Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 11—Chapter 132
"Internet Use Policy"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.104(5) and 8A.203(3) as amended by 2024 Iowa Acts, Senate File 2385

State or federal law(s) implemented by the rulemaking: Iowa Code sections 8A.104 and 8A.201 through 8A.234

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 24, 2024	Room 310—Library Conference Room
1 p.m.	Ola Babcock Miller Building

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department of Administrative Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Tami Wiencek
Hoover State Office Building, Third Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Email: tami.wiencek@iowa.gov

Purpose and Summary

The State Library of Iowa is now a part of the Department of Administrative Services as a result of state government alignment. As part of Executive Order 10, these proposed rules have been reviewed and are being repromulgated under agency number [11]. The purpose of these proposed rules is to show that the State Library of Iowa's Internet Use Policy is in compliance with 20 U.S.C. §9134(f) and the Children's Internet Protection Act as required by the Institute for Museum and Library Services (IMLS). IMLS is the main federal funding agency.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

There are no costs or fees associated with this chapter, so there is no cost to bear.

- Classes of persons that will benefit from the proposed rulemaking:

Members of the public, including parents and children, benefit from these rules as they pertain to Internet use guidelines.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

There are no costs associated for the public directly in creating and maintaining these rules.

- Qualitative description of impact:

There are benefits to the public and anyone who uses the State Library of Iowa in applying rules for Internet use. The rules provide guidelines in accessing information and being respectful to others regarding how some information may be perceived. The rules also restrict use of obscene and inappropriate material.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

There are personnel costs to the State Library of Iowa.

- Anticipated effect on state revenues:

Any anticipated effect is minimal.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The State Library would stand to lose at least $2 million in federal funding if these policies were not in place.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There are no less costly or less intrusive methods.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

No alternative methods were considered.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Rules for the State Library of Iowa's Internet Use Policy are the appropriate vehicle to enact such a policy in the interest of clarity for the public. Rules are the appropriate vehicle in which to set expectations.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new**11—Chapter 132:

CHAPTER 132
INTERNET USE POLICY

11—132.1(8A) Rights and responsibilities. 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 (PL 106-554 and 47 U.S.C. 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 that 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; 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.

11—132.2(8A) Violation of policy. 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.

11—132.3(8A) Internet access. The Internet can be accessed via wireless connection for any user on a personal device who visits the state library. Devices may be available to visitors for use during the library's normal business hours. The Internet may be unavailable due to unforeseen problems with hardware, software or telecommunications. 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.

11—132.4(8A) Staff assistance. State library staff will answer basic questions about Internet use or help locate resources. Staff reserves the right to waive these procedures as circumstances warrant.

These rules are intended to implement Iowa Code sections 8A.202, 8A.205, 8A.206, 8A.207, and 8A.208.