Outlook

[EXTERNAL] FW: answer to a couple of questions asked during the Internet Use Policy Webinar

From Wedsworth Library <wedsworth.library@gmail.com>

Date Mon 3/31/2025 10:15 AM

To Cook, Tracy <TCook2@mt.gov>

Cc dpldirector@dillonmt.org <dpldirector@dillonmt.org>

📎 1 attachment (70 KB)

ALA Privacy & Confidentiality.docx;

Please see #2 below and the attachment -page 14 – I highlighted the relevant section.

Took me awhile to find this. I need to put these somewhere to find easier.
I hope this is what we are looking for. It is what I have based my statements on.

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From: Montana Listserv <WIRED-MT-L@OCLC.ORG> **On Behalf Of** Tracy Cook
Sent: Wednesday, May 1, 2013 10:07 AM
To: WIRED-MT-L@OCLC.ORG
Subject: answer to a couple of questions asked during the Internet Use Policy Webinar

Hi,

During the Internet Use Policy Webinar I taught last week I had two
questions that I needed to research. Just a quick reminder that I'm not
a lawyer so this isn't legal advice. It's always good to consult an
attorney on these types of questions. Having said that here is what I
found.

1. Should libraries filter wireless particularly if they are accepting
e-rate funds and are already filtering their in house computers?

 From Suzanne Reymer, e-rate guru for Montana
"There is no federal requirement to filter wireless networks per se
meaning they don't have to require anyone logging on with their personal

device, i.e., laptop, cell phone, tablet, etc. to go through a filtered
internet connection. While this hasn't ever been really stated clearly,
I think we can infer it from the interpretation of CIPA that it doesn't
apply to filtering on patron owned devices. It looks like it only
applies to library-owned equipment. Here's a good recent summary from
Bob Bocher on WebJunction:
https://www.webjunction.org/documents/webjunction/CIPA_Key_Issues_for_Decision_Makers.html
[webjunction.org]

However, a library that has chosen to go down the route with CIPA
compliance may well run into local issues if they have filtered library
computers but don't filter their wireless. Once again we're getting into
that murky world of patron/community expectations."

2. Can libraries require parental/legal guardian permission in order
for a child to use the Internet?

In the state of Montana the Montana Constitution particularly Article II
Section 15 provides that minors have the same fundamental rights as
adults unless specifically precluded by laws that enhance the protection
of such persons. Such rights include the freedom of speech and the
right to know. Because Montana does not have laws that restrict minors
use of the library it appears that a library cannot require a parent's
permission to use the library. It looks like this would extend to use
of the library's Internet.

Mary Minow in her book "The Library's Legal Answer Book" page 129
discusses parents putting restrictions on their child's use of the
Internet. In this section Mary says that the First Amendment does not
hinder parents from restricting their children's access to information,
but it does restrict governments (such as the public library) from
imposing restrictions. She goes on to say that the best option when it
comes to Internet usage may be for the library to have open access, but
give parents the option to restrict their child's access to the
Internet. By doing this (rather than requiring parental permission to
use the Internet) the library is leaving the decision up to the parent.

I hope this helps. Please let me know if you have questions.

-Thanks,
Tracy

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