

**SUBJECT: REQUEST FOR REVIEW OF A WEBSITE**

**EFFECTIVE: NOVEMBER 1, 2014**

**1. PURPOSE:**

- A. The Tampa-Hillsborough County Public Library System (the Library) utilizes web filtering technology in order to comply with [Florida Statutes \(Ch. 847\)](#) regarding visual depictions considered obscene, and the [Children's Internet Protection Act](#).
- B. This policy defines the procedures to be followed when a Library customer requests that Library staff review a website for the purpose of blocking a website if it is not blocked, or unblocking a site if it is blocked by the web filtering technology utilized on Internet access computers.

**2. POLICY:**

- A. Any Library customer may request at any time that the Library staff review a website for the purpose of blocking it, if it is not blocked by the web filtering technology utilized by the Library or unblocking it if it is blocked by the web filtering technology utilized by the Library. A copy of this policy shall be provided to the customer upon request or at the time the customer requests a *Request for Review of a Website* form.
- B. The review of a website pursuant to this policy will be made to determine whether visual depictions on the website, taken as a whole, are obscene, as that term is defined by law, and will be conducted following the procedures set forth in Section 3 below.
- C. If the customer merely wishes to make comments about the Internet access provided by the Library without requesting a review of a particular website to determine if it should be blocked or unblocked, the customer may do so on a public comment card available at all public service desks and online.
- D. This procedure and the *Request for Review of a Website* form apply only to websites requested to be blocked or unblocked based on review for obscenity (categorized by the web filtering technology as Sex) on Internet access computers. Customer requests to block or unblock sites for any other reason or web filtering category, or on any other type of computer should be placed directly through *SiteHelpDesk*, the Library ITS Helpdesk System for review.
- E. Public Services professional staff and branch/department supervisors have the primary responsibility to accept customer requests for review of websites, to inform customers of the review process, to provide customers with information regarding effective use of the Internet, and of the Library's various computer configurations and to address customers' concerns in a polite manner.
- F. *Request for Review of a Website* forms (the *Request Form*) are available at all public service desks located in all library branches.

### 3. PROCEDURE:

#### A. Review Process:

1. Any library customer who desires to have a website reviewed shall complete a *Request Form* and submit it to a Library staff member on duty. A separate *Request Form* should be submitted for each website the customer requests to be reviewed. (Hereinafter, the website named in a *Request Form* shall be referred to as the website.)
2. Upon receipt of a completed *Request Form*, the library staff member receiving the *Request Form* shall verify the completeness of the form and verify the accuracy of the website address (URL). Library staff shall determine whether it is blocked by web filtering and under which web filtering category.
3. The Library staff member shall submit a SiteHelpDesk case to request that the website be reviewed for consideration to be blocked or unblocked as requested by the customer. A scanned copy of the Request Form and a screen capture of the web filtering block message must be attached to the SiteHelpDesk submission.
4. Promptly upon receipt of a SiteHelpDesk request from Library staff to unblock a website pursuant to a customer request for website review, Library ITS support staff and Library Technology and Collections staff shall review the website and determine the nature of the website.
  - a) If the website does not appear to fall within the categories intended to be blocked by the web filtering categories utilized by the Library, the website shall remain unblocked. Library ITS support staff shall inform Library staff –via SiteHelpDesk - that the website was blocked in error and that the block has been removed. Library Staff shall then notify the customer immediately that the block has been removed. Library staff shall note the decision to unblock and the time and date of the decision on the *Request Form*. Library staff shall return a copy of the completed *Request Form* to the customer. The original, completed *Request Form* and a copy of it should be retained by the Library.
  - b) If Library ITS support staff and/or Library Technology and Collections staff determines that the website appears to fall within the categories intended to be blocked by the web filtering categories utilized by the Library, the website block shall not be removed. Library ITS support staff shall inform Library staff –via SiteHelpDesk - that the website was blocked correctly and that the block will not be removed. Library staff shall promptly notify the customer that the Library’s preliminary review indicates that the website is correctly blocked and offer the customer the opportunity to request further review of the website pursuant to Subsection 3.A.(5) below.
5. The following is the sequential process whereby a website is reviewed after

an initial determination has been made by Library ITS support staff and Library Technology and Collections staff pursuant to Subsection 3.A.(4)(b) above that a website has been appropriately blocked and a customer requests further review, or when a library customer has requested that an unblocked website be blocked.

- a) Two photocopies of the *Request Form* completed by the Library customer and checked for completeness by the Library staff member shall be made at the time the customer requests that a further review of the blocked website be made or that an unblocked website be blocked. The original shall be faxed to the Administrative Assistant to the Library Director (with the hard copy sent by separate cover). One copy shall be retained at the branch receiving the *Request Form*, and one copy shall be given to the customer.
- b) Within one (1) business day of the date on which the customer submits the *Request Form* to a Library staff person, a panel of three (3) librarians (the Review Panel) consisting of three (3) members of the Library Management shall review the website for the purpose of making the determination described in Subsection 3.A.(5)(e) below. In making their determinations, the three members of the Review Panel shall not consult with one another or with other members of the Library staff about the website, but each shall base his or her determination upon an independent review, based on the criteria set forth below. After each member of the Review Panel has made his or her independent determination concerning the website, each shall forward that determination to the Library Director electronically and in conformance with the format provided in Attachment 2, which is attached hereto and incorporated by reference. The website review provided for above shall be made solely for the purpose of determining whether the website contains obscene materials. The United States Supreme Court has set forth the appropriate review standard when determining whether materials are obscene. That standard, which is set forth below, shall be the sole standard used by the Review Panel in evaluating the website.
- c) The determination of whether or not materials are obscene is made by reviewing what reasonable persons in the community (in this instance, Hillsborough County) would say about the materials, taken as a whole. The following three questions are to be asked in this analysis.
  - i. Applying community standards, does the material appeal to the prurient interest? (Prurient is defined as “a shameful or morbid interest in nudity, sex or excretion. An obsessive interest in immoral or lascivious matters.”)
  - ii. Applying community standards, does the material depict sexual activity in a patently offensive manner? and

- iii. Does the material possess serious literary, political, artistic, or scientific value? Community standards are not applied to determine the answer to this question. If the answer to this question is yes, the material is not defined as obscene, regardless of the answer to questions (1) and (2) above.
  - d) Based on the foregoing criteria, the three members of the Review Panel will each independently make a determination as to whether the website is obscene and forward it to the Director of Library Services or his or her designee (collectively, the Library Director). The three determinations will be reviewed solely by the Library Director.
  - e) If Review Panel members do not unanimously determine that the website is obscene, the website will be made available for viewing on all library Internet access computers. Notice of that determination shall be sent to the customer within one (1) business day of such determination.
  - f) If all three (3) members of the Review Panel unanimously determine that the website is obscene in accordance with the criteria set forth above, then upon receipt of the recommendations of the Review Panel members, the Library Director shall also review the website for the purpose of making a final determination as provided herein. The Library Director shall independently review the website within three (3) business days of the date the *Request Form* is submitted by the customer and shall utilize only the criteria set forth above in making his or her determination.
    - i. If the Library Director, based upon his or her review of the website determines that the website is not obscene, a Notice of that determination shall be given to the customer within three (3) business days of the date the customer submitted his or her Request Form, advising the customer that the website has been reviewed and that the website has been deemed to be not obscene, and that the website shall be made available through the Library System's Internet access.
    - ii. If, after review of the website, the Library Director concurs with the Review Panel that the website is obscene, notice of that determination shall be sent to the customer within two (2) business days of the date the customer submitted his or her Request Form, advising the customer that the website has been reviewed and has been determined to be obscene and that the website shall be blocked from the Library System's Internet access.
- B. If the customer is dissatisfied with the final determination made by the Review Panel or by the Library Director pursuant to Subsection 3.A.(4) above, the customer may, within seven (7) days of receipt of the Notice of that

determination, appeal that decision to the Tampa-Hillsborough Public Library Board (the Library Board) in accordance with Subsection 3(C) below. If no appeal is filed by the customer within such seven (7) day period, the decision of the Review Panel or the Library Director, as the case may be, is final.

C. Appeal to the Library Board

1. A customer dissatisfied with the decision rendered by the Review Panel pursuant to Subsection 3.A.(4)(f) above or by the Library Director pursuant to Subsections 3.A.4(f)(i) or (ii) above, may appeal that decision to the Library Board by notifying the Chairman of the Library board in writing (the Appeal Notice) within seven (7) days of receiving the Notice of Determination of the customer's desire to appeal the decision of the Review Panel or the Library Director, as the case may be.
2. Upon receipt of an Appeal Notice, a special meeting (the Appeals Meeting) of the Library Board shall be scheduled and held within fifteen (15) days of receiving the Appeal Notice. Written notice shall be provided to the customer of the scheduled Appeals Meeting date.
3. Prior to the scheduled Appeals Meeting, members of the Library Board shall independently view the website which is the subject of the customer's appeal considering the criteria set forth above.
4. At the Appeals Meeting, the customer or a person acting on behalf of the customer may make a verbal presentation to the Library Board with regard to the website in question. The customer may also provide supplementary materials to the members of the Library Board prior to or at the scheduled Appeals Meeting.
5. After hearing the presentation of the customer, if any, and after its discussions and deliberations, the Library Board shall vote at the meeting whether the website is obscene, utilizing the criteria set forth above. The Chairman of the Library Board shall announce the results of that vote immediately at the Appeals Meeting and shall direct the Library Director to take action with respect to the website in question, consistent with the results of that vote. The vote of a majority of the Library Board members present at the Appeals Meeting shall constitute the Library Board's decision in the matter. If the Library Board has determined that the website is not obscene, the website shall be made available through the Library System's Internet access. If the Library Board determines that a website is obscene it shall be blocked from the Library System's Internet access.
6. Notice to the customer shall mean that a telephone call was made to the customer and a confirming letter was mailed to the customer during the relevant time period referred to above. A business day shall mean any day Monday through Friday, excluding Hillsborough County official holidays.

**4. AUTHORITY:**

Pursuant to Section 5(1) of [Chapter 84-443](#), Laws of Florida, the Library Board has the duty and the responsibility, among others, to serve in a recommending capacity to the Director of Library Services and to the County Administrator in respect to all matters pertaining to the public library.

Approved:

Andrew Breidenbaugh, Director