

Bill No. 1899-05

No. 17-05-RE

RESOLUTION

Resolution of the County of Allegheny, Commonwealth of Pennsylvania, requiring annual verification that all libraries under the umbrella of the Allegheny County Library Association (ACLA) have implemented a policy on Internet and computer use that is in compliance with all Federal, State and Local laws; requiring an annual review of filtering software utilized by the Electronic Information Network (eiNetwork) to comply with Federal, State and Local laws; requiring annual reports by each library of incidents in which the federal and state laws concerning the use of the computers and network are violated and how such violations were handled; establishing a public education component in cooperation with County agencies; and, further, providing that non-compliance with these provisions will result in the suspension of County funding of the eiNetwork.

WHEREAS, the Federal Children's Internal Protection Act (CIPA) mandates that libraries must certify that filtering software is being used to prevent on-screen depictions of obscenity, child pornography, or material that is harmful to minors in order to receive federal funding; however, adults may request that a librarian disable the filters; and

WHEREAS, Pennsylvania is one of twenty-one states that have adopted provisions similar to CIPA; specifically, Pennsylvania law requires libraries to adopt policies regarding access by minors to the Internet and online sites that may contain explicit material as defined in the Criminal Code in order to receive state funding; and

WHEREAS, the Allegheny County Library Association serves as a conduit for County funding to the Electronic Information Network (eiNetwork) which is utilized in libraries throughout the County; the eiNetwork established a policy in May of 2004 providing for the use of a filtering software package in ACLA member libraries that complies with CIPA requirements that has installed the package on all computers in the network; and

WHEREAS, the eiNetwork Policy further provides that all libraries in the network have properly certified their compliance with CIPA, directs library staff to disable filtering software when adult patrons request it and when patrons over the age of sixteen can show that the filter is erroneously preventing access to a site, and provides that eiNetwork equipment cannot be used for illegal purposes; and

WHEREAS, each library within the Allegheny County Library Association must adopt its own Internet and computer use policy to comply with Federal and State regulations, a policy that should be reviewed on an annual basis to address any issues that have been identified in the prior year; and

WHEREAS, a recent occurrence in one of the libraries in the eiNetwork indicates that the filters being used are not sufficient to block material that is harmful to minors, or that policies

allowing for bypassing of the filters are not being responsibly implemented allowing the viewing of inappropriate material by minors; and

WHEREAS, requiring annual verification that all libraries under the umbrella of the Allegheny County Library Association (ACLA) have implemented policies on Internet and computer use and requiring annual reports by each library of incidents in which the federal and state laws concerning the use of the computers and network are violated and how such violations were handled will allow for closer monitoring of the success of the filtering software and evaluation of the incidents in which that software is circumvented so that appropriate steps may be taken to address such shortcomings;

The Council of the County of Allegheny hereby resolves as follows:

SECTION 1.

On or before October 1 of each calendar year, the Allegheny County Library Association shall provide the following information in a notarized statement to the Allegheny County Chief Clerk:

1. Verification that all libraries utilizing the eiNetwork have a certified policy on Internet and computer use in place;
2. Verification that on-going updates to the eiNetwork's existing software are being completed to ensure the most current functionality of the filtering software; and
3. Verification that the Association and/or the eiNetwork has reviewed existing blocking software to determine if a superior product is available and the results of that review.

The Chief Clerk shall communicate receipt of said statement to the County Council and shall make it available for review upon request.

SECTION 2.

- A. On or before October 1 of each calendar year, the Allegheny County Library Association shall provide the Chief Clerk with a report of incidents that occurred in the prior year, including date on which the incident occurred; and, how each incident was handled by the library. The report shall not include any names, but shall protect the anonymity of involved persons.
- B. "Incidents" shall mean any event related to the use of public computers that is a violation of federal and state laws requiring the employment of technological protections that block or filter certain visual depictions deemed obscene, pornographic, or harmful to minors that is deemed reportable. It shall also include any violation of state or federal laws that result in contact with or by law enforcement officials and said library, except where law would prohibit such disclosure.

SECTION 3.

The Allegheny County Library Association, in conjunction with the Allegheny County District Attorney's Office, the Allegheny County Police, and other appropriate agencies, shall provide for an educational initiative directed at providing information, particularly to library staff, regarding the possible dangers associated with Internet use, including designating what constitutes misuse of public computers versus criminal activity in the use of public computers.

SECTION 4.

The agreement between the Allegheny County Library Association and Allegheny County providing funding for the Association and its network shall include the requirements set forth in this Resolution. In the event that the requirements of this agreement are not materially met, the Allegheny County Library Association shall forfeit any County funding related to the eiNetwork only for the year in which the violation occurred.

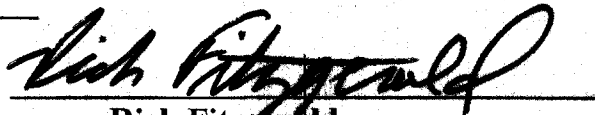
SECTION 5. *If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.*

SECTION 6. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.*

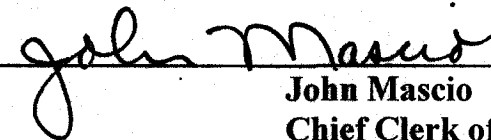
SPONSORED BY COUNCIL MEMBERS GASTGEB, REA, MARTONI, WATT, DEFAZIO, AND CLEARY

Enacted in Council, this 18th day of May, 2005

Council Agenda No. 1899-05



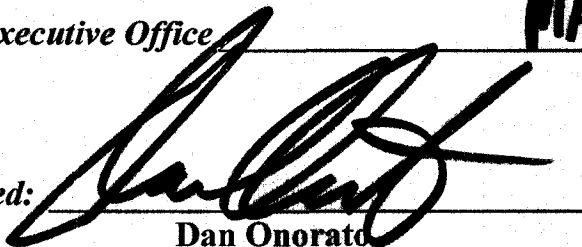
Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Office

MAY 27, 2005

Approved:



Dan Onorato
Chief Executive

Attest:



Donna Beltz
Executive's Secretary