

## Trustee Tip November 2016 Filtering for the Children's Internet Protection Act (CIPA)

Most Kentucky public libraries filter their internet to comply with the Children's Internet Protection Act (CIPA), passed in 2000. CIPA compliance is mandatory for libraries that receive federal E-rate or Library Services and Technology Act funding for internet access, computers, or any services eligible under E-rate Category Two.

### What 3 steps are required for CIPA compliance?

- **Internet Safety Policy** – Develop a policy that addresses 5 elements regarding the online safety of minors accessing the internet in the library:
  - Access by minors to inappropriate matter on the internet and World Wide Web
  - The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications
  - Unauthorized access including "hacking" and other unlawful activities by minors online
  - Unauthorized disclosure, use, and dissemination of personal information regarding minors
  - Measures designed to restrict minors' access to materials harmful to minors
- **Public Notice** - Hold a public meeting to help determine the content of the policy. The public must be notified in advance of the hearing, and the hearing must comply with the notice provisions of [KRS 424.120](#) (newspaper requirements) and the Open Meetings Act ([KRS 61.823](#)). The public meeting can take place as part of a regular-scheduled board meeting if proper notice of the agenda is given.
- **Technology Protection Measure (TPM)** – Select and deploy a content filter on all library-owned computers with internet access, including staff computers. The TPM must filter for **visual** depictions that are obscene, child pornography, or harmful to minors.
  - "Harmful to minors" is [defined in the CIPA statute](#) as "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."
  - No filter is 100% effective, and federal agencies do not prescribe a particular method for filtering.

The library must retain documentation showing that all 3 steps were taken before accepting funds and may be required to produce this documentation during an audit.

### Can the filter ever be disabled?

The library must disable the filter or unblock sites for patrons or staff 17 or older who request this for "research or other lawful purposes". Allowing the filter to be disabled was a critical element in CIPA's not being declared unconstitutional by the Supreme Court in 2003.

### What happens if my library isn't CIPA-compliant?

If your library certifies compliance with CIPA in order to receive federal E-rate or LSTA funding but is later found not to be compliant, your library may have to repay all funds used during periods of non-compliance.

For more information, see the E-rate program's [CIPA page](#). On KDLA's [Sample Operations Policies for Kentucky Public Libraries](#) page, Internet Use policy #2 is a CIPA-compliant policy.

*This tip is not intended to serve as legal advice. If you feel you need legal advice, please consult an attorney.*