



OHIO PUBLIC LIBRARY INFORMATION NETWORK

2323 West 5th Avenue, Suite 130 • Columbus, Ohio 43204 • 614.728.5252 (phone) • 614.728.5256 (fax)

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

October 1, 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. 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).

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 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: 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. We will continue to watch developments in this field.

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.

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.) You can see a map of the libraries that received grants at <http://host2.oplin.org/annual2009/financials>.

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 11,500 public Internet computers are available in Ohio public libraries. 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 (April 2009), the OPLIN Support Center has received nine (9) 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

Efforts to control Internet content in the last six months have been focused on two areas: controlling inappropriate content, and punishing copyright violators.

The most aggressive efforts to control Internet content came out of **China**, where the government decided to require that all new personal computers sold there after June 30 contain software that filters out pornography and other “vulgar” Internet material. China already has central controls that restrict Internet content, including blocking access to Web sites on Tibet, human rights and other politically sensitive subjects, but this “Green Dam/Youth Escort” project would have moved the controls onto the individual user's computer. The United States warned China that the installation requirement could be seen as a violation of world trade regulations and the plan met resistance from foreign computer manufacturers. In mid-August the Chinese information technology minister announced that the filters would only be required on computers in Internet cafes, schools and other public places.

In **Japan**, mobile phone service providers are considering placing restrictions on phone accounts that were sold with unlimited Internet access, because downloading pornography to mobile phones has become so popular it is causing network disruptions, especially late at night. Industry watchers expect global revenue from pornography on mobile devices will more than double to \$4.9 billion in the five years to 2013; music sales are expected to grow by about a third during the same period.

In **Australia** and **New Zealand**, efforts continue to establish content filtering by Internet service provider (ISP) companies. Initial testing of the Australian government's Internet filtering system appears to have been fairly successful. Australia first announced its intention to implement ISP filtering two years ago, in August 2007; the filters are intended to be on by default, with consumers able to opt out. New Zealand has now proposed a similar system whereby ISPs would compare Internet requests against an unpublished blacklist maintained by the Department of Internal Affairs. The department announced this project in mid-July under the name “Digital Child Exploitation Filtering System.”

The biggest news in the area of copyright violations came from **Sweden**, where the founders of the Pirate Bay website were found guilty in April of assistance to copyright infringement. The Pirate Bay is the world's largest BitTorrent tracker, providing easy access to this popular peer-to-peer file sharing protocol, which is often used for distributing unauthorized copies of copyrighted material. The verdict, which raises some interesting legal issues, is under appeal.

In **France** and **Britain**, laws are being developed that would require Internet service providers to suspend the accounts of people found to be involved in the illegal copying of music and movies. On September 18, the French legislature passed a second version of a "three strikes" law that targets illegal Internet file-swappers after the French Constitutional Council rejected the first version of the law. A similar proposal was recently curbed in New Zealand because of concerns over due process. With that in mind, the Business Software Alliance, an international IT industry group, has thrown its support behind a "graduated response" method of dealing with suspected copyright infringement; ISPs would implement a set of ever more restrictive sanctions on users accused of sharing movies, music, or software online.

In September, **China's** Ministry of Culture issued a new online music policy to reduce the level of music piracy. This policy requires that all music providers based in China, Hong Kong, Macau, and Taiwan have an "Online Cultural Business" license as well as permission to disseminate music products which have been audited and approved by the Ministry of Culture. The documents required for approval of a song include lyrics translated to Chinese and licensing agreements proving that the music providers have the right to offer that music online. Early indications are that China considers the policy to also apply to search engines that provide links to songs in their results list, which could be problematic.

In the **United States**, the Recording Industry Association of America (RIAA) won two large legal settlements against people accused of illegally sharing music downloads. In June, Jammie Thomas-Rasset was found guilty by a federal court of willful copyright infringement on 24 songs she shared illegally, and was ordered to pay RIAA \$1.92 million. In July, a federal jury ordered Joel Tenenbaum, a graduate student at Boston University, to pay \$675,000 to record labels for downloading and distributing 30 songs.

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