



To: All Ontario Public Libraries  
Date: February 24, 2009

**Re: Bill 128**

As many of you know, the Private Member's bill, Bill 128 received First Reading in the Ontario Legislature on November 19, 2008. This Bill would require public libraries to block access on the Internet to sexually explicit material, including written material, pictures and recordings specifically through use of filtering software. Because the proposed legislation was introduced by an MPP from an opposition party, its chances of successfully becoming law are very slim. However, the Bill is causing controversy among some municipal councils. This email provides public library boards with suggested strategies and resource materials for dealing with this sensitive issue.

**The Federation's Position**

The Federation of Ontario Public Libraries does not support Bill 128. Our position is consistent with Internet access policies of the Ontario Library Association (OLA) and the Canadian Library Association (CLA). We believe public libraries have a basic responsibility to uphold Canada's Bill of Rights and the Canadian Charter of Rights and Freedoms, to facilitate access to all expressions of knowledge, creativity and intellectual activity, including those which some elements of society may consider to be unconventional, unpopular or unacceptable.

The Internet has many wonderful resources for children, but it is unregulated. Since there is no foolproof way to eliminate inappropriate material, public libraries are taking special measures to instruct and protect children in their use of the Internet. Most public library boards have approved policies and procedures on Internet access for children.

While filters can have a place in a broader program to protect children from inappropriate materials, they do not guarantee that all inappropriate material will be blocked. Filters can also block useful material. Therefore they should be considered as only one element in the library's program to provide Internet service in a safe and welcoming environment.

With the features available today on wireless devices such as cell phones and with the variety of other public places without filters, controlling a child's access to the Internet has become a complex societal issue. We believe the best and most reliable filter is a child's parent or guardian.

### **Recommended Strategies**

The Federation recommends that Ontario's public libraries take the following action:

1. Encourage your local councils not to support Bill 128. Talk to your C.A.O. now. Don't wait for your council to meet.
2. Inform your councils of the policies and procedures that you already have in place.
3. Be prepared to respond to calls from the media.
4. Get your library board to formulate its own position on Bill 128 at its next meeting.

In making your case, point out that the Bill is premised on several false assumptions:

1. That no laws exist to protect children to exposure of inappropriate material. In fact, the Criminal Code makes it an offence to view child pornography on an Internet browser.
2. That filtering works. As mentioned above, filters often block useful material.
3. That public libraries have no policies and procedures in place for dealing with this issue. In fact, the vast majority of libraries do. Refer to Dr. Alvin M. Schrader's study for CLA, which lists many existing Internet access policies across Canada: <http://www.ualberta.ca/~aschrade/internet/access.htm>
4. That the provincial government runs public libraries in Ontario. In fact, municipalities fund, on average, 85% of the on-going operations of public libraries.

### **Resource Materials**

You might find the following resource materials helpful in dealing with the issue of Internet access:

1. CLA's *Net Safe, Net Smart Toolkit* at:  
<http://www.cla.ca/netsafe/netsafe.pdf>  
It contains a copy of *Have a Safe Trip*, a parent's guide to safety on the Internet, which has been distributed through public libraries across the country since 1998. The toolkit also contains a media guide with sample questions and answers on Internet access in the library (page 13).
2. OLA's Statement on *The Intellectual Rights of the Individual*  
[http://www.accessola.com/data/1/rec\\_docs/381\\_ola1.pdf](http://www.accessola.com/data/1/rec_docs/381_ola1.pdf)
3. Ontario Library Information Technology Association's *Internet Access Toolkit*  
[http://www.accessola.com/olita/bins/content\\_page.asp?cid=573-587-588](http://www.accessola.com/olita/bins/content_page.asp?cid=573-587-588)
4. CLA's Position Statement on Internet Access  
[http://www.cla.ca/AM/Template.cfm?Section=Position\\_Statements&Template=/CM/ContentDisplay.cfm&ContentID=3048](http://www.cla.ca/AM/Template.cfm?Section=Position_Statements&Template=/CM/ContentDisplay.cfm&ContentID=3048)

Please keep us informed of developments within your municipality. And let us know how we can assist you further. Thank you.

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Federation of Ontario Public Libraries