment E)

(partial listing only)

<u>Date</u>	<u>Title</u>	<u>Source</u>	<u>Summarized Conclusions</u>
2008	Expert Report	Dr. Paul Resnick (for North Central Regional Library District)	<ul style="list-style-type: none"> • 93.1% accuracy in blocking websites • 48% accuracy in blocking images
2007	Report on the Accuracy Rate of FortiGuard	Bennet Haselton (for the ACLU)	<ul style="list-style-type: none"> • 88.1% overall accuracy on .com sites • 76.4% overall accuracy on .org sites
2006	Expert Report	Philip B. Stark (for the DOJ)	<ul style="list-style-type: none"> • 87.2%-98.6% accuracy blocking “sexually explicit materials” • 67.2%-87.1% accuracy allowing “non-sexually explicit materials”
2006	Websense: Web Filtering Effectiveness Study	Veritest (for Websense)	<ul style="list-style-type: none"> • WebSense: 85% overall accuracy • SmartFilter: 68% overall accuracy • SurfControl: 74% overall accuracy

EVALUATION AND FOLLOW-UP

This report is submitted for the City Council’s consideration. If the Council gives direction to change the policy, staff will draft a policy that reflects the specific direction for Council to review and approve. At that point staff would be ready to begin implementation.

PUBLIC OUTREACH/INTEREST

As part of its workplan, staff contacted agencies in the San José community and provided links on the library website to the various Rules Committee memos, including the original proposal, departmental responses and updates provided by the Attorney’s Office and the Library Director, and subsequent reports and updates submitted to the City’s Library Commission. A summary of outreach activities and responses/communications can be found in Attachment B.

In response to Rules direction on January 23, 2008, the Library created a website feedback link to collect public comments and feedback. This link was sent to the regional PTA organization, the Schools City Collaborative, and the Library Department’s 300+ teensReach participants and, through them, their parents or guardians. The link received 134 comments in the nine-week period from early January through mid March, 2008. All 134 comments can be read at: http://sjlibrary.org/legal/internet_access/public-input-internet-filtering-from-online-form.pdf

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Of the total, 13 comments did not relate to the issue at hand or expressed understanding of both perspectives with no specific recommendation. There were 33 comments in favor of filtering Internet access in public libraries generally (25% of the total 134 comments), 11 comments (8%) suggesting that children's access or children's area computers be filtered, and 77 comments opposed to any filtering of Internet access in public libraries (57%).

Criterion 1: Requires Council action on the use of public funds equal to \$1 million or greater. (Required: Website Posting)

Criterion 2: Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)

Criterion 3: Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

COORDINATION

This memo has been coordinated with the City Manager's Office, the City Attorney's Office, the Information Technology Department, and the San José State University Library Dean.



JANE E. LIGHT
Director, Library Department

For questions, please contact Jane Light, Library Director, at (408) 808-2150.