

Preserving the Freedom to Read in an Era of Internet Filtering

Principles For the Implementation of CIPA-Mandated Filtering in Public Libraries (Version 1.0)

By next summer, thousands of communities across America will have to decide whether to filter library access to the Internet, and if so how. The Supreme Court's decision upholding the Children's Internet Protection Act means that libraries receiving certain federal funds to provide Internet access must put in place filters that block access to certain types of content.

The Center for Democracy and Technology continues to believe that while filters can serve as a useful tool to tailor the online experience when used voluntarily by families, their mandated use by government does not promote the interests of free expression and open access to the Internet.

However, libraries now face such a mandate from the federal government. For those who choose to receive the relevant funding, it is critically important that filtering be carried out in a manner that is, as much as possible, consistent with the role of libraries as centers of information and consistent with the needs of users for rich access to resources, research and information. While filters are deployed in a variety of settings, many of which have quite different objectives and requirements, it is imperative that those implemented in libraries be tailored to specifically serve that environment.

As a first step in articulating the interests of users in library-appropriate filtering, we offer below a set of proposed principles that would guide libraries and communities as they evaluate and implement filtering systems. CDT welcomes comments on these principles from the library community and the public.

Tailored Blocking

- Blocking should be limited to the categories of adult content specifically set out in the CIPA statute.
- Ideally, the marketplace should make available a range of filtering products tailored for use by libraries that enable local libraries to select filters that comport with their communities' standards while fostering an open library and the free flow of information.
- Certain broad categories of content – among them journalistic, medical, educational, and public affairs information – should be exempted from filtering, even if content involves a sexually-oriented subject or contains visual depictions of sexual activity.
- Libraries and communities should be able to tailor filtering through use of white lists – lists of sites that filters do not block. Each local library should be able to create a white list based on the needs and requirements of its community.

Right of Adult Internet Users to Avoid Filtering and Blocking

- Adult users should have ultimate control over Internet filters. Adults should be able to have a filter disabled anonymously and without explanation.
- Libraries should provide adult users with clear and conspicuous information about how filters may be disabled or a block removed (both prior to Internet usage and at the time a web site is blocked).
- Adult users should be provided, without a requirement of an explanation, with access to an unfiltered computer.
- Adult users should be able to have the Internet filter disabled at any time, including in advance of an Internet session or in the middle of a session. Disabling of a filter should persist for the amount of time required by the user.
- Adult users should have a means to obtain unfiltered access that persists for a period of time, such as a month or a year.

Transparency

- Information about the ongoing blocking of content by filters required by CIPA should be made available to library users and communities. Users and communities should have access to information about categories of blocked content, lists of blocked sites, the extent to which filters can be adjusted and fine-tuned and the manner in which filters block content. Opportunity for public review and comment of filtering practices and products used by libraries must be made available.
- Blocking of content for any reason should be plainly indicated at the time the user is blocked from viewing the material.

Privacy and Anonymity

- Users should be able to access and use the Internet anonymously.
- The sites visited by users should not be recorded by filtering software.
- A user's requests to have sites unblocked or filters removed should not be recorded in any way that can be linked to the user's identities

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For more information, or to comment on these principles, please visit CDT's web site at <http://www.cdt.org/speech>, or contact Paula Bruening (pbruening@cdt.org), Alan Davidson (abd@cdt.org), or John Morris (jmorris@cdt.org) at CDT, 202-637-9800.

The Center for Democracy and Technology is an independent, non-profit public interest group that works to promote democratic values and constitutional liberties in the digital age. CDT has opposed and challenged broad Internet content regulations (including CIPA), and seeks practical solutions to enhance free expression and privacy online.