



OHIO PUBLIC LIBRARY INFORMATION NETWORK

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**BIANNUAL REPORT on LIMITING and CONTROLLING IMPROPER USAGE of the  
NETWORK**

April 5, 2010

To: Ted Strickland, *Governor, State of Ohio*  
Armond Budish, *Speaker, the Ohio House of Representatives*  
William Batchelder, *Minority Leader, the Ohio House of Representatives*  
Bill Harris, *President, the Ohio Senate*  
Capri Cafaro, *Minority Leader, the Ohio Senate*

From: Stephen Hedges, *Director, Ohio Public Library Information Network*

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Dear Governor Strickland, Speaker Budish, Representative Batchelder, President Harris, and Senator Cafaro:

This report concerning measures to limit and control access to obscene or illegal Internet materials in Ohio public libraries is required by Am. Sub. H.B. 1, Section 323.10:

The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Executive Director shall biannually provide written reports to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

OPLIN provides the vital telecommunications infrastructure that allows all Ohio public libraries to provide state of the art Internet information services to every community. We also partner with the public libraries and with other state organizations—specifically the State Library of Ohio, OhioLINK, and INFOhio—to maintain a core collection of consumer health, business development, and education information databases for all Ohio residents ([www.ohioweblibrary.org](http://www.ohioweblibrary.org)).

OPLIN has been writing this biannual report since October 1999; while we do not always have new things to report within the state, we continue to monitor legal and technological developments that impact public access to information.

## **Research**

The state budget set aside \$81,000 in FY 2010 and FY 2011 "...to help local libraries use filters to screen out obscene and illegal internet materials..." This earmark was first established in FY 2006, and since then these funds have always been distributed as grants to individual libraries for purchasing Internet filtering hardware and/or software.

OPLIN has researched the possibility of using these funds to implement a central content filter available to all libraries, rather than distributing funds to local libraries. Such a central implementation would allow us to use the funds more efficiently and offer Internet content filtering to all libraries that wish to filter, rather than only the 40 or so libraries that typically receive filtering grants.

OPLIN staff continue to monitor this technology, but at this time: a) most central filtering solutions are not yet robust enough to handle a network of the size and complexity of the OPLIN network; and 2) prices for solutions that might handle the OPLIN network are currently more than the \$81,000 annual earmark.

## **Advice**

OPLIN continues to recommend the [www.libraryfiltering.org](http://www.libraryfiltering.org) site to public libraries looking for information about available filtering software and hardware. OPLIN staff have actively worked with the owner of this site to make it both more useful for libraries and more user-friendly for filtering software vendors who wish to add their information to the site.

OPLIN has also created a custom search interface for the OPLINtech email list. Technical staff in libraries use this email list to share information about technical solutions to library problems, including controlling Internet content. The search interface is located at [oplin.org/techsearch](http://oplin.org/techsearch); the archives of the list have also been opened to Google indexing.

## **Filtering Activity in Public Libraries**

OPLIN announced the availability of \$81,000 in Internet Filtering Assistance Grants for local libraries on August 24, 2009, with applications due by October 2. We received applications from 50 libraries totaling \$93,267.29. The OPLIN Board awarded grants to 49 libraries (see list at the end of this document) totaling \$81,000.

Assistance was awarded following these priorities: new filtering measures (first funding priority); upgrades or expansion of existing filters; and finally, maintenance or renewal of existing filters. Further determination was based on financial need according to the "Total Overall Revenue" in the most recent Ohio Public Library Statistics published by the State Library of Ohio, with assistance awarded beginning with the library with the lowest total overall revenue.

Currently 164 of the 251 public library systems in Ohio use Internet filtering software. These 164 libraries serve over 70% of the Ohio population.

Over 11,800 public Internet computers are currently available in Ohio public libraries, with more being added through grants. Public libraries continue to update their local policies on Internet access, as required by law (O.R.C. Sec. 3375.64(C)); OPLIN maintains copies of all these policies.

**Law enforcement requests:** Since the last Biannual Report (October 2009), the OPLIN Support Center has received seven (7) requests from law enforcement agencies for assistance in locating the source of illegal Internet activities originating in Ohio public libraries. OPLIN typically receives one or two inquiries a month from law enforcement regarding activity at specific IP addresses within libraries, so the last six months have been normal.

## **National and International Trends**

Other than the high-profile battle between China and Google, efforts to control Internet content in the last six months have been focused on two areas: controlling obscene content (primarily in the South Pacific), and punishing copyright violators (mostly in Europe).

**Australia** is implementing mandatory Internet filtering by Internet service providers (ISPs). The government announced in December that an extensive trial of the filtering system had been completed and that it planned to proceed with legislation making the filters mandatory. All content that is "Refused Classification" by the country's official ratings board, and thus is illegal to sell in Australia, will also be blocked on the Web. This blocking must be implemented by all Australian ISPs. Google filed objections, including a concern that Australia's mandatory filtering project could "confer legitimacy upon filtering by other Governments," such as China.

On the other hand, Australia's Federal Court has ruled that ISPs have no obligation to act on copyright infringement notices or to disconnect subscribers who have received multiple notices. The court ruled that only those who committed the infringement can be held responsible. Thirty-four movie studios have appealed.

**New Zealand's** government-run Internet filtering system has now begun operations, with two ISPs using the system as of March. Seven thousand websites are on the government blacklist, most dealing with child sexual abuse, bestiality, and other illegal content. As in Australia, the government runs the filter; unlike Australia, however, ISP participation is voluntary.

New Zealand has meanwhile scaled back its efforts to control online copyright abuse. A rewrite of copyright laws had originally included "three-strikes" rules and a requirement that ISPs disconnect accused copyright offenders from the Internet. This language was widely opposed because of concerns that the rules would disconnect even huge businesses after a few employees downloaded illicit files. Under the new rules, copyright holders notify ISPs about alleged infringement and ISPs forward those notices to subscribers. After three such letters, rightsholders can choose to go to a special Copyright Tribunal to seek a fine or go to court to seek a disconnection of up to six months, thus providing judicial oversight of sanctions.

In November, the **European Union** agreed to an "Internet freedom provision" within its huge "Telecoms Package" that reinforces the presumption of innocence, the right to privacy, and the right to judicial review under any Internet sanctions. The provision states that access to the Internet is a human right, and that if authorities take away that right people must have the opportunity to defend themselves; citizens also have an automatic right to mount a legal challenge. Note that the provision does not demand that governments get a court order to disconnect an Internet subscriber for copyright infringement; such language was opposed by several prominent European countries, including France.

In fact, **France** was simultaneously passing a revised law to mandate disconnection from the Internet when subscribers abuse copyrights. The Conseil Constitutionnel ruled that major portions of the original law violated the 1789 Rights of Man, tending too much toward "guilty until proven innocent," and threatening a major sanction (Internet disconnection and blacklisting) without judicial oversight.

While the Conseil is now satisfied with the revised bill, it has not yet become law because the French privacy agency that reviews new legislation for privacy concerns wants further review of the measures that will be used to keep the database of alleged offenders and their supposed infractions private.

**Britain** is now considering a bill similar to the French bill that would give British authorities new tools to control content piracy, including the right to cut off the Internet connections of persistent copyright offenders. Under this bill, courts would also be empowered to order ISPs to block access to web sites that provide pirated movies, music and other media content.

The British Home Office also wants to compel ISPs to collect and retain records of communications from social networks, chatrooms, and within online games. Ministers say they only intend to ask ISPs to hold a record of a contact, rather than the actual contents of what was said.

This is very similar to a proposal in here in the **United States**, where the FBI wants ISPs to record which web sites people visit and retain those logs for two years; law enforcement believes this could help in investigations of child pornography and other serious crimes. It would be technically possible for an ISP to log the Internet protocol (IP) address of a web site visited or its domain name. It would be more difficult to determine the actual web page visited without doing deep packet inspection, something that would probably be opposed by Congress.

Now that Congress has passed the PRO-IP Act, the United States has an "Intellectual Property Enforcement Coordinator" responsible for coordinating the resources of the federal government in the effort to control copyright infringement. Music and movie publishers want the Coordinator to encourage ISPs to deploy bandwidth shaping, site blocking, traffic filters, watermark detectors, and deep packet inspection to stop illegal sharing. Again, some of these measures would likely be opposed by Congress.

As for controlling Internet obscenity, the Federal Trade Commission has reviewed 27 online virtual worlds and found that nineteen of them contained at least one instance of sexually or violently explicit content. This list included worlds that are specifically intended for young children and those that were marketed towards teenagers. Fourteen of the 27 were designed for children under the age of 13, and only half of those were free of explicit content, but the FTC noted that, "Almost all of the explicit content found in the child-oriented virtual worlds appeared in the form of text posted in chat rooms, on message boards, or in discussion forums."

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On behalf of the OPLIN Board, I am pleased to have had the opportunity to present this report to you, and I thank you for your continued support.

Respectfully,



Stephen Hedges  
Director

**FY 2010 Internet Filtering Assistance Grants**

OPLIN received 50 applications and was able to fund 49 of them, at least partially. The funding covers 114 library buildings and over 2,500 computers, not including capacity for filtering wireless sessions.

NEW INSTALLS

Canal Fulton Public Library	\$2,565.50
Kingsville Public Library	\$2,850.00

UPGRADES

Washington-Centerville Public Library	\$4,454.24
Delaware County District Library	\$3,424.50
Briggs Lawrence County Public Library (Ironton)	\$2,247.24
Brown Memorial Library (Lewisburg)	\$1,443.00
Mount Gilead Public Library	\$4,500.00
Mount Sterling Public Library	\$1,795.00
Twinsburg Public Library	\$4,500.00
Mary L Cook Public Library (Waynesville)	\$1,443.00

RENEWALS (ranked least to most Total Overall Revenue)

Forest-Jackson Public Library (Forest)	\$129.00
Rock Creek Public Library	\$1,850.00
Grand Valley Public Library (Orwell)	\$375.00
Mechanicsburg Public Library	\$225.92
Alexandria Public Library	\$199.00
Wagnalls Memorial Library (Lithopolis)	\$199.00
Henderson Memorial Library Association (Jefferson)	\$250.00
Kinsman Free Public Library	\$625.00
Harbor-Topky Memorial Library (Ashtabula)	\$810.00
Delphos Public Library	\$312.00
Plain City Public Library	\$199.00
Newton Falls Public Library	\$1,125.00
Carnegie Public Library (East Liverpool)	\$350.00
Hubbard Public Library	\$1,025.00
Brown County Public Library	\$1,718.00
Lebanon Public Library	\$1,005.00
Perry Public Library	\$450.00
London Public Library	\$1,200.00
Pickerington Public Library	\$199.00
McKinley Memorial Library (Niles)	\$1,000.00
Madison Public Library	\$950.00
Putnam County District Library	\$858.28
Marysville Public Library	\$398.00
Troy-Miami County Public Library	\$3,408.00
Ashtabula County District Library	\$1,300.00
Reed Memorial Library (Ravenna)	\$1,525.00
Kent Free Library	\$2,825.00
Rodman Public Library (Alliance)	\$1,585.00
Nelsonville Public Library	\$1,953.00
Portage County District Library	\$2,500.00
Portsmouth Public Library	\$1,079.72
Muskingum County Library System	\$1,636.00
Grandview Heights Public Library	\$199.00
Morley Library (Painesville)	\$2,750.00
Fairfield County District Library	\$2,568.00
Geauga County Public Library	\$3,500.00
Upper Arlington Public Library	\$2,227.50
Warren-Trumbull County Public Library	\$4,500.00
Greene County Public Library	\$2,769.10
Total	<u>\$81,000.00</u>