

CIPA -- Information for Library Trustees & Library Staff

Peabody Institute Library of Danvers

The Act

In December 2000, Congress enacted CIPA as part of the Consolidated Appropriations Act of 2001. It took effect in April 2001. On June 23, 2003, the supreme court ruled that the filtering requirements in CIPA were constitutional for public libraries.

Full Title

Children's Internet Protection Act

Its Purpose

The Children's Internet Protection Act requires libraries to install and utilize blocking software if they want to receive federal e-rate or some library services and technology funds. The purpose of the legislation is to protect children from access to obscene and other materials that are harmful to minors.

How It Affects Libraries

CIPA does not require libraries to install blocking software. It is required if the library wants to receive certain funds. The decision only applies to e-rate funds (administered under the authority of the Federal Communications Commission) or LSTA (Library Services And Technology Act) funds.

If a library does not use e-rate funds or LSTA funds to access the internet, a library may continue to receive the funds and does not have to install blocking software.

What Is CIPA Compliance?

A Library must install blocking software on **all** computers, including staff computers, with internet access by 7/1/04.

What Is Happening Now?

The library does not filter any of the PC's in the building.

At this time, the Peabody Institute Library of Danvers does not receive e-rate funding. This year the library received LSTA funds for the Information Literacy grant as administered by the Massachusetts Board of Library Commissioners.

Funds from this grant were not used to provide access to the internet and thus the library was not required to have blocking software installed.

Considerations

Is blocking software an effective means of preventing children from accessing websites that are harmful to minors?

Can patrons be confident that blocking software “will do the job”?

Has the library been successful in keeping patrons from accessing an inappropriate site?

Does blocking software “over” block?

Can Blocking Software Be Turned Off?

The supreme court does permit blocking software to be turned off when a patron requests it.

This generally is a cumbersome procedure in a library with a large number of computers, limited staff, and a networked environment.

What Is The Cost of Blocking Software?

An average cost would be \$24.00 to \$30.00 per PC. For the Library this would translate to between \$888.00 and \$1,110.00

What Does The New Law Expect Technology To Do?

CIPA only requires that libraries block or filter “Internet access to visual depictions.....” Therefore, the blocking or filtering technology need not affect text, whatever the content, and setting a browser to “text only” would satisfy this requirement.

What Kind Of “Visual Depictions” must be blocked?

For adults, the recipient of funds must block or filter access to visual depictions that are obscene (as defined by the federal obscenity statute, 18 U.S.C. 1460 et seq) and child pornography. For minors, the recipient of funds must block or filter visual depictions that are obscene and child pornography, as well as visual depictions that are “harmful to minors.”

Definitions

Miller v. California, 413 U.S. 15 (1973) has established a test for obscenity that is now implicitly incorporated into the federal statute:

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

In 2003, **child pornography** (18 U.S.C. 2256) includes not only images of real children, but also computer images that are indistinguishable from real children engaging in sexually explicit conduct. “Indistinguishable” is defined such that an “ordinary person” viewing the image would conclude that it is of an actual minor engaged in sexually explicit conduct.

The following images are not child pornography: drawings, cartoons, sculptures or paintings depicting minors or adults. Images of actual adults that look like minors are also excluded.

Note: Although CIPA allows libraries and schools to disable filters for bona fide research or other lawful purposes, there is no bona fide research or lawful purpose to view child pornography.

CIPA is the first law in effect with a federal definition of “Harmful to Minors”. It defines “material that is harmful to minors” as:

Any picture, image, graphic image file, or other visual depiction that

- a. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion
- b. 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, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

- c. taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

What is a minor? The act defines “minor” as an individual who has not attained the age of 17.

Internet Policy

The Board of Trustees adopted an internet policy on 10/10/02. This policy outlines procedures, rules of conduct, and library philosophy for the library staff and the general public. The policy is displayed throughout the library.