

NEW STUDY SHOWS INTERNET FILTERING BLOCKS VALUABLE SITES, BUT CAN BENEFIT PARENTS

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A BRIEFING ON PUBLIC POLICY ISSUES AFFECTING CIVIL LIBERTIES ONLINE
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THE CENTER FOR DEMOCRACY AND TECHNOLOGY

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(1) NEW STUDY SHOWS INTERNET FILTERING BLOCKS VALUABLE SITES, BUT CAN BENEFIT PARENTS

A new study confirms that filtering technologies can over-block constitutionally-protected speech, but can be effective when used voluntarily in the home by knowledgeable consumers.

The study, "See No Evil: How Internet Filters Affect the Search for Online Health Information," funded by the Kaiser Family Foundation, looked at the ways in which Internet filters impact young people's access to online health information. The study was conducted in response to concerns that Internet filters intended to block young people's access to objectionable material online also prevents them from viewing non-pornographic health information. It provides empirical evidence about over-blocking of material, particularly material about health issues.

The study finds that filtering software works remarkably well at the least restrictive settings, blocking 87% of porn sites but only 1.4% of health-related sites. But at higher settings, filters also block many important health sites on a range of important issues, from mental health to sexually transmitted disease. At the intermediate blocking level, 5% of health-related sites are blocked; at the most restrictive level, 24%. The increase in blocked health content is especially pronounced, the study finds, on searches related to sexual health. For example, for a search on "safe sex," on average about one in ten health sites (9%) is blocked at the least restrictive level of blocking, one in five (21%) at the intermediate level, and one in two (50%) at the most restrictive level.

The Kaiser study is available at <http://www.kff.org/content/2002/20021210a/> [4]

(2) COURTS WERE CORRECT THAT FILTERS BOTH OVER-BLOCK

AND UNDER-BLOCK

The Kaiser study affirms the findings of the lower federal court in the case challenging the Children's Internet Protection Act (CIPA) about the limitations of filtering technologies - that filters both over-block and under-block speech. The case is now on appeal to the US Supreme Court.

Concerns about young people's exposure to online pornography and other objectionable material led to the passage of CIPA in 2000. The Act requires schools and libraries receiving federal funds to block material that is obscene, child pornography, or "harmful to minors."

The American Library Association, together with library patrons, Web site publishers and a group of libraries challenged CIPA on First Amendment grounds. A panel of federal judges found that thousands of Web pages containing constitutionally protected speech are wrongly blocked by the four leading filtering programs, and that those pages represent only a fraction of Web pages wrongly blocked by the programs. The court found that it is currently impossible, given the Internet's size, rate of growth, rate of change, and architecture, and given the state of the art of automated classification systems, to develop a filter that neither under-blocks nor over-blocks a substantial amount of speech.

The court further found that libraries can exercise less restrictive means to control children's access to objectionable online material, including instituting Internet use policies, enforcing restrictions against accessing illegal speech, and keeping unfiltered terminals that are accessible by children within view of library staff.

The district court decision in the CIPA litigation can be downloaded from <http://www.paed.uscourts.gov/documents/opinions/02D0414P.HTM> [5]

(3) FILTERING REMAINS AN IMPORTANT TOOL WHEN VOLUNTARILY USED BY FAMILIES

In CDT's view, there is a world of difference between what parents can choose to do and what the government can mandate. The findings of the Kaiser study, as well as the court in CIPA, affirm CDT's position that filters are important tools when used voluntarily in the home by parents who understand their capabilities and limitations, and who can tune them to reflect their family's values and their developing children's evolving needs. However, the study's findings about over-blocking demonstrate that those same filters, when mandated by government for use in libraries, violate the First Amendment by blocking access to constitutionally protected speech.

Moreover, the study finds that filtering products block a significant amount of pornographic material - at least 87% even when filters are set at their least restrictive level. CDT believes that these figures demonstrate that filters, when knowledgeably applied, are far more effective than any government censorship scheme.

To assist parents and others in understanding the range of filtering technology, CDT has supported GetNetWise, a user-friendly online resource for child protection technology.

GetNetWise is available at <http://www.getnetwise.org> [6]

For more information about CDT's involvement in challenges to government attempts to censor the Internet, see <http://www.cdt.org/speech/> [7]

as you make no substantive changes and clearly give us credit. [Details](#).

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