

DALY CITY PUBLIC LIBRARY POLICY 14: INTERNET USE

In response to advances in technology and the changing needs of the community, the Daly City Public Library endeavors to develop collections, resources and services that meet the educational, cultural, informational and recreational needs of the community. This includes free public use of the Internet in the Library, a service that expands access to information and resources not otherwise readily available at the Daly City Public Library. The Library also offers wireless connections to the Internet at the Serramonte Main Library, Westlake Branch Library, John Daly Branch Library, and Bayshore Branch Library for the convenience of our patrons. Appropriate behavior and legal usage statements in this Internet Use Policy also apply to our patrons accessing the Internet through our wireless connections.

The Library does not censor or control the content of information accessed through the Internet and cannot be held responsible for its content. The Library shall have no liability for any direct, indirect or consequential damages related to the use of the information contained therein. The Library cannot guarantee the safety and security of any person, including minors, when using electronic mail, chat rooms, and other forms of direct electronic communications.

All Internet resources accessible through the Library are provided equally to all library users. The Library does not restrict minors' access to any materials available on the Internet. As with other library materials, restriction of a minor's access to the Internet and the World Wide Web, including inappropriate matter, is the responsibility of the child's parent or legal guardian. The Library prohibits the viewing of obscene materials as defined in the California Penal Code (Chapter 7.5, sections 311-312.7).

The Internet workstations are public access terminals. The Library does not provide privacy for individual users.

All Persons, including minors, accessing the Internet using the Library's computers are prohibited from engaging in illegal or unauthorized activities. These include:

- Harassment of others online
- Libeling or slandering others online
- Disruption or unauthorized monitoring of electronic communications
- Unauthorized copying of copyright-protected material
- Violations of existing obscenity and pornography laws, including viewing of obscene materials and images as defined in the California Penal Code
- Violations of computer system security or hacking
- Unauthorized use of computer accounts, access codes, or network identification numbers
- Violation of network usage policies and regulations
- Unauthorized disclosure, use, and dissemination of personal identification information regarding minors

Obscene Matter

While constitutionally protected speech and information is available for access at libraries, federal, state or local law does not constitutionally protect obscene materials and images. “Obscene” means materials meeting the standard established by the U.S. Supreme Court in *Miller vs. California*, 413 U.S. 15 (1973) whereby an affirmative answer is required to each of the three following questions:

- a. whether “the average person applying contemporary community standards” would find that the work, taken as a whole, appeals to the prurient interest;
- b. whether the work depicts or describes, in a patently offensive way, sexual content specifically defined by the applicable state law; and
- c. whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

The California Penal Code, Chapter 7.5, sections 311-312.7, covers the topic of obscene matter.

Section 311.1(a) states that it is a crime to knowingly produce or exhibit computer-generated images of obscene matter depicting a person under age 18 engaging in or personally simulating sexual conduct.

Section 311.2 states that every person who knowingly produces any computer generated image with the intent to distribute or exhibit it knowing that it depicts a person under 18 engaging or simulating sexual conduct is guilty of a misdemeanor. The second offense is a felony.

Exhibiting obscene matter to minors is a felony.

Failure to follow the Library's Internet policy requirements may result in revocation of Internet and/or Library privileges.

Endorsed by the Daly City Public Library Board of Trustees: 11/16/10

Adopted by the Daly City Public Library Board of Trustees: 11/17/98

Revised: 8/17/99; 5/16/00; 7/17/01, 6/18/02, 3/15/05; 10/17/06; 08/24/10