



OHIO PUBLIC LIBRARY INFORMATION NETWORK

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

October 22, 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:

OPLIN provides the vital telecommunications infrastructure that allows all Ohio public libraries to provide state of the art Internet information services to every community. 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 has been writing this biannual report since October 1999; in the last few years, we seldom have new things to report within the state, though we continue to monitor legal and technological developments that impact public access to information.

In an effort to provide you with more timely information and streamline our operations, OPLIN will seek to alter the language in the next budget bill to replace "...shall biannually provide written reports..." with "...shall provide reports upon request within 10 days..." This change will provide you with current information as needed; however, we will continue to provide you with this written report as well if you find it useful.

*We request that you contact OPLIN Director Stephen Hedges ([hedgesst@oplin.org](mailto:hedgesst@oplin.org)) if you wish to continue receiving this biannual report as well as reports on demand.* Thank you.

## **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.

For several years, 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.

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**

On August 26, 2010, OPLIN announced the availability of \$81,000 for a first round of Internet Filtering Assistance Grants for local libraries seeking to install new or improved Internet content filters, with applications due by October 1. The OPLIN Board awarded grants to 10 libraries for such filtering improvements (see list at the end of this document) totaling \$27,604.11.

On October 12, 2010, the availability of the remainder of the \$81,000 set-aside (\$53,395.89) was announced, with applications due December 1. This second round of assistance will be 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 will be 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 165 of the 251 public library systems in Ohio use Internet filtering software; an additional 3 libraries will have filters as a result of the first round of FY2011 Internet Filtering Assistance Grants. These 168 libraries serve about 75% of the Ohio population.

Over 11,850 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 (April 2010), 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**

Laws establishing a graduated response, also known as "three strikes laws," aimed at addressing online copyright infringement continued to dominate international Internet news. Such laws provide for Internet service providers (ISPs) to cut off Internet access to a subscriber who has received several warning letters of alleged copyright infringement.

Last April, the **British Parliament** approved a "Digital Economy Bill" that included plans to crack down on digital media piracy by authorizing the suspension of repeat offenders' Internet connections, under pressure from the UK music and movie industries. Copyright violators face temporary suspensions of their Internet accounts if they ignore warning letters to stop. As the rules for enforcing this law were developed, there was concern that libraries that offer WiFi Internet access might need to collect e-mail or postal addresses from users before allowing access. As for the cost of issuing warning letters, 75% is to be covered by copyright holders and the remainder covered by Internet service providers.

In **Ireland**, the largest Internet service provider came to an independent agreement with the music industry last April to suspend digital pirates' Internet connections if they ignore repeated warnings to stop the unauthorized copying of music. In October, however, The High Court in Ireland ruled that UK laws cutting off Internet users who have illegally downloaded content cannot be enforced in Ireland, and that any attempts to do so could be in breach of European consumer-protection legislation.

In the **United States**, some organizations have pushed the federal government to adopt graduated response rules for disconnecting digital media pirates. In June, however, the White House released the "2010 Joint Strategic Plan on Intellectual Property Enforcement" which rejected such rules. Instead, the plan encouraged the private sector to work together to fight major piracy through existing antitrust laws.

A May decision from the Supreme Court of **Washington** was of more direct interest to libraries. This ruling stated that a public library can filter Internet access for all patrons without disabling the filter on request of an adult library patron. The court essentially agreed that the decision to filter is a collection development decision rather than the removal of content acquired by the library, and that it is permissible for the library to unblock sites on a case-by-case basis, perhaps taking more than a day to do so. This case (*Bradburn vs. North Central Regional Library District*) now returns to federal court; the U.S. Supreme Court's 2003 ruling in a case challenging the Children's Internet Protection Act (CIPA) implied that content filtering in libraries is only constitutional if the filter can be removed at the request of an adult patron.

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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,

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

Stephen Hedges  
Director

## OPLIN Filtering Assistance Grants FY2011

### First Round

Applications for OPLIN grants to assist libraries with the cost of installing new or improved Internet content filters were collected online between August 26 and October 1. The following applications were funded on October 8:

| <b>Library</b>                                | <b>Request</b>  | <b>Award</b> |
|---|---|--------------|
| Licking County Library (Newark)               | New Cymphonix filtering solution to provide content filtering at all six Licking County Library locations             | \$3,835.00   |
| Napoleon Public Library                       | New install of Website-Echo content filter for 39 staff and patron PCs  | \$2,315.75   |
| Bristol Public Library (Bristolville)         | New Websense filtering software and server  | \$1,543.00   |
| Chillicothe and Ross County Public Library    | Add SonicWall Security appliance for children's areas at the Main library and Northside Branch                        | \$1,496.21   |
| Logan County Libraries (Bellfontaine)         | Replace End of Life filtering server with Cymphonix EX310H  | \$4,232.15   |
| Pickerington Public Library                   | Replace R3000 filter appliance with WF300   | \$3,122.00   |
| Fairfield County District Library (Lancaster) | Replace R3000 8e6 filter appliances at the Main Library and Northwest Branch that will be End of Life in January 2011 | \$4,500.00   |
| Nelsonville Public Library                    | Replace SonicWall with OpenDNS Enterprise content filtering service   | \$1,350.00   |
| Lane Public Library (Hamilton)                | Upgrade from free version to Enterprise version of OpenDNS  | \$1,600.00   |
| Rodman Public Library (Alliance)              | Upgrade to SonicWall NSA 2400 Secure  | \$3,610.00   |

The total of these ten awards is \$27,604.11.

The second round of awards will be decided at the December 10 OPLIN Board meeting.