



## **Request for Review of a Website**

Policy Number: LS 307

Effective: April 2018

### Purpose

The Tampa-Hillsborough County Public Library (the Library) utilizes web filtering technology in order to comply with [Florida Statutes Chapter 847](#) regarding visual depictions considered obscene, and the [Children's Internet Protection Act](#). 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 software utilized on Internet access computers

### Policy

Any Library customer may request that the Library staff review a website for the purpose of blocking or unblocking via the web filtering software utilized by the Library. A copy of this policy will be provided any time the customer requests a *Request for Review of a Website Form* (Request Form). Review of a website will be conducted in order to determine whether visual depictions on the website, taken as a whole, are obscene, as defined by law in Florida Statutes, Chapter 847.

Customer comments regarding the Library's Internet access that do not include a request to block or unblock a website may be made on a public comment card available at all public service desks or online. The Request Form applies only to websites requested to be blocked or unblocked based on review for "obscenity" on Internet access computers. Customer requests to block or unblock websites for any other reason or web filtering category, or on any other type of computer, should be submitted by staff for review through the SiteHelpDesk. Library supervisors have the primary responsibility to accept customer requests for review of websites, to inform customers of the review process and to guide customers regarding effective use of the Internet and of the Library's various computer configurations. Request Forms are available at all Library public service desks.

### Procedure

Customers may initiate a website review by submitting a completed Request Form to Library staff. A separate Request Form should be submitted for each website the customer requests to be reviewed. Upon receipt of a completed Request Form, library

staff will verify the completeness of the form and verify the accuracy of the website address (URL). Library staff will determine whether it is blocked by web filtering and under which web filtering category.

Library staff will 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.

Upon receipt of request from Library staff to unblock a website, Information & Innovation Office (IIO) staff and Library Technology and Collections (LTC) staff will review the website and determine the nature of the website. If the website does not appear to fall within the categories intended to be blocked by the web filtering software, the website will be unblocked. Library staff will notify the customer that the block has been removed. Library staff will note the decision to unblock and the time and date of the decision on the Request Form, return a copy of the completed Request Form to the customer, and retain the original. If the website falls within the categories intended to be blocked by the web filtering software, the website block will not be removed. IIO staff will inform Library staff that the website was blocked correctly and that the block will not be removed. Library staff will 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.

After the initial determination that a website has been appropriately blocked and a customer requests further review, staff will email the customer's Request Form to the Library Director's Office. A copy of the form will be given to the customer and the original will be retained at the branch. Within one (1) business day of the date on which the customer submits the Request Form, a Review Panel consisting of three (3) Library management staff will review the website. The United States Supreme Court has set forth the appropriate review standard in determining whether materials are "obscene". This will be the sole standard used by the Review Panel in its evaluation. Determination of whether or not materials are obscene is made by reviewing what "reasonable persons" in the community (in this case, Hillsborough County) would say about the materials, "taken as a whole." The following three questions are to be asked in this analysis.

- 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 or an obsessive interest in immoral or lascivious matters.)

- Applying community standards does the material depict sexual activity in a patently offensive manner?
- 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. Panel members will individually make a determination as to whether the website is "obscene" and forward it to the Library Director. If the members of the Review Panel 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 will be sent to the customer within one (1) business day of such determination. If the Review Panel unanimously determines the website is "obscene," the Library Director will also review the website to make a final determination. If the Library Director, determines that the website is not obscene, a notice will 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 will be made available through the Library's Internet access.

If the Library Director concurs with the Review Panel that the website is obscene, notice of that determination will be sent to the customer within two (2) business days of the date the customer submitted the *Request Form*, advising the customer that the website has been reviewed and has been determined to be obscene, and that the website will be blocked from the Library's Internet access. Should the customer be dissatisfied with the decision of the Review Panel and the Library Director, the customer may within seven (7) days of receipt of the notice of that determination, appeal to the Tampa-Hillsborough County Public Library Board (the Library Board) as outlined below. If no appeal is filed by the customer within the seven (7) day period, the decision of the Review Panel or the Library Director, as the case may be, is final.

A customer may initiate an appeal by written request to the Library Board Chair (the Appeal Notice). Upon receipt of the Appeal Notice, a special meeting of the Library Board (the Appeal Meeting) will be scheduled and held within fifteen (15) days of receipt of the Appeal Notice. Written notice of the Appeal Meeting date will be provided to the customer. Prior to the scheduled Appeal Meeting, members of the Library Board will independently view the website that is the subject of the customer's appeal considering the criteria set forth above.

During the Appeals Meeting, the customer or their representative may make a verbal presentation with regard to the website in question. The customer may also provide supplementary materials prior to or at the scheduled Appeals Meeting. Following all presentations and deliberations, the Library Board will take a vote to decide whether the website is obscene, utilizing the criteria set forth in this policy. The Chairman of the Library Board will immediately announce the results of that vote during the Appeals Meeting and will direct staff to take action consistent with the results of the vote. **The vote of a majority of the Library Board members present at the Appeals Meeting will constitute a final decision in the matter.** If the Library Board has determined that the website is not obscene, the website will be made available through the Library System's Internet access. If the Library Board determines that a website is obscene, it will be blocked. Written notice of the result will be provided to the customer.