TORONTO PUBLIC LIBRARY

**STAFF REPORT
ACTION REQUIRED**

Internet Use Policy – Revisions

Date:	December 10, 2018
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

The purpose of this report is to update the Toronto Public Library Board's Internet Use Policy. The recommended revisions to the policy are provided in Attachment 1.

The purpose of this policy is to balance the provision of internet access while ensuring internet use conforms with all applicable laws and library policies, and the Library is maintained as a welcoming and supportive environment free of discrimination and harassment. The revisions do not change the intent of the policy in supporting intellectual freedom or the use of both filtered and unfiltered workstations. The revisions emphasize the expectation that customers will use the Library's internet services in accordance with the Rules of Conduct and with consideration to the public environment in which they are situated. The policy continues to support action being taken by staff to address violations of the Internet Use Policy and the Rules of Conduct.

RECOMMENDATIONS

The City Librarian recommends that the Library Board:

1.   approves the revisions to the Internet Use Policy as outlined in this report (Attachment 1);

Implementation Points
The policy revisions are in effect with Board approval.

FINANCIAL IMPACT

The policy revisions have no financial impact beyond what has already been approved in the current year's budget.

The Director, Finance & Treasurer has reviewed this financial impact statement and agrees with it.

ALIGNMENT WITH STRATEGIC PLAN

The revisions to the Internet Use Policy are aligned with the Library's mission to preserve and promote universal access to a broad range of human knowledge, experience, information and ideas in a welcoming, supportive environment, and the strategic plan priority of expanding access to technology and training.

EQUITY IMPACT STATEMENT

The Public Internet Use Policy will have a positive impact on all equity-seeking groups. TPL's priority remains on removing barriers to library internet use. Internet services help break down barriers to access, drive inclusion, and expand access to technology for socio-economically disadvantaged households, an identified equity-seeking group. Many low income households in Canada do not have internet at home and rely on libraries as their sole access to the internet.

DECISION HISTORY

The Board originally approved the Internet Use Policy in 1998, with revisions approved in 1999. The policy was again reviewed in 2002, and the policies of other public libraries across Canada were consulted as part of the process. The revised policy approved in 2002 is the one that currently exists. The policy revisions in 2002 included:
- the Library's mission statement that was developed subsequent to the previous revision of the policy;
- additional language to make it clear that the Library is not responsible for the security or privacy of online transactions; and
- additional language that indicates that the staff are clearly authorized to take action under the Rules of Conduct if any use of the internet workstations is not suitable for a public environment.

The policy changes in 2002 did not affect the intent of the policy first established in 1998. The changes were intended to add a more specific reference to the Library's Rules of Conduct and clarify the ability of staff to intervene.

The revisions recommended to the Board in this report are aligned with previous revisions to the policy.

ISSUE BACKGROUND

Providing internet service is an integral part of today's public library service and is very popular. In 2017, there were over 5.7 million public access workstation user sessions (excluding use of computers dedicated to catalogue searches) and over 4.9 million wireless sessions. According to the Bridge Technology Services Assessment pilot conducted in 2017, nearly half of customers in the survey sample who were using TPL to access the internet would not have otherwise been able to do so. Despite the high volume of use, internet use has resulted in very few complaints from library customers to staff. However, internet

service has also brought some challenges, in particular with some requests to restrict access to content with the installation of filters on all internet workstations.

In 2002, the City of Toronto's Legal Department provided an update on the legal opinion originally provided in 1998 from third party counsel. The updated legal opinion confirmed the conclusions reached in 1998, in particular with regard to the filtering of library workstations, stating that the filtering of all internet workstations would amount to a *prima facie* infringement of the right of freedom of expression contained in section 2(b) of the *Canadian Charter of Rights and Freedoms.*

The Library received a more recent legal review in 2017 on the Internet Use Policy at the same time the Community & Event Space policy review was underway, using the same third party legal counsel for both policies. The result of this review is consistent with the previous legal reviews.

In developing the internet access policies and procedures, the Library is meeting its legal obligations while striking a balance between the intellectual freedom of its customers and the desire to provide a welcoming and supportive environment for all.

COMMENTS

Policy Review
The internal review process consisted of a review of legal opinions on the Internet Use Policy, related TPL policies, internet use policies at peer libraries, and library association statements on internet use. The issue of internet use in Canadian libraries generally was examined, and the professional literature was searched for updates on intellectual freedom, filtering, and related issues. Internal consultations were also conducted with TPL staff and management to review customer feedback and staff experience with library internet use.

Revisions to the Policy
The recommended revisions to the policy reflect the legal review conducted in 2017, including continuing to provide a mix of filtered and unfiltered computers in combination with additional methods of managing internet access in a public environment. Filtered workstations continue to be located in children's areas.

The policy revisions do not change the intent of the policy. The policy revisions are intended to emphasize the need to balance the provision of internet access in accordance with all applicable laws and library policies while maintaining a welcoming and supportive environment free from discrimination and harassment. The revisions further emphasize the expectation that customers will use the Library's internet services in accordance with the Rules of Conduct and with consideration to the public environment in which they are situated. The policy continues to support action being taken by staff to address violations of the Internet Use Policy and the Rules of Conduct. The internet use policies of other public libraries across Canada were considered; it was found that other libraries offer a mix of filtered and unfiltered internet computers, or no filters at all.

Public internet access at the Library is provided in accordance with the Internet Use Policy, which customers must accept as a condition of use. Internet access allows the Library to *fulfill its mission, to preserve and promote universal access to a broad range of human knowledge, experience, and information.* The policy supports the Canadian Federation of Library Associations' Statement on Intellectual Freedom *that Libraries have a core responsibility to safeguard and facilitate access to constitutionally protected expressions of knowledge, imagination, ideas, and opinion, including those which some individuals and groups consider unconventional, unpopular or unacceptable.*[1]

The American Library Association research concludes that internet filters *consistently both over and under block the content they claim to filter…. Content filters are unreliable because computer code and algorithms are still unable to adequately interpret, assess, and categorize the complexities of human communication whether expressed in text or image.*[2]

The Library's support for intellectual freedom is balanced by a comprehensive approach to maintaining a safe and welcoming environment for staff and the public. Branch design and layout, staff availability and responsiveness, enforcement of existing policies and rules, digital literacy training to promote safe internet use, and special attention to children's services help maintain a safe and welcoming environment for all.

All customers using the Library's internet services must abide by the Library's Internet Use Policy, which prohibits illegal activity and requests that users be considerate of those around them when accessing sites that may reasonably be considered offensive to others. Library policies and procedures on internet use respect the Charter rights of library customers and abide by the Library's duties to report illegal activity. The Library's policy also accounts for the limitations of internet filtering technology.

The Library handles the viewing of controversial materials by balancing the rights to freedom of expression against the objective of offering a welcoming and supportive environment for all.

All issues related to internet use are dealt with when they are brought to the attention of library staff. Staff have been trained to deal with potentially offensive materials and handle these matters on a case-by-case basis using the Rules of Conduct. If a customer has an issue with another customer's use of the Library's internet services, a complaint should be made to library staff and the matter can then be addressed appropriately.

---

[1] **Canadian Federation of Library Associations Statement on Intellectual Freedom and Libraries**
Approved by Executive Council ~ June 27, 1974 Amended November 17, 1983; November 18, 1985; and September 27, 2015
http://cfla-fcab.ca/en/guidelines-and-position-papers/statement-on-intellectual-freedom-and-libraries/

[2] **Internet Filtering: An Interpretation of the Library Bill of Rights**
Adopted June 20, 2015 American Library Association Council
http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/internet-filtering

CONTACT

Elizabeth Glass; Director, Policy, Planning & Performance Management;
Tel.: 416-395-5602; Email: eglass@torontopubliclibrary.ca

SIGNATURE

_____

Vickery Bowles
City Librarian

Attachment 1:   Public Internet Use Policy 2018 – with revisions marked

POLICY: **PUBLIC INTERNET USE**

SECTION: **III - Public Service Policies**

MOTION#/DATE: **98 - 152 – October 26, 1998**
REVISED: **99 - 85 – June 14, 1999**
                     99 - 125 – October 18, 1999
                     02 - 149 – September 23, 2002
                     18 – xxx – December 10, 2018

Purpose

The purpose of this policy is to balance the provision of internet access to the Library's users while ensuring that internet use conforms with all applicable laws and the Library is maintained as a welcoming and supportive environment free from discrimination and harassment.

Policy Scope

For the purposes of this policy, the Library's internet services are defined as the Library's wired and wireless networks.

Policy Statement

The ~~Toronto Public~~ Library provides public access to the internet to fulfill its mission to preserve and promote universal access to a broad range of human knowledge, experience, information, and ideas. Internet access is provided in keeping with the ~~Canadian Library Association~~ intellectual freedom statements of the Canadian Federation of Library Associations (CFLA-FCAB) and the Ontario Library Association (OLA).

The internet enables the Library to connect ~~electronically~~ to ideas, information and commentary from around the globe and to offer access to many valuable local, national and international resources.

The internet is an ~~unregulated~~ unregulated, ~~worldwide~~ environment. It contains information and opinions that range in scope from reliable and authoritative to controversial or extremely offensive. Some information found on the internet may ~~NOT~~ not be accurate, complete, or current. Users must assess the validity of the information found. Users should be aware that the internet is not a secure medium and that third parties may be able to obtain information about users' activities. The Library assumes no responsibility for the security and privacy of ~~on-line~~ online transactions.

Children, ages 12 and under, are entitled to access ~~to~~ all information and facilities in the Library. As with other library materials, children's access to the internet and other electronic networks is the responsibility of parents or guardians.

In keeping with the Library's long-standing tradition of providing age-appropriate materials for children in safe and welcoming environments, workstations designated for children will be filtered. The ~~Toronto Public~~ Library assumes no responsibility for the accuracy ~~and~~ or effectiveness of any installed filter.

With the exception of filters on designated children's workstations, the Library does not manage the content of the information accessed through the internet and assumes responsibility only for the information provided on its own home pages. The Library is not responsible for the site content of links or secondary links from its home pages. The ~~Toronto Public~~ Library assumes no responsibility for any direct or indirect claims, damages or costs, howsoever caused, sought by users or third parties arising from its provision of access to internet services.

~~Toronto Public~~ The Library's users are subject to federal, provincial and municipal legislation regulating internet use, including the provisions of the *Criminal Code* regarding obscenity, child pornography, sedition and the incitement of hate. ~~The use of the Library's internet services for illegal purposes is prohibited, and may result in prosecution.~~ Use of the Library's internet services for a purpose or action that is, or the Library reasonably believes to be, contrary to the law or any of the Library's Rules of Conduct or policies is prohibited.

Certain copying or distribution of material found on the internet may infringe copyright or other intellectual property rights. The Library is not responsible for such infringements.

~~Internet workstations are situated in public areas, and users are expected to use the internet in accordance with this environment.~~ Users should also bear in mind that they are accessing the internet in a public space and should be considerate of those around them when accessing sites that may reasonably be considered offensive to others. All users of the ~~Toronto Public~~ Library, including users of the Library's internet services, are also expected to follow the Library's Rules of Conduct which are designed to ensure a welcoming and supportive environment, free from discrimination and harassment. Disruptive, threatening, or otherwise intrusive behaviour is not allowed and Library staff are authorized to take action. Violations of this Policy and/or the Rules of Conduct may result in suspension of library privileges and exclusion from the Library, as well as prosecution.

Accountability

The City Librarian and Directors are responsible for ensuring the policy is implemented and enforced.

Enquiries

All enquiries about this policy will be directed to the Director, Branch Operations and Customer Experience.