
CHILDREN'S INTERNET PROTECTION ACT (CIPA)

A Short History

Washington State Library

Fall 2003

CIPA History

THE LAW (47 USC 254 (h) (6))

Children's Internet Protection Act (CIPA)
was signed into law on December 21,
2000

CIPA History

Philosophy of the law

CIPA seeks to protect children (and adults) using school and public library Internet computers from visual depictions that are

- ❑ Obscene
 - ❑ Child Pornography
 - ❑ Harmful to minors
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CIPA History

Requirements of the law?

- Through the application of technology protection measures (filters) on all Internet access computers
 - Internet filters could be disabled for adults doing “bona fide research or other lawful purpose”
 - CIPA requires that Internet workstations must be monitored in schools (not libraries)
 - Development of an Internet Safety Policy (NCIPA)
 - Public Meeting
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CIPA History

May 31, 2002

The U.S. District Court for the Eastern
Division of Pennsylvania

The Children's Internet Protection Act
was declared facially unconstitutional (in
the Court's opinion the law cannot be
applied in a constitutional manner).

CIPA History

The District Court decision changed the requirements of CIPA by suspending the technology protection measure for public libraries but not for schools –

CIPA still in affect for schools (in its entirety)

CIPA History

The U.S. Supreme Court (June 23, 2003)

In a plurality decision reversed the District Court ruling that the **law is facially constitutional** -- it can be applied in a constitutional manner

CIPA History

The U.S. Supreme Court decision (June 23, 2003)...

A key factor in the ruling was that filters could be disabled without significant delay to adult library patrons and without the need for the patron to provide a reason for the request to disable.

CIPA History

The U.S. Supreme Court decision (June 23, 2003)...

- Ruling assumes that it is **relatively easy** for staff to unblock sites upon patron request
 - The Supreme Court ruling broadened the original CIPA law so that a **reason does not need to be stated for removing the filter**
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CIPA History

The Federal Communications Commission is the government agency that oversees Erate.

In August, it published revised **Administrative Rules** for the implementation of CIPA for Erate to reflect the U.S. Supreme Court Decision

(http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-188A1.pdf)

CIPA History

The Federal Communications Commission...

- Libraries not currently in compliance with CIPA have until **July 1, 2004** to come into compliance with the law **if seeking discounts for Internet access or internal connections**
- Ruling does not apply to telecommunications discounts

CIPA History

The Federal Communications Commission...

If seeking discounts in these areas for **funding year 2003** (July 1, 2003-June 30, 2004) applicant must certify it is **either fully CIPA compliant or that it is undertaking actions** to become CIPA compliant by July 1, 2004.

CIPA History

The Institute of Museum and Library Services (IMLS) is the government agency that oversees the **Library Services and Technology Act (LSTA)**

IMLS issued updated guidance to the **State Library Administrative Agencies (SLAs)** to reflect the U.S. Supreme Court Decision as it relates to LSTA

(http://www.ims.gov/whatsnew/leg/protection_act.htm)

CIPA History

IMLS's **State Grants Program**

- **Washington State Library** is the State Library Administrative Agency for Washington
- SLAs must assure that no LSTA funds will be made available for public libraries or public school libraries, that do not receive E-rate discounts, to **purchase computers to access the Internet or to pay for the direct costs associated with accessing the Internet**, unless the library has certified that it has an Internet safety policy.

CIPA History

IMLS's **State Grants Program**

- ❑ IMLS provides federal funding to each state and territory to **support the development of library services**.
- ❑ The State Library Administrative Agencies use these federal funds for a wide range of purposes, by supporting statewide projects and by making sub-grants to individual libraries.

CIPA History

IMLS's **State Grants Program**

Libraries that receive Erate discounts **do not have to provide an additional certification** under IMLS's Library State Grants Program.

CIPA History

IMLS's State Grants Program

- To receive Program Year 2003 LSTA funds, a public elementary or secondary school library must certify compliance with CIPA or seek a waiver of the requirements*
- Public libraries do not need to certify compliance for the LSTA 2003 Program Year (October 1, 2002 – September 30, 2003)

*If state or local procurement rules or regulations or competitive bidding requirements prevent compliance.

CIPA History

IMLS's **State Grants Program**

- In order to receive **Program Year 2004** LSTA funds, a public library must certify that it is **either in compliance with CIPA's Internet safety requirements or undertaking efforts to comply** by the following year.
 - ▣ The 2004 LSTA Program Year runs October 1, 2003 – September 30, 2004

CIPA History

IMLS's **State Grants Program**

- In order to receive **Program Year 2005** LSTA funds, a public library must certify that it is CIPA compliant in order to **receive LSTA funds to purchase computers to access the Internet or to pay for the direct costs associated with accessing the Internet**
 - The 2004 LSTA Program Year runs October 1, 2004 – September 30, 2005
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CIPA History

**Neighborhood Children's Internet
Protection Act (NCIPA)**

CIPA History

Neighborhood Children's Internet Protection Act (NCIPA)

Libraries are required to adopt and implement an **Acceptable Use Policy** that addresses:

- (1) access by minors to **inappropriate material** on the Internet;
- (2) the **safety and security of minors** when using electronic communications;

CIPA History

NCIPA's **Acceptable Use Policy**

- (3) **unauthorized access (hacking)**;
- (4) unauthorized disclosure, use, and dissemination of **personal identification** information regarding minors; and
- (5) measures designed to restrict minors' access to **harmful material**

CIPA History

NCIPA...

- ❑ Requires a public meeting in the development of the Internet safety policy
- ❑ NCIPA has been in effect even while CIPA was suspended

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Washington State Library

2003 CIPA Workshops



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