



OHIO PUBLIC LIBRARY INFORMATION NETWORK

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

April 20, 2009

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*

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. 119 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).

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 \$85,725 in FY 2009 "...to help local libraries purchase or maintain 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.

In the past year, OPLIN has been researching 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.

Previously, a central filter would not have allowed local libraries to control the amount and type of filtering applied to their Internet traffic in accordance with each library board's policies. A few companies are now offering content filtering as a web service that could block unwanted content before it reached the library, with full control over the filtering parameters left in the library's hands.

OPLIN staff have explored this new technology and found that it is not yet robust enough to handle a network of the size and complexity of the OPLIN network. We will continue to watch developments in this field; meanwhile the proposed language in the FY 2010-2011 biennium budget has been changed to eliminate the suggestion that filtering funds must be sent to local libraries, so we can be prepared to purchase central filtering if the technology becomes feasible in the future.

Advice

OPLIN continues to recommend the 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. We have noticed, however, that the owner does not place a high priority on maintaining the site, so it may become less useful in the future.

Filtering Activity in Public Libraries

OPLIN announced the availability of \$85,725 in Internet Filtering Assistance Grants for local libraries on September 15, 2008, with applications due by November 30. We received applications from 55 libraries totaling \$145,990.33. The OPLIN Board decided to award the grants in two waves in anticipation that available funds might be reduced if December budget cuts were mandated by the Office of Budget and Management. The top-priority grants for new and upgraded filter installations were therefore approved for 22 libraries in early December, totaling \$68,168.88.

The OPLIN budget was not reduced by OBM in December, so a second round of grants was approved in February for lower-priority filter maintenance costs, bringing the total to \$85,725. Unfortunately, the delay in distributing the second round resulted in several libraries purchasing filter maintenance from

their own funds, making them ineligible for grant funds under the announced guidelines. In all, 39 libraries received \$84,745.10, with disqualified grants—\$979.90—returning to the State. (Last year we distributed the entire \$100,000 set aside to 41 applicants.)

Currently 168 of the 251 public library systems in Ohio use Internet filtering software. These 168 libraries serve about 77% of the Ohio population.

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.

National and International Trends

Much of the activity in the last six months that related to controlling harmful materials on the Internet took place in Australia and New Zealand; however, two notable events happened in the United States.

On December 31, the **Internet Safety Technical Task Force** released its Final Report. This group was created in February 2008 by the "Attorneys General Multi-State Working Group on Social Networking and MySpace" to consider technologies that industry and end users, including parents, could use to help keep minors safer on the Internet. The Final Report concluded that the problem of **bullying** among children (online and offline) is a more serious challenge than the sexual solicitation of children by adults, and that minors are actually unlikely to be propositioned by adults online.

Then on January 21, the **Child Online Protection Act (COPA)**, which was enacted by Congress in 1998 and immediately challenged in the courts, died a quiet death when the US Supreme Court **rejected the Act** without comment. COPA would have required US-based websites displaying anything that might violate "contemporary community standards" to block minors from accessing the material, but the court system repeatedly found that COPA was over-broad and violated the First and Fifth Amendments to the Constitution.

Australia's plan to mandate **nationwide Internet filtering** attracted a lot of attention and significant opposition. The proposed system filters the Internet at two levels. First, all Australian Internet service providers (ISPs) must block access to around 10,000 Web sites on a list maintained by the Australian Communications and Media Authority. Second, ISPs are required to provide an optional filter that individuals could use to block other Internet material deemed unsuitable for children. The government has allocated 45 million Australian dollars (\$30.7 million) for the filtering. Two of the largest Australian Internet service providers have refused, however, to join trials and others will only commit to testing less extensive filtering. Additionally, a government report released just before Christmas pointed to many difficulties with implementing such a scheme. Children's safety organizations seemed to be split in their opinions of the plan, with some supporting it while others questioned its effectiveness and cost.

The last few months have also seen interesting developments in **New Zealand** in regard to controlling **copyright infringement on the Internet**. New Zealand's 1994 Copyright Act was amended last year to accommodate new technologies, with the most controversial amendment being the new Section 92A, which states, "An Internet service provider must adopt and reasonably implement a policy that provides for termination, in appropriate circumstances, of the account with that Internet service provider of a repeat [copyright] infringer." Internet service providers noted that the law did not require

proof of infringement, just an accusation of infringement, before an account is disconnected, leading some people to refer to Section 92A as the "Guilt Upon Accusation" law. Originally the new law was scheduled to take effect on February 28, but after a delay the New Zealand government decided on March 23 to **rewrite this legislation**. Commerce Minister Simon Power said, "Allowing section 92A to come into force in its current format would not be appropriate given the level of uncertainty around its operation."

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,

A handwritten signature in black ink that reads "Stephen Hedges". The signature is written in a cursive, flowing style.

Stephen Hedges
Director