



Administrative Regulation

Number 8-26
Issue 1
Page 1

SUBJECT: PUBLIC ACCESS TO THE INTERNET

I. PURPOSE

The purpose of this Administrative Regulation is to establish guidelines for the proper public access to the Internet at City facilities.

II. SCOPE

This Administrative Regulation applies to all City departments and offices directly responsible to the City Manager. In interests of uniformity, it is requested that elected officials and other independent departments and commissions comply with the policy and procedures delineated in this Administrative Regulation. The Department of Library Services has worked with the City Attorney to develop its own guidelines on access to the Internet.

III. DEFINITION

“Public access to the Internet” is defined as any computer in a City facility which is used by the public and is connected to the Internet.

IV. POLICY

The public does not have a “right” to access the Internet at City facilities. Where the Internet is used, however, access should be unlimited except in three instances:

- Where Internet access is for a specific purpose, such as job searches.
- The Internet is used to promote an atmosphere that violates a City policy (such as creating an environment that condones sexual harassment) or any unlawful purpose.
- The Internet is used to violate the law.

Authorized _____
CITY MANAGER EFFECTIVE DATE

SUBJECT: PUBLIC ACCESS TO THE INTERNET

In those instances where a City department is considering limiting public access, a legal opinion supporting that decision must be obtained from the City Attorney.

When a public entity, in this case the City of Long Beach, opens a channel for communications, whether a street corner, theater or Internet access in a public facility, it usually has created a "public forum" open to all for the free expression of ideas. The government's ability to regulate that use of this public forum is extremely limited: non-obscene speech, and the right to receive non-obscene information, is protected by the First Amendment to the United States Constitution. Filters, developed in an attempt to protect minors and other unwilling recipients from potentially harmful or offensive material, have been adjudged to interfere with an adult's First Amendment right of free speech by limiting access to constitutionally protected information. Filters are an imperfect solution to the problem of offensive information being distributed on the Internet and cannot substitute for parent supervision.

Public access to the Internet must be carefully monitored by City staff to ensure that the members of the public are not using the Internet to intimidate City employees or members of the public. For minors accessing the Internet, notification of parents that City staff cannot and does not provide supervision of Internet use by their children is required.

PROCEDURES

- A. Public access to the Internet shall not be made available through access of the City's wide area communication network in order to protect highly sensitive data such as police and personnel records. The Department of Technology Services will be responsible for the review and/or purchase and installation of the computer hardware and Internet access. The costs shall be borne by the department who requests the service.
- B. Public use of the Internet must be carefully controlled. This includes establishing computer work stations in open areas; creating sign-in/sign-out sheets; establishing time limits for computer use; and when appropriate, providing written advisories which inform parents that their children have Internet access. The policy for each City facility may be different, depending on the intended uses and the public demand; however, the policy must be in writing and posted at each computer workstation.

SUBJECT: PUBLIC ACCESS TO THE INTERNET

C. While no legal decision has directly addressed this issue, it appears that "limited-purpose Internet access terminals" may be established at certain government facilities so long as:

1. The policy regarding the limited-purpose use of the particular Internet access terminal is clearly posted and consistently enforced.
2. Patrons are clearly informed that unrestricted Internet access is available at a local library.

At these terminals, it may be appropriate to restrict Internet use at an after-school program to certain designated homework help sites. For example, to limit Internet searches to job search-related information at a placement center. Any policy which limits use must be approved by the City Attorney.

D. At each City facility where the public will have access to the Internet, staff must receive training on procedures to monitor Internet use and to enforce this Administrative Regulation. Training should include, at a minimum, enforcement of sign-in/sign-out sheets and the time limits for computer use, the methodology to monitor public use, and what should be done if a member of the public is not following the City's policies on use.

In addition, any department offering Internet access may require patrons (and parents or guardians of minors) to complete Internet training on the proper use of equipment. Departments offering limited-purpose access should explain the appropriate use of the Internet in that setting, and refer patrons to the public library for full Internet access. Patrons who abuse the equipment or who refuse to abide by the department policy for Internet access may be barred from the use of the equipment.

E. Youth under the age of 18 may use the Internet under the following conditions:

Parents or guardians must be notified that their child will have access to the Internet and must sign a consent form authorizing such access. The form should clearly state that, by signing, the authorizing adult acknowledges that he or she, not the City, is responsible for supervising the child's use of the Internet by using the following language:

SUBJECT: PUBLIC ACCESS TO THE INTERNET

I am the parent or guardian of _____.
I understand that use of the Internet (World Wide Web) is available to my child. I give permission for my child to use the Internet at a City facility. I understand that no supervision of my child's Internet use is provided by the City.

I understand that I am responsible for my child's use of the Internet, including any purchases made by him or her, with or without my knowledge.

I waive the right to make any claim against the City arising out of my child's use of the Internet.

Date _____ Signature _____

Print Name _____

This information may be incorporated into existing City parental consent, with the approval of the City Attorney. Informational signs summarizing this policy should be clearly posted at each site.

Authorized _____
CITY MANAGER EFFECTIVE DATE