

RESOLUTION NO. 11923-09

A RESOLUTION APPROVING AND ADOPTING AN ACCEPTABLE USE POLICY FOR INTERNET ACCESS FOR THE CITY OF NEWPORT NEWS PUBLIC LIBRARY SYSTEM.

WHEREAS, Section 17.03 of the Charter of the City of Newport News authorizes the City Council for the City of Newport News to provide for the Newport News Library Board, which shall have such authority, powers and duties as may be provided by ordinance; and

WHEREAS, Chapter 22 of the Newport News City Code was adopted by City Council and provides for the Newport News Library System, hereinafter the Library System, and further creates the Newport News Public Library Board of Trustees to serve as an advisory board; and

WHEREAS, Section 42.1-36.1 of the Code of Virginia, 1950, as amended, hereinafter referred to as the state code, requires that City Council file with the Librarian of Virginia an acceptable use policy for the Internet on or before December 1, 2009, for Internet access provided by the Library System; and

WHEREAS, the Newport News Library Board of Trustees has reviewed the attached "Acceptable Use Policy for Internet Access", hereinafter the "AUPIA", and has recommended that it should be approved by City Council; and

WHEREAS, the City Council has received the Newport News Library Board's recommendation, reviewed the proposed AUPIA and wishes to approve same in accordance with Section 42.1-36.1 of the state code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News, Virginia, that:

1. It desires to and by this resolution approves and adopts the "Acceptable Use Policy for Internet Access" attached hereto and made a part hereof for use by the Newport News Library System.

2. The Director of Libraries and Information Services is authorized and directed to file the approved "Acceptable Use Policy for Internet Access" with the Librarian of Virginia as required by Section 42.1-36.1 of the state code.

3. The Director of Libraries and Information Services is authorized and directed to take such steps as necessary to implement and enforce the "Acceptable Use Policy for Internet Access" as hereby approved or subsequently amended.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON OCTOBER 27, 2009

Mabel Washington Jenkins, CMC
City Clerk

Joe S. Frank
Mayor

A true copy, teste:

City Clerk

Acceptable Use Policy for Internet Access

Acceptable use of the City of Newport News Public Library System's Internet access is subject to the laws, regulations and ordinances of the United States of America, the Commonwealth of Virginia, and the City of Newport News. Nothing contained herein shall be construed to refute, abridge, or otherwise negate the effect and full force of any such statute.

Access to the Internet as provided by the City of Newport News Public Library System imposes certain responsibilities, limitations, and obligations upon the recipient of that access. Acceptable use demonstrates respect for intellectual property, ownership of data, system security mechanisms, and individuals' rights to privacy, freedom from intimidation, harassment, and unwarranted intrusion. Any use of library equipment to access material that deals with obscenity or child pornography is expressly prohibited.

Nothing in the foregoing shall limit the City of Newport News in prosecution of individuals or the attempt to recover damages including specific remedies contained in:

<u>Federal</u> <u>Acts</u>	The Privacy Protection Act of 1974
	The Privacy Protection Act of 1980
	The Computer Fraud and Abuse Act of 1986
	Statutes addressing the Interstate Transport of Stolen Property
	The Electronic Communications and Privacy Act
	The U. S. Copyright Act
	USA Patriot Act 2001
	The Virginia Computer Crimes Act

Unacceptable uses include but are not limited to, altering or attempting to alter Library computers or programs in any way (including Library set-up and files), violating or attempting to bypass security of the computer systems; violating copyrights, patent protection, or licensing agreements; unauthorized disclosure, use, and dissemination of personal information regarding minors; and accessing or attempting to access material that is obscene, contains child pornography, or is otherwise unlawful.

All publicly accessible computers with Internet access shall be equipped with a technology protection measure to filter or block Internet access through such computers to child pornography, obscenity, and, with respect to minors, materials deemed harmful to minors as defined by § 18.2-390 of the Code of Virginia. Such filtering measures shall remain in effect unless an adult patron or a juvenile patron's parent or guardian has requested unfiltered Internet access for a lawful purpose.

Suspension of Use Privileges - A library patron who is suspended for violations of this policy shall also be suspended from using any other Internet access computer provided by the Newport News Public Library System at any library branch.

1. Any unacceptable use of library equipment including but not limited to, altering or attempting to alter Library computers or programs in any way (including Library set-up and files), violating or attempting to bypass security of the

computer systems; violating copyrights, patent protection, or licensing agreements; and accessing or attempting to access material that is obscene, deals with child pornography, or is otherwise unlawful shall result in suspension of use privileges.

2. Any abuse or misuse of the computer hardware or software shall result in suspension of use privileges. This includes copying library software, the installation of unauthorized software, or changing library established computer set-up programs.
3. Harassment of others or violation of their privacy will result in suspension of use privileges.
4. Suspension of use privileges for other reasons shall be as determined by the library staff based on Newport News Public Library System policy or law.

Above Acceptable Internet Use Policy approved by City Council November 9, 1999; revised and approved by City Council October 23, 2001, October 14, 2003, November 8, 2005, October 23, 2007, proposed for October 2009.