

## Orem Public Library Internet and Online Access Policy

1. The Library provides a limited number of internet stations which are made available to individuals who agree to abide by the terms and conditions of this Policy. The Library offers internet access in support of lifelong learning. However, it does not offer a private internet experience or every facility that may be available through the internet. While limited staff help is available, the Library's internet area is intended to be self-service.
2. In order to accomplish the above objectives, it is important to maintain an environment that is conducive to learning, non-threatening, inoffensive and appropriate for minors. The Library complies with the Children's Internet Protection Act (CIPA) and Utah Code Title 9-7-215. Patrons may not display material which is inappropriate for display in a public library setting, including:
  - a. Material which is pornographic as defined by Utah Code Section 76-10-1203;
  - b. Material which is child pornography as defined by Utah Code Section 76-5b-103;
  - c. Material which is deemed harmful to minors as defined by Utah Code Section 76-10-1201;
  - d. Material which is deemed obscene as defined in 20 U.S.C. Sec. 9101;
  - e. Images which show or depict scenes of graphic violence, or other content which is reasonably determined to create a hostile environment for other patrons or staff, unless such content has serious educational, scientific, medical, literary or artistic value.
3. Consistent with the above stated objectives, internet stations may not be used for any of the following purposes:
  - a. Sending, receiving or displaying text or images that are described in paragraph 2 above;
  - b. Any illegal or unethical purposes, including but not limited to unauthorized disclosure of personal information, hacking, and gambling;
  - c. Any activities that violate the Library's Code of Conduct and other policies;
  - d. File Transfer Protocol (FTP), or making any changes to the setup or configuration of the Library's software and/or hardware, including installing or downloading software.
4. The Library uses technology protection measures including filtering software in an effort to block access to material that is obscene or pornographic. However, because the internet is fluid and rapidly changing, no filtering can be 100% effective in blocking such material. Parents are encouraged to supervise their children's internet sessions. The Library cannot protect users from all information which they may find offensive.
5. Patrons or library staff who wish to have a site blocked or unblocked will be offered a "Request for Internet Site Review" form. This form will be reviewed with City IT staff to determine suitability for forwarding to the filtering-software vendor.
6. As defined in Utah State Code Section 9-7-215, a patron may request to use the internet without filtering or other technology protection measures provided:
  - a. the patron is not a minor; and
  - b. the request is to enable access for research or other lawful purposes.

7. The Library has the right to monitor internet sessions as necessary to ensure system security and compliance with this Policy. By acknowledging compliance with this Policy, the patron agrees to waive any right to privacy with regard to sites accessed, materials viewed, and messages sent or received.
8. Violation of this Policy may result in permanent loss of internet privileges and legal action as appropriate. The determination of what constitutes inappropriate use of the internet facilities under this Policy shall be the sole judgment of Library and/or City IT Staff. Patrons must abide by any such determination.
9. The Library has the right, in its sole discretion, to modify this policy in any respect, and to establish such other procedures, practices, policies, requirements and conditions governing use of the internet facilities at any time that the Library deems appropriate. Patrons must agree to be bound by and to comply with any such modifications. The Library has the right to terminate, limit or discontinue internet service at any time and for any reason.

The Internet and Online Access Policy is enforced by Library staff as follows:

- Internet users are required to sign in using the electronic reservation system.
- Users must read and accept the Orem Public Library Internet and Online Access Policy Agreement before being allowed access to the internet. Users not accepting the policy terms will be denied access to the internet.
- Any concerns or complaints about the Internet and Online Access Policy may be addressed to the Library Director.

Policy adopted by the Orem Library Advisory Commission on May 11, 2022.

Policy effective date: May 12, 2022

## Orem Public Library Internet and Online Access Policy References

### **9-7-215.** Internet and online access policy required.

- (1) As used in this section:
  - (a) "Child pornography" is as defined in Section 76-5b-103.
  - (b) "Harmful to minors" is as defined in Section 76-10-1201.
  - (c) "Obscene" is as defined in 20 U.S.C. Sec. 9101.
  - (d) "Technology protection measure" means a technology that blocks or filters Internet access to visual depictions.
- (2) State funds may not be provided to any public library that provides public access to the Internet unless the library:
  - (a)
    - (i) has in place a policy of Internet safety for minors, including the operation of a technology protection measure:
      - (A) with respect to any computer or other device while connected to the Internet through a network provided by the library, including a wireless network; and
      - (B) that protects against access to visual depictions that are:
        - (I) child pornography;
        - (II) harmful to minors; or
        - (III) obscene; and
      - (ii) is enforcing the operation of the technology protection measure described in Subsection (2)(a)(i) during any use by a minor of a computer or other device that is connected to the Internet through a network provided by the library, including a wireless network; and
    - (b)
      - (i) has in place a policy of Internet safety, including the operation of a technology protection measure:
        - (A) with respect to any computer or other device while connected to the Internet through a network provided by the library, including a wireless network; and
        - (B) that protects against access to visual depictions that are:
          - (I) child pornography; or
          - (II) obscene; and
        - (ii) is enforcing the operation of the technology protection measure described in Subsection (2)(b)(i) during any use of a computer or other device that is connected to the Internet through a network provided by the library, including a wireless network.
    - (3) This section does not prohibit a public library from limiting Internet access or otherwise protecting against materials other than the materials specified in this section.
    - (4) An administrator, supervisor, or other representative of a public library may disable a technology protection measure described in Subsection (2):
      - (a) at the request of a library patron who is not a minor; and
      - (b) to enable access for research or other lawful purposes.

### **76-10-1203.** Pornographic material or performance -- Expert testimony not required.

- (1) Any material or performance is pornographic if:
  - (a) The average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;
  - (b) It is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion; and
  - (c) Taken as a whole it does not have serious literary, artistic, political or scientific value.
- (2) In prosecutions under this part, where circumstances of production, presentation, sale, dissemination, distribution, exhibition, or publicity indicate that the matter is being commercially exploited by the defendant for the sake of its prurient appeal, this evidence is probative with respect to the nature of the matter and can justify the conclusion that, in the context in which it is used, the matter has no serious literary, artistic, political, or scientific value.
- (3) Neither the prosecution nor the defense shall be required to introduce expert witness testimony as to whether the material or performance is or is not harmful to adults or minors or is or is not pornographic, or as to any element of the definition of pornographic, including contemporary community standards.

**76-5b-103. Definitions.**

- (1) "Child pornography" means any visual depiction, including any live performance, photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:
  - (a) the production of the visual depiction involves the use of a minor engaging in sexually explicit conduct;
  - (b) the visual depiction is of a minor engaging in sexually explicit conduct; or
  - (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.
- (2) "Distribute" means the selling, exhibiting, displaying, wholesaling, retailing, providing, giving, granting admission to, or otherwise transferring or presenting child pornography or vulnerable adult pornography with or without consideration.
- (3) "Identifiable minor" means a person:
  - (a)
    - (i) who was a minor at the time the visual depiction was created, adapted, or modified; or
    - (ii) whose image as a minor was used in creating, adapting, or modifying the visual depiction;
  - and
  - (b) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a birthmark, or other recognizable feature.
- (4) "Identifiable vulnerable adult" means a person:
  - (a)
    - (i) who was a vulnerable adult at the time the visual depiction was created, adapted, or modified; or
    - (ii) whose image as a vulnerable adult was used in creating, adapting, or modifying the visual depiction; and
  - (b) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a birthmark, or other recognizable feature.
- (5) "Lacks capacity to consent" is as defined in Section 76-5-111.4.
- (6) "Live performance" means any act, play, dance, pantomime, song, or other activity performed by live actors in person.
- (7) "Minor" means a person younger than 18 years old.
- (8) "Nudity or partial nudity" means any state of dress or undress in which the human genitals, pubic region, buttocks, or the female breast, at a point below the top of the areola, is less than completely and opaquely covered.
- (9) "Produce" means:
  - (a) the photographing, filming, taping, directing, producing, creating, designing, or composing of child pornography or vulnerable adult pornography; or
  - (b) the securing or hiring of persons to engage in the photographing, filming, taping, directing, producing, creating, designing, or composing of child pornography or vulnerable adult pornography.
- (10) "Sexually explicit conduct" means actual or simulated:
  - (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
  - (b) masturbation;
  - (c) bestiality;
  - (d) sadistic or masochistic activities;
  - (e) lascivious exhibition of the genitals, pubic region, buttocks, or female breast of any person;
  - (f) the visual depiction of nudity or partial nudity for the purpose of causing sexual arousal of any person;
  - (g) the fondling or touching of the genitals, pubic region, buttocks, or female breast; or
  - (h) the explicit representation of the defecation or urination functions.
- (11) "Simulated sexually explicit conduct" means a feigned or pretended act of sexually explicit conduct which duplicates, within the perception of an average person, the appearance of an actual act of sexually explicit conduct.
- (12) "Vulnerable adult" is as defined in Subsection 76-5-111(1).

- (13) "Vulnerable adult pornography" means any visual depiction, including any live performance, photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:
- (a) the production of the visual depiction involves the use of a vulnerable adult engaging in sexually explicit conduct;
  - (b) the visual depiction is of a vulnerable adult engaging in sexually explicit conduct; or
  - (c) the visual depiction has been created, adapted, or modified to appear that an identifiable vulnerable adult is engaging in sexually explicit conduct.

**10 U.S.C. Sec. 9101**

(8)Obscene

The term "obscene" means, with respect to a project, that—

- (A) the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;
- (B) such project depicts or describes sexual conduct in a patently offensive way; and
- (C) such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.