



**DATE:** December 6, 2018

**TO:** Council Technology Application Committee

**FROM:** Director of Information Technology

**SUBJECT** Review of Proposed Children's Internet Protection Act (CIPA) Policy for the Hayward Public Library

### **RECOMMENDATION**

That the Council Technology Application Committee (CTAC) reviews and recommends that the Council adopts the proposed Children's Internet Protection Act Policy for Hayward Public Library.

### **SUMMARY**

The Federal Communications Commission (FCC) E-rate program makes telecommunications and information services more affordable for libraries by providing discounts ranging from 20 to 90 percent for telecommunications, telecommunications services and Internet access, as well as internal connections, managed internal broadband services and basic maintenance of internal connections.

For the City of Hayward Library to qualify for the E-rate program, it must also comply with the Children's Internet Protection Act (CIPA). This item includes a proposed Children's Internet Protection Act Policy for Hayward Public Library (Attachment II) to address this requirement.

### **BACKGROUND**

The Children's Internet Protection Act (CIPA), enacted December 21, 2000, requires recipients of federal technology funds to comply with certain Internet filtering and policy requirements. Libraries receiving funds for Internet access and/or internal connection services must also meet the Internet safety policies of the Neighborhood Children's Internet Protection Act (NCIPA), which addresses the broader issues of electronic messaging, disclosure of personal information of minors, and unlawful online activities.

CIPA and the associated NCIPA requirements for E-rate purposes are governed by rules formulated by the Federal Communications Commission (FCC) and administrated by the Schools and Libraries Division (SLD). The FCC rules surrounding CIPA are summarized into six categories: Applicability, Timing, Filtering, Internet Safety Policy, Certification, and Enforcement. These categories will be explained in more detail in the Discussion section.

## **DISCUSSION**

Applicability, Timing, Filtering, Internet Safety Policy, Certification, and Enforcement provisions must be addressed in order to achieve CIPA compliance to seek E-rate funding.

### *Applicability*

CIPA compliance is required for any library receiving E-rate funds for three of the four eligible service categories: Internet Access, Internal Connections, and Basic Maintenance of Internal Connections. Applicants for Telecommunications services only are exempt.

### *Timing*

Full compliance is required in an applicant's second year of funding after CIPA's enactment.

### *Filtering*

CIPA requires the implementation of a technology protection measure, generally referred to as an Internet filter, to block access to visual depictions deemed obscene, child pornography, or harmful to minors.

Filtering is required for all of an E-rate recipient's Internet-enabled computers whether used by minors or adults. For E-rate funding purposes, filtering for adult Internet usage can be disabled for bona fide research or other lawful purpose.

Prior to adoption, CIPA requires that reasonable public notice and at least one public hearing or meeting be held to address the proposed Internet Safety Policy. Applicants must retain documentation of their Policy adoption actions for future auditing purposes.

### *Internet Safety Policy*

CIPA requires the adoption and enforcement of an Internet Safety Policy. Attachment II contains the proposed Children's Internet Protection Act Policy for the Hayward Public Library.

### *Certification*

The only specific compliance requirement established by the FCC is that an E-rate applicant must certify that it is in compliance with the CIPA provisions it creates. Certification is required only after funding is awarded by filing a FCC Form 486 indicating receipt of services that is required to be filed on an annual basis.

### *Enforcement*

No specific enforcement provisions, other than applicant certifications on FCC Form 486, have been established by the FCC. The only two principles of enforcement are: 1) No Universal Service Fund payments will be made on behalf of any applicant that does not file the requisite certifications; and 2) if certifications are found to be false, as determined by a review or audit, applicants will have to reimburse the Fund for any funds and discounts received for the period covered.

### **ECONOMIC IMPACT**

Approving the proposed policy will allow the City of Hayward to apply for E-rate funding, which will achieve a discounted rate on telecommunications services utilized by the Library.

### **FISCAL IMPACT**

There is no immediate fiscal impact associated with implementing this policy as this is a pre-requirement to applying for the discounted E-rate. The E-rate application is due in the Summer of 2019. Any discounted rate would not be reflected until FY2020.

### **NEXT STEPS**

If CTAC recommends approval of the policy, staff will schedule the necessary hearing with the City Council for approval of the policy. Upon approval of the Children's Internet Protection Act Policy for Hayward Public Library, staff will apply for E-rate discount.

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*Approved by:*



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Kelly McAdoo, City Manager