



# Wasatch County Library

465 East 1200 South, Heber City, UT 84032

[www.wasatch.lib.ut.us](http://www.wasatch.lib.ut.us)

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May 20, 2019

Colleen Eggett, Director  
Utah State Library Division  
250 N 1950 W, Suite A  
Salt Lake City, UT 84116

Dear Colleen,

The Wasatch County Library Board adopted the enclosed *Internet and Online Access Policy* in an open meeting held on May 24, 2019.

This letter affirms that the *Internet and Online Access Policy* is intended to meet the provisions of Section 9-7-215, UCA, and Administrative Code Rule R458-2.

Best regards,

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Juan T. Lee, Director  
Wasatch County Library

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Paul Kennard, Chair  
Wasatch County Library Board

WASATCH COUNTY LIBRARY  
INTERNET AND ONLINE ACCESS POLICY

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PURPOSE

The Internet is a network of computer networks which permits the exchange of information world-wide. It provides to Wasatch County Library patrons access to a vast amount of information. -By providing access to this research tool, the Wasatch County Library has far expanded its traditional collection. However, at the present time, the Internet is not regulated. -Therefore, some information obtained through it may be erroneous, unreliable, out of date, or offensive. -Patrons are advised to evaluate all such information carefully.

Because the Internet is an unregulated technology requiring a limited number of computer work-stations, the Library Board has adopted the following Policy for its use. -This Policy does not replace or supersede existing library policies, procedures, and practices. -However, in the event this Policy conflicts with other policies, procedures, or practices, this Policy controls.

Commented [JL1]: This seems to be an incomplete sentence.

In adopting the following Policy, the Wasatch County Library recognizes that access to electronic information is a field that evolves on an almost daily basis. -Therefore, the issues addressed in this Policy may be revisited as changes in technology, patron needs, software and relevant laws so dictate.

INTERNET AND ONLINE ACCESS POLICY

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1. **Definitions:**

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The following definitions shall apply to this Policy:

- a. "Adult Patron" means a user of the Wasatch County Library who is 18 years of age or older.
- b. "Computer Work-Station" means a computer at the Wasatch County Library devoted primarily to the access of information through the Internet or other electronic databases by *Adult Patrons* and *Minor Patrons*.
- c. "Graphically Violent Material" means material which (1) taken as a whole appeals to a ~~an~~ *depraved* interest in violent physical harm to humans or animals, (2) is patently offensive in its depiction of such violent physical harm; and (3) taken as a whole does not have serious literary, artistic, political, or scientific value and is considered obscene material.
- d. "Library Board" means the duly appointed Wasatch County Library Board.
- e. "Material Harmful to Minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, sado-masochistic abuse, ~~or~~ *excretion which when it*; (1) taken as a whole, appeals to the prurient interest in sex of minors; (2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and (3) taken as a whole, does not have "serious value" for minors. *Serious value includes only serious literary, artistic, political or scientific value for minors which means only serious literary, artistic, political, or scientific value for minors is considered obscene material. UCA 76-10-1201*

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Commented [JL3]: Updates in Utah Code.

- f. "Minor Patron" means a user of the Wasatch County Library who is younger than 18 years of age.
- g. "Patron" means a user of the Wasatch County Library.
- h. "Policy" means the Wasatch County Library Internet Policy, as amended by the Library Board.
- i. "Pornography" or "Pornographic" means material which (1) the average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex; (2) it is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and (3) taken as a whole it does not have serious literary, artistic, political, or scientific ~~value is considered obscene material.~~ UCA 76-10-1203

**Commented [JL4]:** Statement NOT in the Utah Code.

**2. ~~2.~~ Posting Internet Policy:**

A legible copy of this policy shall be available at the circulation desk. A notice shall also be posted at each computer work-station stating that patrons who proceed to access the Internet and other electronic information agree to be bound by this policy.

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**3. ~~3.~~ Computer Access and Time Limits:**

Patrons must have a valid library card or guest pass to use computer work stations. Patrons or guests may access the Internet for up to 2 hours a day. Internet users are expected to abide by these time limits; and to end their use of such sources as required by library staff once the allotted time has expired.

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No Minor Patron shall have access to the Internet *without submitting a valid Library Card to the Circulation Desk* and unless his or her parent or guardian has signed a permission slip authorizing the Minor Patron to have Internet access.

~~No patron shall be allowed access to the Internet if a library fine is in excess of \$5.00 on their account.~~

**Commented [JL5]:** This provision of blocking patron's to use a library resource due to a fine is unusual in public libraries in Utah. It is a harmful practice as it drives patrons away from the library.

**4. 4. Permitted Internet Use:**

—Electronic information sources, such as the Internet, complement other library sources, —reference, and research materials. -Patrons may use these electronic information sources to —locate, retrieve and print information. -The following uses inconsistent with the acquiring of —information are not permitted:

- a. Accessing obscene material,
  - b. Creating personal folders, bookmarks, system passwords, or other individualized files,
  - ~~c. Loading or downloading files, images, or computer programs, except for approved library resources,~~
  - ~~d. Using software not owned by the Library, and~~
  - e. -Using equipment owned by the Library or Wasatch County for purposes which are illegal.
- Each Adult Patron and Minor Patron is individually responsible for the content of Internet —searches he or she initiates.

—Patrons may print from electronic information sources at a price-per-sheet equal to the —amount charged for photocopies. ~~Use of the Internet for personal communication is a secondary purpose, and is permitted only within limitations and guidelines established by the Library Director.~~

**5. 5. Internet Safety and Protection for Minors**

—Library policy restricts access to Internet sites that contain visual depictions that are child pornography, harmful to minors or obscene. All patron computer work-stations ~~and the library's wireless network~~ shall be restricted by filtering software approved at the discretion of the Library Board. Because filtering software technology is limited, patrons may be denied access to information which is not considered obscene material. In the event this occurs, the Librarian or appropriate staff, upon request, shall provide the patron with Internet access to the information desired.

**6. 6. Internet Use Policy Violations:**

The Library Board intends to meet and enforce the requirements of ~~Utah Code~~ Sections 9-7-215 and Section 9-7-216 ~~UCA~~ and use of the computer work-stations ~~and the library's wireless network~~ by patrons that access obscene material. These patron privileges may be suspended for violating this policy. -Patrons; who violate this policy on three or more occasions, may have their access to the Internet or other electronic information at the Library permanently terminated. -The Library Board has adopted written administrative procedures and guidelines for the staff to follow in enforcing this policy. -These written procedures are available for public review at the circulation desk.

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**Commented [JL6]:** Users constantly need to download and upload files as part of normal Internet use.

**Commented [JL7]:** Too ambiguous. Current security measures installed on library computers already prevent users from installing software.

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**Commented [JL8]:** This is a judgement value and can lead to challenges of fair access. We already have a maximum 2 hour use. How the patron uses that time is their business, not the library's.

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**7. 7. Observed Patron Behavior Procedures and Guidelines**

The Library Board has adopted written administrative procedures and guidelines for the staff to follow in enforcing this policy. Inappropriate observed patron behavior can also be reported by patrons to the staff, or by filing an "Observed Patron Behavior Complaint Form." These written procedures are posted and available for public review at the circulation desk.

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**Commented [JL9]:** This is a bureaucratic step. If a patron violates the use policy, a note can be entered on the patron's card.

**8. 8. Appeal to Library Board:**

Any patron whose access to the Internet or other electronic information has been suspended or permanently terminated may appeal the decision to the Library Board. Procedures to handle complaints about the policy and its enforcement have been established and are available at the circulation desk. The Board shall review the facts and circumstances giving rise to the suspension or termination and either (1) reinstate the appealing patron's access to the Internet; (2) determine an appropriate suspension period; or (3) affirm the permanent termination.

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**9. 9. Severability:**

If any term, condition or provision of this policy or the application to any circumstance is determined to be invalid or unenforceable to any extent by a court of competent jurisdiction, the remaining provisions of this policy shall not be affected, but shall instead remain valid and enforceable.

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APPROVED and PASSED this the 26th day of August, 1999.

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REVIEWED by WASATCH COUNTY LIBRARY BOARD this the 17th day of May, 2001

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REVIEWED by WASATCH COUNTY LIBRARY BOARD the this 30th day of June, 2004

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REVIEWED by WASATCH COUNTY LIBRARY BOARD the this 29th day of March, 2006

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REVIEWED and REVISED by WASATCH COUNTY LIBRARY BOARD the this 25th day of April, 2007

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REVIEWED and REVISED by WASATCH COUNTY LIBRARY BOARD the this 28th day of April, 2010

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LAST REVIEWED and REVISED by WASATCH COUNTY LIBRARY BOARD the this 26th day of June, 2013

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LAST REVIEWED and REVISED by WASATCH COUNTY LIBRARY BOARD the this 29th day of April, 2016

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REVIEWED and REVISED by WASATCH COUNTY LIBRARY BOARD the 24th day of May, 2019:

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Paul Kennard, Chairman

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**Commented [JL10]:** It is not necessary to identify the Chair. The policy is approved not by one Trustee but by the Board.