

# **Tempe Public Library**

## **Acceptable Use of Electronic Information Resources and the Internet**

Approved by the Library Advisory Board  
April 5, 2010

### **I. INTRODUCTION**

In response to advances in technology and the changing needs of the community, the Tempe Public Library endeavors to develop collections, resources and services that meet the cultural, informational, recreational, and continuing education needs of the community it serves. It is within this context that the Library provides access to electronic information resources including computer equipment, software programs, informational databases, and the Internet via public access computers and the wireless networks located in the Library and in Library outreach centers at the Escalante Community Center and the North Tempe Multi-Generational Center.

The Tempe Public Library reserves the right to alter the provisions of this policy and to change the conditions of use of its electronic information resources in accordance with its mission. The Library reserves the right to terminate or change, without notice, the nature of access to specific electronic resources in accordance with its mission.

### **II. LIMITATION OF LIABILITY**

#### **A. INTERNET ACCESS**

The Tempe Public Library provides access to the Internet in order to enable Library users to obtain a vast array of information not contained in the Library's material collections. While the Internet generally provides access to information that is valuable and enlightening, users may find content that is controversial, offensive, disturbing, erroneous, or illegal. In accordance with the requirements of Arizona law (A.R.S. §34-502), the Tempe Public Library utilizes an Internet content filter on its public networks in order to limit a minor's ability to gain access to material deemed harmful to minors by A.R.S. §13-3501 et seq. Filtering software may not block all material that some users might find offensive. The Library does not monitor and does not have control over information accessed through the Internet and cannot be held responsible for its content, presentation, or use.

The Library affirms the right and responsibility of parents and guardians to determine and monitor their children's use of library materials and resources, including content retrieved on the Internet.

#### **B. SECURITY AND PRIVACY**

Data intentionally or unintentionally downloaded from remote sources, including the Internet, may contain viruses harmful to the computers or storage devices of Library network users. The Library's public access computers contain antivirus software which is updated daily, but the Library cannot guarantee that data accessed over its network is trustworthy. The Tempe Public Library disclaims all liability for any damage to any user's computer or data storage device that may result from use of the Library's computers or networks.

As with most public computing services, the library's networks are not secure. Users should be aware of the possibility that data transmitted over the Library networks may be targeted for unauthorized interception by untrustworthy or malicious third parties, and should avoid transmitting any confidential information, such as personal or financial information, unless they are certain that the destination site with which they are communicating provides its own security

mechanism such as SSL encryption. An SSL encrypted web page is usually indicated by a small padlock symbol displayed in the browser window. Users accessing the wireless network on their own computing devices should have personal firewall and updated antivirus protection software installed to protect their privacy and to provide for their own data security.

### **C. LINKS TO INTERNET SITES**

The Tempe Public Library, through its public web site at [www.tempe.gov/library](http://www.tempe.gov/library), provides links to interesting and useful Internet resources. Links to recommended sites are provided in accordance with the principles explained in the Library's Collection Development policy. Because of the dynamic nature of the Internet, the Library cannot constantly monitor any sites to which it links, nor any secondary links provided on remote sites, and cannot accept responsibility for the content of those sites.

### **D. USE OF COPYRIGHTED MATERIALS**

The Tempe Public Library provides access to copyrighted materials, including copyrighted electronic materials. Responsibility for the consequence of copyright infringement shall lie with the user. The Library expressly disclaims liability or responsibility resulting from copyright infringement by users.

## **III. RESPONSIBILITIES**

### **A. LEGAL USE**

The Tempe Public Library's electronic information resources may only be used for legal purposes. Examples of illegal use include, but are not limited to, the following:

- Harassment or stalking of other persons
- Libeling or slandering of other persons
- Violation of Arizona law (A.R.S. §13-2316, as it may be amended) by damaging, destroying, or altering without authorization any computer or electronic equipment, software, or data belonging to the Library, other persons, or other organizations
- Violation of Arizona law (ARS §13-3501, et seq., as it may be amended) and Library policy by using the library's electronic information resources for the public display of material harmful to minors
- Violation of Arizona law (A.R.S. §13-3507, as it may be amended) by using the Library's electronic information resources for the public display of explicit sexual materials
- Violation of software license agreements
- Infringement of copyrighted information
- Disruption or unauthorized monitoring of electronic communications

## **B. ETHICAL USE**

The Tempe Public Library's electronic information resources may only be used in an ethical manner. Examples of unethical use include, but are not limited to, the following:

- Violating or attempting to bypass or circumvent computer security or time management systems
- Unauthorized use of accounts, logins, access codes, or passwords belonging to others
- Falsifying or disguising sources of electronic mail or other electronic communications with the intent to mislead, defraud, deceive, or harass other persons
- Communication of fraudulent, harassing, obscene, threatening, or other messages that are a violation of applicable federal, state, or other law
- Using the network or equipment in a manner that would unnecessarily impede access by others
- Using the network or equipment in a manner that creates a hostile environment for others
- Violation of the privacy of other library users

## **C. CONDITIONS OF USE**

To ensure that the use of the Tempe Public Library's electronic information resources is consistent with the legal and ethical standards set forth in this policy, the following conditions of use shall apply:

### **1. Access**

- Library users shall have access to the Library's public access computers on a first-come, first-served basis. Exceptions may be made for instructional classes organized by Library or outreach center staff.
- In order to provide equitable access to all users, computer use time limits are in effect for each facility as described below:
  - Tempe Public Library
    - Persons holding Tempe Public Library cards in good standing are allotted a total of four computer use sessions per day. Sessions are limited to a maximum length of 30 minutes when reservations are pending. Sessions may be extended past 30 minutes when no reservations are pending.

- Escalante Community Center and North Tempe Multi-Generational Center
  - Persons holding Tempe Public Library cards in good standing are allotted a total of two computer use sessions per day. Sessions are limited to a maximum length of 60 minutes when reservations are pending. Sessions may be extended past 60 minutes when no reservations are pending.

*The Library reserves the right to change these time and session limits without notice when circumstances warrant.*

- Youth and Child computers are reserved for the exclusive use of children under the age of fifteen. Children under seven years of age must be accompanied by a parent or guardian while using computers.
- Teen computers are reserved for the exclusive use of persons between the ages of twelve to eighteen, inclusive.
- Family Computing Center computers are reserved for the use of parents and guardians who are accompanied by children under the age of fifteen.

## **2. Use**

- Users shall not move, damage, deface, or mistreat computer hardware, peripheral equipment, or accessories.
- Users shall not tamper with computer or monitor settings.
- Users shall not attempt to download, install, or execute any software or program not explicitly authorized in advance by Library staff.
- Portable data storage devices may be attached to computers for the purpose of retrieving non-executable data files from, or transferring data to, those devices. Library users shall not attach any other type of hardware to any computer workstation without the express permission of Library staff.
- Users shall not, in accordance with United States law (US Code, Title 17), reproduce or distribute copyrighted materials without the permission of the copyright holder, except as permitted by the principles of "fair use". Users may not copy or distribute electronic materials (including electronic mail, text, images, programs, or data) without the explicit permission of the copyright holder. Responsibility for any copyright infringement lies with the user. The Library expressly disclaims any liability or responsibility resulting from such use.
- Users shall not, in accordance with Arizona law (A.R.S. §13-3507, as it may be amended), use the Library's electronic information systems for the public display of explicit sexual materials.
- Users shall not, in accordance with Arizona law and Library policy, use the Library's electronic information systems for the public display of material harmful to minors.
- Users shall not use the Library's network to participate in gambling activities.

## **IV. SANCTIONS**

Library users who violate the Tempe Public Library's *Acceptable Use of Electronic Information Resources and the Internet* policies, or who refuse to comply with the *Conditions of Use* will be expelled from the Library, and may have their library privileges revoked. Violations of the policies described above regarding the legal and ethical use of the Library's electronic information resources will be dealt with in a serious and appropriate manner. Illegal acts involving the Library's electronic information resources may also be subject to prosecution by local, state, or federal authorities.

## **V. RESPONSIBILITIES OF THE LIBRARY**

### **A. FREEDOM OF INFORMATION**

The Tempe Public Library believes strongly in the free flow of information and makes every effort to comply with the First Amendment of the United States Constitution and Article II, Section 6 of the Arizona Constitution. Accordingly, any visitor to the Library who uses its electronic information resources and reasonably believes that the Library's filtering software has unnecessarily blocked a Web site, can seek to have the blocked site reviewed expeditiously by Library staff. If the Library staff upholds the determination that the Web site is in violation of the policy, the visitor can request further expeditious review by staff at the Tempe City Attorney's Office. If the staff at the Tempe City Attorney's Office upholds the determination that the Web site is in violation of the policy, the visitor can request expeditious judicial review of said Web site. If the Library staff or City Attorney's Office determines that the Web site is not in violation of the policy, Library staff will promptly work with the Information Technology Division to permit access to the site in question. If a visitor to the Library using the Library's electronic resources accesses a Web site that he or she believes to be in violation of the policy, the visitor can seek to have the site reviewed expeditiously by Library staff. If the Library staff or City Attorney's Office determines that the reported Web site is in violation of the policy, Library staff will promptly work with the Information Technology Division to block access to the site in question. The aforementioned procedural safeguards are not a license to purposely offend Library staff, and any attempt to do so may result in the loss of Library privileges.

### **B. CONFIDENTIALITY OF USE**

Transaction logs and any other information that can be used to identify a user with specific data, files, programs, or other electronic materials are considered by the Tempe Public Library to be confidential and shall not be divulged to anyone except as otherwise noted herein.

Pursuant to Arizona law (A.R.S. §41-1354), the Tempe Public Library shall not disclose any record or information which identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the Library. Records may be disclosed only in the following circumstances:

- If necessary for the reasonable operation of the Library, as determined by Library management
- On the written consent of the library user
- On receipt of a court order
- If required by law

Any person who knowingly discloses any record in violation of this section is guilty of a class 3 misdemeanor.

### **C. ADDITIONAL SERVICES**

Printing services may be made available from the Library's computers and over the wireless network. Users may select from a variety of printing options according to the following fee schedule: twenty (20) cents per page for black and white copies, seventy-five (75) cents per page for color copies. Printing fees are subject to change without notice.

Headphones, flash drives, and portable disks are not provided for use by the Library.

Library staff will be pleased to assist users in accessing its electronic information resources as service demands permit. Each user is, however, ultimately responsible for his or her own computer usage. Staff cannot provide in-depth individual training in the use of the Internet or of personal computers.

Visitors using their personal devices to access the Internet via the Library's wireless network are responsible for configuring their own equipment. Library staff cannot assist with the configuration of computing devices not owned by the Library. Users should refer to the wireless network access instructions which are located at each Library service desk and on the Library web site at [www.tempe.gov/library](http://www.tempe.gov/library).

### **VI. DEFINITIONS**

The terms "explicit sexual material" and "harmful to minors" are used in this policy as they are defined in A.R.S. 13-3501, et seq., as it may be amended.

"Harmful to minors" also means any image that could reasonably cause psychological harm to a minor, and does not contain any serious literary, artistic, political, or scientific value for minors. By way of example, most images portraying a headless or mutilated corpse would be considered material harmful to minors.

### **VII. NOTICE**

The Tempe Public Library shall provide notice of the provisions of this policy and make available both electronic and paper copies of this policy.