

LIBRARIES AND INFORMATION SERVICES DIVISION[286]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.52, the Commission of Libraries hereby gives Notice of Intended Action to amend Chapter 7, “Internet Use Policy,” Iowa Administrative Code.

The proposed amendments are intended to bring the Libraries and Information Services Division into compliance with the Children’s Internet Protection Act (Pub. L. No. 106-554 and 47 USC 254(h)) and provide updates to the Division’s administrative rules.

Any interested person may make written comments or suggestions on the proposed amendments on or before Tuesday, May 17, 2016. Written comments and suggestions should be addressed to Michael Scott, State Librarian, Ola Babcock Miller State Office Building, 1112 East Grand Avenue, Des Moines, Iowa 50319, or sent by e-mail to michael.scott@lib.state.ia.us or by fax to (515)281-6191.

These amendments are subject to waiver pursuant to 286—Chapter 10.

After analysis and review of this rule making, there is no anticipated impact on jobs.

These amendments are intended to implement Iowa Code section 256.51.

The following amendments are proposed.

ITEM 1. Amend rule 286—7.1(256) as follows:

286—7.1(256) Rights and responsibilities.

7.1(1) The state library expects the use of all its electronic sources such as the Internet to be responsible, ethical, and legal, and consistent with the purpose for which those resources are provided. The state library complies with the Children’s Internet Protection Act (Pub. L. No. 106-554 and 47 USC 254(h)). To this end:

a. The state library affirms the right of every individual to have access to constitutionally protected material as stated in the library’s collection development policy.

b. Parents or guardians, not the library or its staff, are responsible for the Internet use by their children.

c. Internet access is provided in a public area shared by users of all ages, backgrounds, and sensibilities. Users should consider this when accessing potentially controversial information and images.

d. The state library reserves the right to ask users to discontinue the display of information and images which cause a disruption.

e. Users should respect the privacy of other Internet users by not observing what sites others are accessing.

f. Users will not misrepresent themselves as any other user; will not attempt to modify or gain access to files, passwords, or data belonging to others; will not seek unauthorized access to any computer system, ~~or~~; and will not damage or alter software components of any network or database.

g. Illegal activities subject to prosecution include:

(1) Destruction of or damage to equipment, software, or data belonging to the library;

(2) Violation of computer system security or system configuration;

(3) Violation of the copyright laws of the United States;

(4) Downloading or provision of child pornography or display of pornography where it may be seen by children.

h. To the extent practical, steps shall be taken to promote the safety and security of users of the Internet when they are using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications.

i. Safety and security of minors.

(1) Prevention of inappropriate network usage.

1. Technology measures shall be used to prevent unauthorized access and other unlawful activities.

2. Technology measures shall be used to prevent unauthorized disclosure, use, and dissemination of personal identification information.

(2) Prevention of access to inappropriate material.

1. Technology protection measures, i.e., Internet filters, shall be used to block or filter access to inappropriate material on the Internet.

2. Blocking shall be applied to visual depictions of material deemed obscene, to child pornography, or to any material deemed harmful to minors.

3. Technology protection measures may be disabled by library staff for adults or, in the case of minors, minimized for bona fide research or other lawful purposes.

7.1(2) Violation of this computer use policy shall result in the loss of computer privileges and may lead to financial responsibility. Illegal activities will be prosecuted.

ITEM 2. Amend rule 286—7.2(256) as follows:

286—7.2(256) Access to Internet computers.

~~1. 7.2(1) The Internet is available for any user who visits the state library. Access is on a first-come, first-served basis. Appointments are not accepted, but users are welcome to call ahead to check availability.~~

~~2. 7.2(2) Internet computers are available for use during the library's normal business hours. Use must be completed 15 minutes prior to the library's closing. The Internet may be unavailable due to unforeseen problems with hardware, software or telecommunications.~~

~~3. 7.2(3) Users may be asked to log their beginning time at the main desk before using the computer for Internet access. Initial use will be limited to one hour. If no other users are waiting, use time may be extended at the discretion of the librarian on duty. State employees have unlimited Internet use. Non-state employees can use the Internet up to one hour each day.~~

~~4. 7.2(4) While respecting individual users' right to privacy, state library staff reserves the right to monitor use of Internet workstations to ensure compliance with this policy. Staff may ask users to remove themselves from library equipment if observed behavior is in conflict with this policy.~~

~~5. 7.2(5) Staff use of computers for research and maintenance may, at times, supersede users' access.~~

ITEM 3. Rescind and reserve rules **286—7.3(256)** and **286—7.4(256)**.

ITEM 4. Amend rule 286—7.5(256) as follows:

~~**286—7.5(256) Downloading and saving files.** Downloading will be allowed only for selected files, such as census data or government documents not available in print format. Such files may be saved only to floppy disk on the A: drive, never to the hard disk. Users must purchase a clean disk from the main desk for downloading. Users cannot use their own disks. Downloaded files cannot be viewed on the state library computers. Users cannot load or read their own disks on the state library computers.~~

~~Downloaded files may contain viruses. The state library is not responsible for damage to a user's computer, or for any loss of data or damage to files on a user's computer as a result of downloaded files. Downloading and saving files to the user's own portable device is allowed. Files saved to the computer's drives are erased at the end of each user's session.~~

ITEM 5. Amend rule 286—7.6(256) as follows:

286—7.6(256) Staff assistance.

~~1. Users are expected to have a basic knowledge of computer use and the Internet. Staff cannot provide in-depth training for users, but will provide information on training classes in the area. An online tutorial will be available for users not familiar with the Internet.~~

2. 7.6(1) State library staff will answer basic questions about Internet use or help locate resources. Internet reference books are available in the library's collection.

3. 7.6(2) Staff reserves the right to waive the procedures contained in this document as circumstances warrant.