

CITY OF COMMERCE PUBLIC LIBRARY PUBLIC ACCESS COMPUTER AGREEMENT

Computer Access Requirements

1. A valid Commerce Library card is required to use computers (except the Express Stations.)
2. A signed user agreement is required prior to use of computers. Internet users under the age of 18 must have their parent's or legal guardian's signature of approval and acceptance of responsibility for the minor's use.
3. Computers may be reserved up to two days in advance and users may have two sixty minute sessions per day. There is a ten-minute grace period for reservations.
4. One person per computer is preferred, with a maximum of two people per computer at the discretion of Library staff.
5. Users may supply their own USB drives or may purchase one from the Library when available.

Internet Access Policy

The City of Commerce Library offers public access to the Internet, including wireless access. The Internet is offered as an essential information source for patrons; however, the Commerce Public Library makes no representation or guarantee that any part of the Internet service, including the wireless service, will be uninterrupted, error-free, virus-free, timely or secure; nor that any Internet content is accurate, current reliable or safe in any manner for download or any other purpose.

Consistent with the United States Supreme Court decision in United States v. American Library Association 539 U.S. 19 (2003), as part of its effort to fulfill its mission of facilitating learning and cultural enrichment, the Commerce Public Library necessarily exercises discretion in the materials provided to its patrons. The Commerce Library also complies with the Children's Internet Protection Act (CIPA), 114 Stat., 2763A – 335 (enacted by the United States Congress in 2000) which requires installation of Internet filtering software on Library computers.

The following laws govern the use of the Library's public Internet workstations:

6. **Access Paths:** Internet access is provided by either public Internet computers provided by the Library or a patron's personal computers using the Library's wireless network. In either case, the Library does not provide privacy for individual users. The Library is a public place and cannot provide private Internet computers or seating areas.
7. **Wireless Access:** The Library's wireless service is not encrypted. Users should be aware that **any information sent or received could potentially be intercepted by another user.** Web-based security controls are not sufficient to protect against attacks; therefore, users should avoid entering sensitive information such as credit card

numbers, social security numbers, passwords or any other personally identifying information on any Library computer or wireless network.

Users should also be aware that while connected to the wireless network, their computer is exposed to other users' computers. **There are risks from this exposure that include the possibility of infection from a virus or the potential that another wireless user might be able to view or change files on any wireless user's computer.** It is recommended that users install and use virus protection software, firewall software, and security patches or upgrades to identify and eliminate viruses in any data, files, or programs they obtain from external computers or networks, and to protect their computers from intrusion.

The Commerce Library wireless service is unable to protect against any attack directed at a personal computer or other electronic device. The use of the Library's Internet service, wireless network, and electronic information resources is entirely at the risk of the user.

8. Access by Minors: As is the case with other material in the Library's collections, any restriction of a child's access to the Internet is the responsibility of the parent or legal guardian.
9. Harmful to Minors: Computers are located in public areas where minors may be present. California law makes it a violation for "every person who, with knowledge that a person is a minor, knowingly exhibits or offers to distribute or exhibit by any means, matter which is deemed harmful to minors." (Penal Code 313 et. seq.).
10. Child Pornography: California Penal Code Section 311.3 prohibits the sexual exploitation of a child. "A person is guilty of sexual exploitation of a child if he or she knowingly ...duplicates, prints or exchanges any representation of information, data or image ...that depicts a person under the age of 18 years engaged in an act of sexual conduct." Should Library staff observe the occurrence of such activity, law enforcement will be alerted.
11. Copyright: Materials obtained or copied from the Internet may be subject to laws which govern the making of reproductions of copyrighted works (e.g., Title 17 U.S. Code). Any responsibility for the consequence of copyright infringement lies with the user.
12. Tampering with Equipment: It is illegal for users to physically or electronically modify Library computer equipment, or to tamper with hardware or software (California Penal Code, Section 502 et. seq.)
13. Confidentiality: The Library maintains confidentiality of patron usage records for the Internet as it does for any materials. However, the Library will cooperate with law enforcement in providing access to patron records under the terms of the California Public Records Act (California Government Code, Title I, Div. 7, Chapter 3.5, Section 6250 et. seq.) and other applicable State or Federal statutes.

14. Hostile Work Environment: Displaying explicit, graphic or obscene images on library computers may create a hostile workplace environment for library staff and may constitute a violation of Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in the workplace.

User Information and Responsibilities

15. For an enjoyable and safe experience, all Library users are expected to adhere to the City of Commerce Public Library's Rules of Conduct.
16. The user agrees to take proper care of all Library equipment and Library materials that are the property of the City of Commerce Public Library. Users must not save files on hard drives; must not disconnect any computer cables; must not shut off computers; and must not damage computer equipment or software. When there is a fault with any equipment or materials, please immediately report any difficulty or problem to the Library staff.
17. User agrees to pay the full cost for replacement of any equipment or materials lost or damaged because of user's failure to inform Library staff of malfunctions. User agrees to observe all copyright laws.
18. Users agree to indemnify and hold Commerce Public Library and the City of Commerce harmless for any claim or demand that may be made by any third party due to or arising from user conduct in connection with any use of the Library's Internet service, wireless network, and electronic information resources, user provision of content, user violation of the Library's Policies or any other violation of the rights of another person or party.
19. Any data lost as a result of faulty media, programs, etc. are not the responsibility of the City of Commerce, City Council, or the employees of the City of Commerce. No private files may be stored at the Library or on the Library computer's hard drive.
20. The City of Commerce Public Library makes no guarantee, either express or implied, with respect to any equipment, programs or other Library materials, their quality, performance, or fitness for any particular purpose. All materials and equipment are of a "demonstration" nature and are given for use "as is." The entire risk as to the quality and performance of computer equipment, programs, and/or documentation is with the user. In no event shall the City of Commerce Public Library be liable for actual, incidental or consequential damages in connection with or arising from the use of any equipment, programs, or other Library materials.
21. Availability of the equipment for users, either per week or per month is not guaranteed. Time allotted is based as fairly as possible according to the demand placed upon the equipment by Library users. From time to time, events such as workshops, classes, lectures, or the like shall take precedence over normal computer use. All decisions regarding the use of the computer and other Library materials are at the sole discretion of the library.

22. Failure to observe any part of the Public Access Computer Agreement may result in suspension of the user's privilege of using the public computers.

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COMPUTER USE PRIVILEGES MAY BE SUSPENDED OR REVOKED DUE TO ANY INFRINGEMENT OF COMPUTER USE RULES.

Name (Please Print)

Signature

Address

Date

Parent or Legal Guardian's Signature for Patrons under 18 years of age

Revised July 2008