

Council



August 22, 2011

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Re: London Public Library Internet Service Policy, Including Filtering

This submission to London City Council, from London Public Library (LPL), is made in response to the recommendation approved by the Community and Neighbourhoods Committee from its meeting of August 16, 2011, regarding item #10 and specifically to sections (a) and (b) of the recommendation as follows:

"That the following actions be taken with respect to the request dated August 4, 2011 submitted by the London Abused Women's Centre, Men Against Sexual Trafficking (MAST) and Stop Porn Culture, with respect to the leasing or renting of city-funded space and the current internet service policy of the London Public Library:

(a) the request to establish a policy to prohibit any directly or indirectly City-funded boards, commissions and/or departments from leasing or renting space to any pornography industry-sponsored events BE REFERRED to the Civic Administration to report back to the Community and Neighbourhoods Committee (CNC) with a proposed policy, including information pertaining to the implications of implementing that policy;

(b) the following recommendation BE REFERRED to the London Public Library Board:

The City of London Municipal Council recommends that the London Public Library Board undertake an immediate review of its Internet Service Policy and consider the following amendments:

(i) security filters on public computers to prohibit access to pornography;

(ii) implement a policy related to the use of wireless internet so that users cannot be anonymous ..."

London Public Library feels that it is important the City Council understand the context in which LPL had developed and applies its *Internet Service Policy* and that the Library takes very seriously its responsibility of creating balance between the rights of

individuals to access a wide range of information, thought, belief, opinion and expression through library services and resources with the rights of users and staff to work in a public environment. To this end, LPL is providing the following information.

LPL Provision of Internet Service

Libraries and information services provide access to information, ideas and works of imagination in any medium and regardless of frontiers. They serve as gateways to knowledge, thought and culture, offering essential support for independent decision making, cultural development, research and lifelong learning by both individuals and groups.

LPL's *Vision, Mission and Service Excellence Model* are consistent with the core responsibilities of libraries as articulated by professional bodies such as the International Federation of Library Associations and Institutions [IFLA]:

Libraries and information services provide access to information, ideas and works of imagination in any medium and regardless of frontiers. They serve as gateways to knowledge, thought and culture, offering essential support for independent decision making, cultural development, research and lifelong learning by both individuals and groups.

Libraries and information services are vibrant institutions that connect people with global information resources and the ideas and creative works they seek. Libraries and information services make available the richness of human expression and cultural diversity in all media.

LPL's Internet service is consistent with its *Vision, Mission, Value Promise and Service Excellence Model*. LPL offers Internet access as part of its suite of services to the public in an effort to meet community needs in the areas of: Literacy, Learning, Culture, Leisure and Recreation, Information, and Community Meeting Place. From London Public Library's point of view, the Internet is the ideal vehicle to:

- Enhance public access to information and expressions of creativity and thought;
- Expand the library's collection of information resources;
- Provide users with the opportunity for remote dialogue with subject-matter experts and to engage with other people on an infinite variety of topics; and
- Enable collaborative research and study.

LPL recognizes that in addition to the many valuable resources available on the Internet, some are illegal, misleading and/or inaccurate. Others may be considered by some people to be offensive and/or objectionable.

The challenge is to create balance between the rights of individuals to access a wide range of information resources with the rights of users and staff to work in a public environment.

Policy Development and Legal Context

The London Public Library Internet Service Policy (2010) is attached for your reference.

In the development of the current LPL Internet Service Policy, LPL has done in-depth research, including investigation of the following components of policy and practice:

- Philosophical context;
- Legal context;
- Public policy context, including policy statements of Canadian public libraries;
- Service best practices;
- Technology-based tools;
- Promotion of positive Internet use through media awareness and safe surfing; and
- Best practices for Staff training and support.

Since 2008, the policy has been reviewed annually by the Library Board and each time the Library considers all of the above components.

Legal Context

In 2008, London Public Library sought a legal opinion to guide the development of its Internet policy to ensure that LPL's policy was in compliance with the *Canadian Charter of Rights and Freedoms*. A synopsis of the legal opinion was released publicly by the Library Board at its meeting of December, 2008. You will find a copy of the synopsis attached for your information.

Based on the requirements of the Charter, LPL's Internet Service Policy provides broad access to content limited by the extent required for the protection of children and teens. Accordingly, the Library has a combination of unfiltered and filtered Internet access at public computers across the system and at each location.

Implementation of LPL's Internet Service Policy

Highlights of the current *Internet Service Policy* include:

- Incorporation of guiding principles;
- Incorporation of library, user and staff responsibilities;
- Provision of broad access to content
- A combination of unfiltered and filtered Internet access at public computers across the system and at each location
- A statement of consequences for inappropriate behaviour and/or unlawful activity; and
- A required annual review.

The filtering LPL has in place includes:

- Computers specifically designated for use by children and/or teens are filtered.
- Homework Centre computers, are filtered.
- Computers in spaces specifically designed for use by children and/or teens are filtered.
- Computers designated for specific functions, such as the Employment Resource Centre computers, are filtered.
- All other computers are unfiltered with the exception being in the case that all other methods of due diligence regarding the reasonable protection of children/teens cannot be achieved.

As a result of the filtering practices, LPL has a combination of filtered and unfiltered computers across the system and at each location.

In respect of the range of sensibilities and viewpoints of its diverse clientele and consistent with its *Internet Service Policy*, LPL also endeavours to minimize the opportunity for unintentional exposure by people using library space to content being accessed by another library user. LPL has proactively implemented a combination of measures such as Acceptable Use Statements for users and measures such as privacy film on computer monitors, placement of computers, etc. in an effort to minimize sightlines to computer screens. Due to the constraints/limitations of space at library locations, LPL will advise users that they are in a public space and will encourage all users to be respectful of the rights and sensibilities of others.

LPL supports the right and responsibility of parents or legal guardians to determine, monitor and guide their children's use of library materials and resources. The Library does not act in place of or in the absence of a parent or legal guardian. At the same time, LPL does endeavour to proactively support children, parents and guardians in the practice of media awareness and Internet safety.

LPL has tailored physical and virtual environments to support the needs and expectations of children and teens. LPL has created specifically designed spaces using audience appropriate collections, technology, furniture and equipment. LPL ensures Internet services in such spaces facilitate and promote appropriate access.

Staff training and support is an essential component of the Internet Service Policy implementation. LPL has ensured that staff have a toolkit that includes policies, guidelines, procedures, job aids, etc. along with training and administrative support in the provision of service. LPL has in place a staff training module that has the following training goals for staff:

- To review and ensure awareness of the Internet Service Policy;
- To understand the rights and obligations of users under the Policy; and
- To understand the processes and appropriate actions in the event the Policy is contravened by a user.

LPL takes action on any inappropriate behaviours related to use of the Library's Internet service, such as intimidation, harassment, bullying, etc., according to the Library's *Code of Conduct*.

Ongoing Policy Review

LPL has instituted a continual process of environmental scanning to ensure that we are current on all elements of the policy framework. London Public Library does ongoing review and evaluation of its policy and its application in a public library setting. We monitor and review the effect of the *Internet Service Policy/Action Plan* on daily services and operations by:

- Responding to incidents as they arise, documenting and tracking incidents using incident management process/forms, and following up with appropriate actions;
- Tracking of and responding to public/staff comments and feedback;
- Reviewing filtering software reports; and
- Reviewing on an ongoing basis furniture and equipment, e.g. privacy screens for monitors, in response to sightline concerns raised by the public and staff.

“Incident reports” are prepared by staff or security when infractions of Library policies have occurred or a patron has raised a concern about activity in the Library for which Library staff and/or security staff has been required to take some kind of action. All information and feedback gathered as part of the incident reporting process is carefully reviewed by Management to determine if there is anything we can do better in terms of technological and physical solutions to prevent unintentional exposure to content. The Library Board annual policy review includes tables which provide information about LPL Internet usage, filtering data, incidents and patrons comments and feedback.

Previous Information Provided to the City of London, 2009

In 2009, the matter of LPL's Internet Service Policy, in general, and filtering specifically was brought before Board of Control (BOC), City of London. On September 30, 2009, Library CEO & Chief Executive Officer, Susanna Hubbard Krimmer, along with Library Board Chair, Councillor David Winninger, made a presentation to BOC and other members of Council who attended the meeting, to provide information about LPL's policy, the context on which it is based (including the legislative context) and its application in a public setting. Board of Control received the presentation and a communication from Councillor Miller with respect to the use of Library computers by the public. Board of Control also requested that when London Public Library undertake its upcoming review (November 2009) it consider the following:

- (a) ensuring that the Library maintains the most up to date and effective filtering programs;
- (b) the possibility of increasing the number of computers which have filtering programs;
- (c) what tools might be available to filter hate crime sites; and
- (d) locating computers with filtering programs so that they are in easy view of Library staff.

These considerations were included in the LPL 2009 review process.

To confirm: London Public Library feels that it is important the City Council understand the context in which LPL had developed and applies its *Internet Service Policy* and that the Library takes very seriously its responsibility of creating balance between the rights of individuals to access a wide range of information, thought, belief, opinion and expression through library services and resources with the rights of users and staff to work in a public environment. Please contact Susanna Hubbard Krimmer or me, if further information is required.

Yours truly,

A handwritten signature in black ink, appearing to be 'JM', with a long horizontal flourish extending to the right.

Josh Morgan
Chair, London Public Library Board

CC: C. Saunders, City Clerk

Synopsis of London Public Library Legal Opinion, 2008

The summary of a communication from Lerner's LLP to London Public Library re: London Public Library – Internet Filtering Policies was released into public session on December 17, 2008 (by Library Board Motion L08/68) and is as follows:

The position of the Library Board is based on an examination of the *Canadian Charter of Rights and Freedoms* (the *Charter*), and specifically upon section 2(b) of the *Charter* which protects the right of “freedom of thought, belief, opinion and expression, including freedom of the press and other communications” and is premised on “both the expansive definition of expression that has been articulated by the Supreme Court of Canada and the principle of content neutrality”. The “expansive definition of expression” means that the protected freedom captures virtually every medium of communication, including the Internet. “Content neutrality” means that the protected freedom does not take into account the social value of the expression in question.

The right of freedom of expression, protected by the *Charter*, also captures every form of communication that conveys or attempts to convey meaning. This may include communication that some people may consider objectionable and/or offensive, including pornography. The Supreme Court of Canada, through case law, has held that pornography as a form of communication is considered a protected form of expression as long as it is not obscene. Obscenity is defined in and prohibited by the *Criminal Code*.

After determining whether the right to freedom of expression has been violated, the analysis turns to a consideration of whether a violation can be justified pursuant to Section 1 of the *Charter*. Section 1 provides that *Charter* rights are subject to “such reasonable limit as can be justified in a free and democratic society”. The letter advises that “it is almost certain that the protection of minors is a sufficiently important objective to limit an individual’s freedom of expression”. However, in order to ensure that the policies comply with the *Charter*, the measures employed must place the least restrictions on the right as possible to achieve the stipulated objective (i.e. the protection of minors).

The motion also states that:

Premised on the above, any policy adopted by the LPL will be based on the two fundamental principles:

Providing the broadest internet access possible to its patrons in a way that is in accord with the *Charter* should be LPL's foremost concern, which includes due regard for the privacy of patrons who access the internet through unfiltered terminals.

In instances when exceptions to the above general principle are necessary to protect others (i.e. minors) the restriction should be as minimally invasive as possible.



LONDON PUBLIC LIBRARY POLICY

Title of Policy: Internet Service

Policy Type: Board Operational Linkage

Policy No.: C-C-04

Effective Date: November 25, 2010

Review: November, 2011

PURPOSE: London Public Library (LPL) Internet Service is consistent with its Vision, Mission, Value Promise and Service Excellence Model. LPL offers Internet access to library customers in an effort to meet community needs in the areas of: Literacy; Learning; Culture, Leisure and Recreation; Information; and Community Meeting Place.

The purpose of this policy is to outline: Library responsibilities in providing this public service; library use of filters; user responsibilities in accessing LPL Internet Service; staff responsibilities; and consequences of inappropriate behaviour or illegal activity by users.

DEFINITIONS:

Internet is a worldwide interconnected network of computers that allows the "sharing" or "networking" of information at remote sites from other academic institutions, research institutes, private companies, government agencies, and individuals.

SCOPE:

As part of its suite of services to the public, LPL offers Internet Service. From LPL's point of view, the Internet is the ideal vehicle to:

- Enhance public access to global information and expressions of creativity and thought;
- Expand the library's collection of information resources;
- Provide users with the opportunity for remote dialogue with subject-matter experts and to engage with other people on an infinite variety of topics; and
- Enable collaborative research and study.

LPL recognizes that in addition to the many valuable resources available on the Internet, some resources are illegal, misleading and/or inaccurate. Others may be considered by some people to be offensive, objectionable and/or intimidating.

In provision of access to content and communication media through its Internet Service, LPL will act in accordance with the *Canadian Charter of Rights and Freedoms* which states that everyone has freedom of thought, belief, opinion and expression.



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LPL will support the *Canadian Copyright Act* and other laws governing intellectual property; the *Criminal Code of Canada* and other legislation governing access to and communication of information, knowledge, opinion, creative thought and intellectual activity; and privacy legislation.

LPL will develop and implement Internet service policies, guidelines and procedures, under the authority of the *Public Libraries Act* and in accordance with the LPL *Vision, Mission, Value Promise* and *Service Excellence Model*.

POLICY STATEMENT:

1. Library Responsibilities

LPL will proactively facilitate and promote public access to quality information for all users, through various means such as information and referral services so that people may benefit from the use of the Internet.

LPL will proactively promote user education, media awareness and Internet safety.

LPL will respect the right of users to privacy and confidentiality with regards to information sought or received and resources consulted, acquired or transmitted.

In respect of the range of sensibilities and viewpoints of its diverse clientele, LPL will endeavour to minimize the opportunity for unintentional exposure by people using library space to content being accessed by another library user.

Due to the constraints/limitations of space at library locations, LPL will advise users that they are in a public space and will encourage all users to be respectful of the rights and sensibilities of others.

LPL will support the right and responsibility of parents or legal guardians to determine, monitor and guide their children's use of library materials and resources. The Library does not act in place of or in the absence of a parent. LPL will endeavour to proactively support children, parents and guardians in safe use of the Internet.

LPL will endeavour to minimize unintentional exposure by children and teens to Internet content that is age inappropriate. LPL tailors physical and virtual environments to support the needs and expectations of children and teens. LPL will ensure Internet services in such



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spaces facilitate and promote appropriate access.

2. Internet Filtering

LPL will not limit access to Internet content except as outlined below.

The London Public Library will filter the following categories of computers:

- Computers specifically designated for use by children and/or teens, such as Homework Centres;
- Computers in spaces specifically designed for use by children and/or teens; and
- Computers designated for specific functions, such as the Employment Resource Centre computers.

LPL will encourage user awareness that filters are not 100% effective. The Library assumes no liability in the event that a user reaches a site assumed to be filtered.

3. User Responsibilities

Users are responsible for any access points they reach and appropriate use of the resource.

Users are responsible for determining the reliability, currency and accuracy of sites accessed and information found using the Internet.

All customers of London Public Library, including those using the Library's Internet services, are responsible for following the Library's *Charter of Use* and *Rules of Conduct* which are designed to provide a welcoming and safe environment for the enjoyment of the public and staff so that all persons may enjoy the benefits of the Library.

Users are responsible for respecting the rights of others when accessing Internet sites in library space. Users must be aware that library computer workstations are in public areas shared by people of all ages and sensibilities. Some content is age inappropriate for children. Some content may be offensive, objectionable and/or intimidating to other Library customers and/or staff.

Users are responsible for respecting the privacy of other library customers.

Users are responsible for determining the legality of any sites they access. Users are subject



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to federal, provincial and municipal legislation regulating Internet use and must not use the Internet for illegal purposes including copyright violation, obscenity, child pornography, sedition and the incitement of hate. The use of the Library's Internet services for illegal purposes is prohibited.

Users must be aware that the Internet is not a secure medium and that third parties may be able to obtain information about their activities or themselves. Users are responsible for any fees, losses or damages that occur as a result of any online transactions they conduct on the Internet. The Library assumes no responsibility for the security and privacy of online transactions.

4. Staff Responsibilities

LPL staff are active intermediaries between users and Internet resources and are essential to the provision of relevant, accessible, high quality library services. Staff will support the user in effective, efficient and responsible use of the library Internet service. Staff can help users determine the reliability, currency and accuracy of sites accessed and information found using the Internet.

Staff do not monitor nor censor content.

Library staff are entrusted with the obligation to ensure that all rules of computer use and Internet service are followed. Staff will advise customers of appropriate conduct as required and state consequences of not following the rules of conduct should unacceptable behaviour continue or be repeated.

5. Consequences of Misuse of the LPL Internet Service

The Library will take action on any inappropriate behaviours related to use of the LPL Internet Service, such as intimidation, harassment, bullying, etc., according to the library's *Code of Conduct*.

LPL will take action in a situation where unlawful activity occurs, and will contact the police. For legal reasons, complaints from patrons that a user is accessing legally prohibited material may also result in LPL contacting the police.

Any person violating Library rules for Internet Service risks suspension of Library privileges, exclusion from the Library for a period of time, banning and/or prosecution.



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POLICY**

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INQUIRIES:

Manager, Services and Operations

CEO & Chief Librarian

KEYWORDS:

RELATED DOCUMENTS:

Charter of Library Use: Rules of Conduct

Charter of Library Use: Unattended Children

Privacy Policy

DOCUMENT CONTROL:

Approved: January 26, 1997

Reviewed: September 24, 1997

March 25, 1998

September 26, 2001

November 21, 2007 (L07/57.1)

November 19, 2008 (L08/57)

November 26, 2009 (L09/70.1)

November 25, 2010 (L0/81.1)