

# Manassas Park City Library

## Library Policies

Library policies are set and confirmed annually by the Manassas Park Governing Body with advisement from the Library Advisory Board.

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# 1. Collection Management

## **Collection Development**

The goal of the Manassas Park City Library (the “Library”) is to provide the citizens of Manassas Park with a range of materials in a variety of print and non-print formats to meet their informational, cultural, educational, and recreational needs and interests.

To meet this goal, the Library has developed procedures for selecting, evaluating, re-evaluating, and withdrawing materials. These procedures are intended to ensure that the collection reflects all points of view on current and historical issues, and that materials are available in diverse media formats.

The Library endeavors to provide a range of opinions, majority and minority, on all subjects, and does not exclude materials based on the author's or producer's point of view. The Library also attempts to avoid collections that reflect inordinate responsiveness to a single point of view.

Individual use of Library materials is a private and personal matter. All citizens are free to reject for themselves materials of which they may disapprove; no citizen may restrict the freedom of use and access for others. Responsibility for the reading, listening, and viewing of Library materials by minors rests with their parents or legal guardians, not with Library staff. Selection of Library materials is not inhibited by the possibility that materials may come into the possession of children.

Suggestions from the public regarding selection, retention, or reconsideration of materials are encouraged and reviewed promptly (Addendum A).

The Library Advisory Board hereby endorses the American Library Association (ALA) Library Bill of Rights (Addendum B), the ALA Freedom to Read Statement (Addendum C), and the ALA Free Access to Minors Statement (Addendum D), and interprets these statements to include all Library materials regardless of format. Responsibility for the selection and removal of books and other Library materials resides with the Library Director, who may delegate that responsibility to Library staff.

Books and materials are selected according to intrinsic merit, subject treatment, community interest, and contribution to a balanced collection in the Library. No single standard of suitability can be applied in all cases. The volume and nature of requests for access to Library materials by members of the public is a significant factor in selection. Flexibility, open-mindedness, and responsiveness are exercised during the evaluation process. Materials are selected to present a variety of opinions on a subject and are judged as a whole rather than on isolated passages.

## **Collection Maintenance**

Library materials are owned by the City of Manassas Park. Outdated materials, books no longer of interest or in demand, and worn or damaged copies will be removed. Staff will make every effort to transfer unneeded items in usable condition to Library support groups, local community organizations, or a library vendor specializing in discards and donations from libraries that provide revenue in return for surplus materials. Unneeded items transferred to the ownership of a Library support group may be sold to benefit Library programs and services.

**Adopted** \_\_\_\_\_

## 2. Programming

Programming, an essential service of the Manassas Park City Library, is designed to engage Library users, spotlight materials and services, and provide opportunities for customers of all ages to share informational, cultural, educational, and recreational experiences. The Library may also participate in cooperative or joint programs with other agencies, organizations, institutions, or individuals as part of its own effort to address information needs and to facilitate information access in the community the Library serves. Professional performers and presenters with specialized or unique expertise may be hired for Library programs.

All Library programs are open to the public. Programs are scheduled at the discretion of Library staff.

Performers and presenters will not be excluded from consideration because of their origin, background, or views, and program topics will not be excluded because of possible controversy.

Library sponsorship of a program does not constitute an endorsement of the content of the program, the organization presenting the program, or the views expressed by presenters or participants.

Suggestions from the public regarding selection, retention, or reconsideration of programs are encouraged and reviewed.

To request a reasonable accommodation for a disability, call the Library Director. Three days' notice is requested.

**Adopted** \_\_\_\_\_

## 3. Fines and Fees

The City of Manassas Park Governing Body shall approve all Manassas Park City Library fees, as referenced in the Schedule of Fees. The Manassas Park City Library will not charge overdue fines; however, fees for lost books will be charged to the Patron. (Addendum E)

**Adopted** \_\_\_\_\_

## 4. Library Closings

The Library Advisory Board approves scheduled Library closings for City observed holidays and other operational needs.

The Library Director or designee, working with City of Manassas Park City Manager and Parks and Recreation Director, determines the closing of Library locations due to weather, maintenance, or safety-related concerns.

**Adopted** \_\_\_\_\_

## 5. Gifts

Manassas Park City Library welcomes and encourages monetary gifts, bequests, endowment funds, and gifts of property, services or materials from individuals, groups, foundations, or corporations. All gifts will be evaluated for appropriateness in light of the Library's mission and all other existing policies. Gifts shall not be a substitute for adequate local funding, but a way for the community to give back to their Library.

The Library and staff are under no obligation to accept gifts, items, or funds and reserve the right to refuse any gift.

Gifts valued at \$5,000 or less will be reviewed and accepted by the Parks and Recreation Director (or designee) upon the recommendation of the Library Director.

Gifts valued over \$5,000 as well as conditional gifts will be reviewed and accepted by the City Manager after consultation with the Governing Body and upon the recommendation of the Library Director.

Donors who request naming rights must have a sustained connection to the City and receive Governing Body approval.

Gifts of physical items, including books and other material donations, are accepted with the understanding that ownership passes to the Library.

The Library reserves the right to decide use, condition of display, and final disposition of all gift material it receives. Gifts are considered for acceptance on the same basis as materials for purchase. The cost of processing and the availability of shelf space are also factors in determining the acceptance of gifts. The Library may provide a receipt acknowledging the number of donated items, but will not attempt to estimate their value.

The Library may forward items deemed unusable to library support groups or outside agencies/organizations. Gifts will not be returned to the donor.

**Adopted \_\_\_\_\_**

## 6. Volunteers

Manassas Park City Library recognizes volunteers as an invaluable community resource and welcomes their support. Volunteers provide support to staff by performing duties or tasks without wages or benefits. They do not take the place of staff, but provide supplemental or specialized services.

Volunteers are accepted when their skills and abilities match specific needs. The Library does not guarantee that all volunteer applications will be accepted. All interested volunteers must pass a background check performed by the City of Manassas Park.

**Adopted \_\_\_\_\_**

## 7. Library Support Groups

Library support groups, including Friends of the Library (“Friends”) groups, the Library Advisory Board, and library foundations, fulfill an important fundraising and public advocacy function for public libraries. A Friends group or the Library Advisory Board serves as a support group, rather than as a policy-making body.

These groups may raise money through book sales, sponsorship of special events, or other means. As in any volunteer organization, members are provided with an opportunity to use their time, skills, resources, and contacts in a worthwhile community endeavor, while receiving recognition for their efforts.

To use Library facilities, the Library name, or receive Library assistance, any MPCL support group must abide by the standards listed below.

### Standards

1. All Friends groups, advisory boards, and foundations shall conduct their fiscal affairs through appropriately structured non-profit, tax exempt organizations, such as non-stock corporations, and shall maintain their tax-exempt status.
2. There shall be a signed memorandum of understanding (MOU) between the City Manager and the support group.
3. Funds raised by library support groups shall not be a substitute for adequate local funding.
4. Funds raised by library support groups shall be maintained in an account separate and distinct from the Library's operating accounts. Such accounts shall be administered by the treasurer of the support group.
5. Gifts made to the Library by a Friends group, the Library Advisory Board, or by a library foundation shall conform to Library gift and fiscal policies, and shall not be used to dictate Library policy.

**Adopted** \_\_\_\_\_

## 8. Library Card Account

Every resident of Manassas Park is eligible for a free Library card account regardless of age.

Those who own property, own a business, work, or attend school in Manassas Park are also eligible.

Residents of jurisdictions in the Metropolitan Washington Council of Governments (MWCOG) are eligible for reciprocal accounts. Some online resources as well as Interlibrary Loan (ILL) may not be available to reciprocal borrowers.

Reciprocal jurisdictions are as follows:

### **District of Columbia**

- District of Columbia

## **Maryland**

- Town of Bladensburg
- City of Bowie
- City of College Park
- Charles County
- City of Frederick
- Frederick County
- City of Gaithersburg
- City of Greenbelt
- City of Hyattsville
- City of Laurel
- Montgomery County
- Prince George's County
- City of Rockville
- City of Takoma Park

## **Virginia**

- City of Alexandria
- Arlington County
- City of Fairfax
- Fairfax County
- City of Falls Church
- Loudoun County
- City of Manassas
- Prince William County

**Adopted** \_\_\_\_\_

## 9. Library Rules of Conduct

Manassas Park City Library strives to provide a welcoming environment for all Library customers. The following rules of conduct are meant to ensure that the Library is a safe and enjoyable place. Library

staff shall have the right to contact the proper authorities and ask individuals to leave the Library when individuals are in violation of these rules. Violation of Library policies or any unlawful behavior may result in the loss of Library privileges.

The following are prohibited in Library facilities and on all Library properties, grounds, and program spaces:

1. Damage, destruction, or theft of Library or personal property.
2. Abusive, threatening, or intimidating language.
3. Conduct that disturbs or endangers Library customers, staff, or volunteers.
4. Conduct that hinders others from using Library space, equipment, or materials.
5. Interference with an employee's performance of his/her duties. Such behavior includes but is not limited to verbal abuse, intimidation, sexual harassment, or harassment on account of race, religion, ethnic background, gender, or sexual orientation.
6. Sleeping.
7. Selling or solicitation, with the exception of certain Library-sponsored events.
8. Smoking, including e-cigarettes, or use of tobacco in any form.
9. Open containers of alcoholic beverages.
10. Being under the influence of alcohol or illegal substances.
11. Consuming food or drink outside of designated areas.
12. Leaving bags or personal items unattended.
13. Any use of computers or Internet access that interferes with the activities of the Library or its network, or is in violation of federal, state, or local laws, including Virginia Code §18.2-374.1:1 (child pornography), Virginia Code §18.2-372-§18.2-374 (obscene items), Virginia Code §18.2-377 (obscene placards, posters, etc.), and Virginia Code §18.2-391 (materials deemed harmful to juveniles) is prohibited.

The following must be observed at all times:

- Appropriate attire, including but not limited to shoes and a shirt, must be worn at all times.
- Modes of transport (*e.g.*, bicycles, scooters, roller-blades, etc.) must be left outside. The Library is not responsible for the loss of such items.

In addition, please be aware:

- The Library is not responsible for personal items that are lost, stolen, or damaged on Library premises.
- With the exception of service animals, animals are not permitted inside Library facilities.

- Library staff reserves the right to contact the appropriate authorities when children are left unattended, do not observe the Rules of Conduct, or are in distress (see Safe Children policy below).
- Library staff may ask any customer to leave when he/she is in violation of the Rules of Conduct. Library staff may contact the appropriate authorities if a customer refuses to leave when asked.

Exceptions to these Rules of Conduct may be granted at the discretion of the Library Director or designee.

**Adopted** \_\_\_\_\_

## 10. Safe Children

Manassas Park City Library is dedicated to providing a welcoming environment that encourages children to visit the Library, attend programs, and use Library collections and spaces. Library staff is available to assist and support children in using the Library. However, Library staff cannot provide child care or assume responsibility for children's safety. Parents, guardians, teachers, and caregivers are responsible for the behavior and safety of children on Library premises.

Children nine years of age or younger must be attended and directly supervised at all times by a parent/guardian or caregiver aged 13 or older. Parents/guardians/caregivers are to remain in the immediate vicinity of their children using the Library.

If children nine years of age or younger are left unattended, staff will attempt to reach their parents/guardians. If they cannot be reached, staff will contact the appropriate authorities.

Like all Library users, children are expected to abide by the Library Rules of Conduct (see policy 9). Library staff reserves the right to contact parents/guardians or the appropriate authorities if a child of any age is disruptive or is in distress.

Minors under age 18, left at the Library without transportation at closing time may be referred to the appropriate authorities for his/her/their safety and well-being. Library staff may not transport minors.

**Adopted** \_\_\_\_\_

## 11. Privacy

Manassas Park City Library is committed to protecting the privacy of all information, including customer requests for service or materials, loan transactions, online sites visited, and resources accessed. Records that link personally identifiable information to borrowed or requested materials or to visited websites are created and maintained only as long as required for the business of libraries. Library staff do not release such information to individuals or to any private or public agency.

Per Virginia Code §2.2-3705.7 (Addendum F), parents and/or legal guardians shall have complete access to the library records of their minor child/children. Library staff may access personal data stored in the Library's computer system only for the purpose of performing their assigned Library duties.

Confidentiality of customer records is protected under state law per Virginia Code § 2.2-3705.7 (Addendum F). The Library will comply with all proper judicial processes, such as a government order to produce documents or information, while preserving customer confidentiality to the extent allowed by law.

**Adopted** \_\_\_\_\_

## 12. Facilities Use

### Summary

The Manassas Park City Library is to be the community's information center, providing free and equal access to a full variety of library resources and innovative technologies to enhance the quality of life and meet the informational, educational, and cultural interests of the entire community. The following policy, governing the use of Library facilities, reflects this mission.

“Library facilities” refers to space in and around all Library buildings, including lobbies, meeting rooms, grounds, parking lots, and common areas.

The Library makes available public facilities, as defined in this policy, on an equitable basis, regardless of the beliefs or affiliations of individuals or groups. Library facility use does not constitute the Library’s endorsement of the beliefs, ideas, or policies expressed by organizations or individuals using the space.

In all Library facilities, Library-sponsored programs and activities take precedence over other activities. Use of Library facilities by outside organizations or groups may not interfere with regular Library operations or services.

Facility users and Library customers must comply with the Library Rules of Conduct Policy and all applicable laws, including the Code of Virginia and the Code of the City of Manassas Park, Virginia.

The Library Director (or designee) reserves the right to refuse groups the use of Library facilities whenever, in the Library Director’s (or designee’s) best judgment, the use does not conform to this policy.

Groups/individuals using Library facilities may not approach customers while in Library facilities or on Library grounds. Communication between group representatives and the public is permitted when initiated by the public. No donations may be required or solicited by these groups/individuals.

There is no charge for the use of Library facilities by government, civic, educational, and cultural groups or organizations. The Library Director or designee must give advance permission for any use of Library facilities. Fees for business/for-profit organizations can be found in Addendum E.

The name, address, and phone number of the Library may not be used as the official address of any organization using Library facilities, nor may any non-library group using Library facilities publicize its activities in such a way as to imply Library sponsorship.

The City of Manassas Park and the Library are not liable for damages caused to the user or his or her property while using Library facilities, and City of Manassas Park and the Library will be held harmless from any liability to third parties for injury caused by the group, or any persons or groups, while using Library facilities.

### **Lobbies and Common Areas**

In order to maintain a welcoming environment and ensure free and unimpeded access to the Library and its services, the use of Library lobbies and common areas will be limited to Library-sponsored or partnered programs or events.

The Library Director (or designee) must approve in advance all activities held in common areas. The individuals or group sponsoring the activity must provide the purpose of the activity, as well as the dates and times the activity will take place, when requesting approval.

The individuals or groups sponsoring the activity must be in attendance at all times. Those in attendance may not approach or initiate conversation with any Library customer.

### **Meeting Rooms**

The Library's meeting rooms can be reserved up to 60 days in advance and are available during normal operating hours. Federal, state, county, or town governments may use the meeting rooms for official government business at other times as authorized by the City Manager.

All groups may use the rooms under the following conditions:

1. All meetings and programs must be open to the public.
2. The solicitation of personal information from attendees is prohibited.
3. The sale of goods and services, admission fees, and/or solicitation of donations is prohibited. Only Library-sponsored presenters, library support groups, and local or federal government groups either sponsoring or co-sponsoring a program, may charge an admission fee or sell a product.
4. Nonprofit organizations and community groups may use the rooms free of charge. For-profit groups and businesses must pay a room use fee. (See Schedule of Fees: Addendum E)

### **Library Grounds**

Library grounds, including all space owned/controlled by the Library outside of Library buildings, is public space, and therefore is subject to regulation as part of this Facilities Use Policy.

Smoking and use of tobacco products are prohibited on Library grounds and in all Library buildings.

Users of Library grounds must deposit all waste into waste receptacles, or remove the waste from Library property. Animal waste must be picked up and disposed of in receptacles or offsite.

Signs, emblems, banners, pennants, etc. may not be posted or displayed on Library grounds or Library building exteriors, except by the Library, Library support groups, or City of Manassas Park.

Petition signing is allowed on Library grounds with prior notification to and approval by the Library Director (or designee). All petition activity must be conducted outside Library buildings at a minimum distance of 25 feet from building entrances.

The Library parking lot is reserved for users of Library or park facilities. Use of the Library parking lot for other purposes are prohibited, unless as part of a Library-sponsored program or event.

### **Displays and Exhibits**

Display cases and exhibit areas are used for Library-sponsored displays, which inform the public of the wide range of issues, events, and interests within the community.

The posting or distribution of a particular item does not indicate that the Library endorses any organization, cause, or activity.

### **Public Art**

Library-sponsored temporary exhibits, curated by staff, provide a venue for local artists to exhibit work.

Any permanent works of art in Library facilities must be approved by the City of Manassas Park.

### **Handouts and Bulletin Boards for Community Information**

Handouts and publications from community groups and individuals may be displayed at the Library if space permits. The Library reserves the right to remove any display or posting following consultation with the City of Manassas Park City Attorney.

**Adopted** \_\_\_\_\_

## **13. Internet and Computer Use**

### **Summary**

As part of its mission to be the community's information center, Manassas Park City Library provides free access to essential digital public services. By doing so, the Library supports the American Library Association's ("ALA") assertion that "[l]ibraries empower users by offering opportunities both for accessing the broadest range of information created by others and for creating and sharing information. Digital resources enhance the ability of libraries to fulfill this responsibility." (Addendum G)

Essential digital public services provided by the Library include access to computers, the Internet, and basic software. In addition, the Library provides an unsecured wireless network for customers' use with their personal devices.

All customers are permitted to use Library computers to access the Internet. In accordance with Virginia Code §42.1-36.1 (Addendum H), Manassas Park City Library employs commercial filtering software and/or parental controls to block the display of illegal material and material that is potentially harmful to children on Library computers and mobile devices. However, no filtering software or control is completely effective. It may inadvertently allow access to content intended to be blocked and,

conversely, it may block unobjectionable content. Persons 18 years of age or older may request unfiltered Internet access for bona fide research or other lawful purposes.

Parents or guardians -- not the Library and its staff -- are responsible for the information selected and the sites visited on the Internet by their children and for supervising their children's Internet use on Library-owned computers and devices, as well as on personal devices used in the Library.

This policy supports the ALA's Intellectual Freedom statements, including The Library Bill of Rights (Addendum B), and Access to Digital Information, Services, and Networks (Addendum G).

### **Acceptable Use**

The following guidelines have been established for acceptable use of Library-owned computers and equipment, as well as personal devices used on Library property:

A. Time limits on the use of computers and equipment, as well as bandwidth limits on wireless access, may be enforced to ensure that all customers have the opportunity to use Library resources.

B. Any activity which violates Federal, state, or local laws is prohibited on both Library and customer devices. Examples of illegal activities include, but are not limited to, fraud (which includes disguising or falsifying sources of electronic mail or other electronic communications with the intent of misleading, defrauding, or harassing others); libeling and slandering other persons; displaying or distributing child pornography: Virginia Code §18.2-374.1:1 (Addendum I) or other obscene materials: Virginia Code §18.2-372 (Addendum J), or materials deemed harmful to juveniles Virginia Code §18.2-390 (Addendum K). The Library must comply with all proper judicial processes.

C. Users may not violate software license agreements or infringe on copyrighted material. United States Copyright Law: U.S. Code, Title 17 (Addendum L) prohibits the unauthorized reproduction or distribution of copyrighted materials, except as permitted by the principle of "fair use". This includes most electronic information sources. Users may not copy or distribute electronic materials without the explicit permission of the copyright holder. Users are responsible for consequences of copyright infringement.

D. Users may not attempt to, or actually, modify Library hardware, software or any configurations via Library workstations or any wireless network. This includes, but is not limited to, attempting or succeeding to evade or disable the Library's Internet filtering software; the intentional propagation of computer viruses or worms; and "hacking" of any kind. Users may not interfere with the activities of the Library or its network in any way. Users may not attempt to intercept, monitor, disrupt, or impede other user's communications or to access or alter other user's data or software.

Failure to follow this policy or the Library Rules of Conduct may result in suspension of internet or Library privileges.

### **User Responsibility**

Library computers are in a public area and information viewed on the screen may be visible to customers of all ages. All users are asked to view content appropriate to a public space and respect the privacy of others. Library staff may ask users to take action to address the situation if other customers express concern about the nature of your web browsing. Users accept that the Library makes no representation or guarantee that computer or Internet services, including wireless service, will be

uninterrupted, error-free, virus-free, timely, or secure, nor that any Internet content is accurate, reliable, or safe in any manner for download or any other purpose.

Use of the Library's hardware, software, Internet service, wireless network, and electronic information resources is entirely at the risk of the user. Neither the City of Manassas Park nor Manassas Park City Library shall be liable for any damage that may occur to any computer, peripheral equipment, device, or storage media; loss of data or confidential information; unauthorized access to or alteration of data transmission; and/or any other direct, indirect, special, incidental, consequential, or exemplary damages resulting from or arising out of use of the Library's Internet service, equipment, or other devices; wireless network, and/or electronic information resources or inability to use these services; or any other matter relating to these services.

The user agrees to hold the Library harmless from any claims, losses, damages, obligations, or liabilities relating to the use of Library computers, network, or other equipment, or related to the use of information obtained from the Library's electronic information system.

**Adopted** \_\_\_\_\_

## Addendum A- Public Suggestions

Suggestions from the public can be sent via the free Suggest a Title service:

[Need to establish an on line form for this service]

Last Updated \_\_\_\_\_

## Addendum B- ALA Bill of Rights

American Library Association (ALA) Library Bill of Rights:

<http://www.ala.org/advocacy/intfreedom/librarybill>

### Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

Last Updated \_\_\_\_\_

## Addendum C- ALA Freedom to Read Statement

American Library Association (ALA) Freedom to Read Statement:

<http://www.ala.org/advocacy/intfreedom/statementspols/freedomreadstatement>

### The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound

responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process.

Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author. No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression. To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters' values differ, and values cannot be

legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support. We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons.

We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the

American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

Last Updated \_\_\_\_\_

## Addendum D- ALA Free Access to Minors Statement

American Library Association (ALA) Free Access to Minors Statement:

<http://www.ala.org/Template.cfm?Section=interpretations&Template=/ContentManagement/ContentDisplay.cfm&ContentID=8639>

Free Access to Libraries for Minors

An Interpretation of the Library Bill of Rights

Library policies and procedures that effectively deny minors equal and equitable access to all library resources available to other users violate the Library Bill of Rights. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the Library Bill of Rights states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violate Article V.

Libraries are charged with the mission of developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, educational level, literacy skills, or legal emancipation.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Children and young adults unquestionably possess First Amendment rights, including the right to receive information in the library. Constitutionally protected speech cannot be suppressed solely to protect children or young adults from ideas or images a legislative body believes to be unsuitable for them.<sup>1</sup> Librarians and library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections, because only a court of law can determine whether material is not constitutionally protected.

The mission, goals, and objectives of libraries cannot authorize librarians or library governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents. As "Libraries: An American Value" states, "We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services." Librarians and governing bodies should maintain that parents—and only parents—have the right and the responsibility to restrict the access of their children—and only their children—to library resources.

Parents who do not want their children to have access to certain library services, materials, or facilities should so advise their children. Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child.

Lack of access to information can be harmful to minors. Librarians and library governing bodies have a public and professional obligation to ensure that all members of the community they serve have free, equal, and equitable access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

1 See *Erznoznik v. City of Jacksonville*, 422 U.S. 205 (1975)-"Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable [422 U.S. 205, 214] for them. In most circumstances, the values protected by the First Amendment are no less applicable when government seeks to control the flow of information to minors. See *Tinker v. Des Moines School Dist.*, *supra*. Cf. *West Virginia Bd. of Ed. v. Barnette*, 319 U.S. 624 (1943)."

Adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991, June 30, 2004.

[ISBN 8389-7549-6]

Last Updated \_\_\_\_\_

## Addendum E- Fees

Lost / Damaged Items: Catalog list price per item + \$10 processing fee

- \$25.00 fee for each lost or damaged item. Once fees for lost or damaged items have been assessed, the patron's account will be restricted from checking out materials until all fees have been paid.

### Printing

- \$0.15 per page

### Interlibrary Loans

- \$10.00 per transaction, plus any fees charged by the lending institution

Meeting Room Use: \$\_\_\_\_\_ per hour (or part of an hour) – Business/For-Profit Organizations only

Last Updated \_\_\_\_\_

## Addendum F- Virginia Code § 2.2-3705.7

Virginia Code § 2.2-3705.7: <http://law.lis.virginia.gov/vacode/title2.2/chapter37/section2.2-3705.7/>

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to §58.1-3.

2. Working papers and correspondence of the Office of the Governor; the Lieutenant Governor; the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and Assistant to the Governor for Intergovernmental Affairs and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. Information contained in library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid

Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-

2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. (Effective until October 1, 2016) Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or the Virginia College Savings Plan, acting pursuant to § 23-38.77, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a

governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to authorize the withholding of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

16. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to authorize the withholding of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or

photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

21. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to authorize the withholding of information defined as directory information under regulations implementing the Family Educational Rights and

Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

23. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. (Effective until October 1, 2016) Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan. For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b. Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. Information held by the Department of Corrections made confidential by § 53.1-233.

27. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with §2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

29. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to authorize the withholding of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or

contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no information that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

32. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

33. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

34. (Effective July 1, 2018) Information held by the Virginia Alcoholic Beverage Control Authority that contains (i) information of a proprietary nature gathered by or in the possession of the Authority from a private entity pursuant to a promise of confidentiality; (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), of any private entity; (iii) financial information of a private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; (iv) contract cost estimates prepared for the (a) confidential use in awarding contracts for construction or (b) purchase of goods or services; or (v) the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority. In order for the information identified in clauses (i), (ii), or (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect such information of the private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

35. Information reflecting the substance of meetings in which individual sexual assault cases are discussed by any sexual assault team established pursuant to § 15.2-1627.4. The findings of the team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 426, 690, 832; 2005, cc. 165, 508; 2007, cc. 406, 652, 660, 737, 739; 2008, cc. 16, 739; 2009, cc. 223, 827, 845; 2010, c. 300; 2011, cc. 827, 867; 2012, c. 726; 2013, cc. 199, 481, 554, 574; 2014, cc. 225, 808; 2015, cc. 38, 137, 549, 730; 2016, cc. 550, 620, 716, 729.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Last Updated \_\_\_\_\_

## Addendum G- ALA Access to Digital Information, Services, and Networks

American Library Association (ALA) Access to Digital Information, Services, and Networks.

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/accessdigital>

An Interpretation of the LIBRARY BILL OF RIGHTS

### Introduction

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information.<sup>1</sup>

Libraries and librarians protect and promote these rights regardless of the format or technology employed to create and disseminate information.

The American Library Association expresses the fundamental principles of librarianship in its Code of Ethics as well as in the Library Bill of Rights and its Interpretations. These principles guide librarians and library governing bodies in addressing issues of intellectual freedom that arise when the library provides access to digital information, services, and networks.

Libraries empower users by offering opportunities both for accessing the broadest range of information created by others and for creating and sharing information. Digital resources enhance the ability of libraries to fulfill this responsibility. Libraries should regularly review issues arising from digital creation, distribution, retrieval, and archiving of information in the context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are upheld. Although digital information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it, many people lack access or capability to use or create digital information effectively.

In making decisions about how to offer access to digital information, services, and networks, each library should consider intellectual freedom principles in the context of its mission, goals, objectives, cooperative agreements, and the needs of the entire community it serves.

### The Rights of Users

All library system and network policies, procedures, or regulations relating to digital information and services should be scrutinized for potential violation of user rights. User policies should be developed according to the policies and guidelines established by the American Library Association, including "Guidelines for the Development and Implementation of Policies, Regulations, and Procedures Affecting Access to Library Materials, Services, and Facilities." Users' access should not be restricted or denied for expressing, receiving, creating, or participating in constitutionally protected speech. If access is restricted or denied for behavioral or other reasons, users should be provided due process, including, but not limited to, formal notice and a means of appeal.

Information retrieved, utilized, or created digitally is constitutionally protected unless determined otherwise by a court of competent jurisdiction. These rights extend to minors as well as adults ("Free Access to Libraries for Minors"; "Access to Resources and Services in the School Library Media

Program"; "Access for Children and Young Adults to Nonprint Materials"; and "Minors and Internet

Interactivity”). Libraries should use technology to enhance, not deny, digital access. Users have the right to be free of unreasonable limitations or conditions set by libraries, librarians, system administrators, vendors, network service providers, or others. Contracts, agreements, and licenses entered into by libraries on behalf of their users should not violate this right. Libraries should provide library users the training and assistance necessary to find, evaluate, and use information effectively.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice in accordance with “Privacy: An Interpretation of the Library Bill of Rights,” and “Importance of Education to Intellectual Freedom: An Interpretation of the Library Bill of Rights.”

### **Equity of Access**

The digital environment provides expanding opportunities for everyone to participate in the information society, but individuals may face serious barriers to access. Digital information, services, and networks provided directly or indirectly by the library should be equally, readily, and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by libraries that receive support from public funds (50.3 “Free Access to Information”; 53.1.14 “Economic Barriers to Information Access”; 60.1.1

“Minority Concerns Policy Objectives”; 61.1 “Library Services for the Poor Policy Objectives”). All libraries should develop policies concerning access to digital information that are consistent with ALA’s policies and guidelines, including “Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights,” “Guidelines for the Development and Implementation of Policies, Regulations and Procedures

Affecting Access to Library Materials, Services and Facilities,” and “Services to Persons with Disabilities: An Interpretation of the Library Bill of Rights.”

### **Information Resources and Access**

Libraries, acting within their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user’s age or the content of the material. In order to preserve the cultural record and to prevent the loss of information, libraries may need to expand their selection or collection development policies to ensure preservation, in appropriate formats, of information obtained digitally. Libraries have an obligation to provide access to government information available in digital format.

Providing connections to global information, services, and networks is not the same as selecting and purchasing materials for a library collection. Libraries and librarians should not deny or limit access to digital information because of its allegedly controversial content or because of a librarian’s personal beliefs or fear of confrontation. Furthermore, libraries and librarians should not deny access to digital information solely on the grounds that it is perceived to lack value. Parents and legal guardians who are concerned about their children’s use of digital resources should provide guidance to their own children. Some information accessed digitally may not meet a library’s selection or collection development policy. It is, therefore, left to each user to determine what is appropriate.

Publicly funded libraries have a legal obligation to provide access to constitutionally protected information. Federal, state, county, municipal, local, or library governing bodies sometimes require the use of Internet filters or other technological measures that block access to constitutionally protected information, contrary to the Library Bill of Rights (ALA Policy Manual, 53.1.17, Resolution on the Use of Filtering Software in Libraries). If a library uses a technological measure that blocks access to information, it should be set at the least restrictive level in order to minimize the blocking of constitutionally protected speech. Adults retain the right to access all constitutionally protected information and to ask for the technological measure to be disabled in a timely manner. Minors also retain the right to access constitutionally protected information and, at the minimum, have the right to ask the library or librarian to provide access to erroneously blocked information in a timely manner. Libraries and librarians have an obligation to inform users of these rights and to provide the means to exercise these rights.

Digital resources provide unprecedented opportunities to expand the scope of information available to users. Libraries and librarians should provide access to information presenting all points of view. The provision of access does not imply sponsorship or endorsement. These principles pertain to digital resources as much as they do to the more traditional sources of information in libraries (“Diversity in Collection Development”).

1 *Martin v. Struthers*, 319 U.S. 141 (1943); *Lamont v. Postmaster General*, 381 U.S. 301 (1965); Susan Nevelow Mart, *The Right to Receive Information*, 95 *Law Library Journal* 2 (2003).

2 *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969); *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853, (1982); *American Amusement Machine Association v. Teri Kendrick*, 244 F.3d 954 (7th Cir. 2001); cert.denied, 534 U.S. 994 (2001)

3 “If some libraries do not have the capacity to unblock specific Web sites or to disable the filter or if it is shown that an adult user’s election to view constitutionally protected Internet material is burdened in some other substantial way, that would be the subject for an as-applied challenge, not the facial challenge made in this case.” *United States, et al. v. American Library Association*, 539 U.S. 194 (2003) (Justice Kennedy, concurring).

See Also: “Questions and Answers on Access to Digital Information, Services and Networks: An Interpretation of the Library Bill of Rights.”

Adopted January 24, 1996; amended January 19, 2005; and July 15, 2009, by the ALA Council.

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## Addendum H- Virginia Code §42.1-36.1

Virginia Code §42.1-36.1

<http://law.lis.virginia.gov/vacode/title42.1/chapter2/section42.1-36.1/>

§ 42.1-36.1. Power and duty of library boards and certain governing bodies regarding acceptable Internet use policies.

A. Every (i) library board established pursuant to § 42.1-35 or (ii) governing body of any county, city, or town that, pursuant to § 42.1-36, has not established a library board pursuant to § 42.1-35, shall establish an acceptable use policy for the Internet designed to (a) prohibit use by library employees and patrons of the library's computer equipment and communications services for sending, receiving, viewing, or downloading illegal material via the Internet, (b) prevent access by library patrons under the age of 18 to material that is harmful to juveniles, and (c) establish appropriate measures to be taken against persons who violate the policy. For libraries established under § 42.1-33, the policy shall also require the selection, installation and activation of, on those computers that are accessible to the public and have Internet access, a technology protection measure to filter or block Internet access through such computers to child pornography as defined in § 18.2-374.1:1, obscenity as defined in § 18.2-372, and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. Such policy shall provide that a person authorized by the library board shall disable or otherwise bypass the technology protection measure required by this section at the request of a patron to enable access for bona fide research or other lawful purposes. The policy required by this section shall be posted online; however, if the library does not have a website, the policy shall be available to the public upon request.

The library board or the governing body may include such other terms, conditions, and requirements in the library's policy as it deems appropriate, such as requiring written parental authorization for Internet use by juveniles or differentiating acceptable uses between elementary, middle, and high school students.

B. The library board or the governing body shall take such steps as it deems appropriate to implement and enforce the library's policy which may include, but are not limited to, (i) the use of software programs designed to block access by (a) library employees and patrons to illegal material or (b) library patrons under the age of 18 to material that is harmful to juveniles or (c) both; (ii) charging library employees to casually monitor patrons' Internet use; or (iii) installing privacy screens on computers that access the Internet. For libraries established under § 42.1-33, the library board or governing body shall direct such libraries to select and install on those computers that are accessible to the public and have Internet access a technology protection measure as required by the policy established pursuant to subsection A. No state funding shall be withheld and no other adverse action taken against a library by the Librarian of Virginia or any other official of state government when the technology protection measure fails, provided that such library promptly has taken reasonable steps to rectify and prevent such failures in the future.

1999, c. 64; 2006, c. 474; 2007, cc. 470, 583; 2012, cc. 805, 836.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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## Addendum I- Virginia Code §18.2-374.1:1

Virginia Code §18.2-374.1:1

<http://law.lis.virginia.gov/vacode/title18.2/chapter8/section18.2-374.1:1/>

§ 18.2-374.1:1. Possession, reproduction, distribution, solicitation, and facilitation of child pornography; penalty.

A. Any person who knowingly possesses child pornography is guilty of a Class 6 felony.

B. Any person who commits a second or subsequent violation of subsection A is guilty of a Class 5 felony.

C. Any person who knowingly (i) reproduces by any means, including by computer, sells, gives away, distributes, electronically transmits, displays, purchases, or possesses with intent to sell, give away, distribute, transmit, or display child pornography or (ii) commands, entreats, or otherwise attempts to persuade another person to send, submit, transfer or provide to him any child pornography in order to gain entry into a group, association, or assembly of persons engaged in trading or sharing child pornography shall be punished by not less than five years nor more than 20 years in a state correctional facility. Any person who commits a second or subsequent violation under this subsection shall be punished by a term of imprisonment of not less than five years nor more than 20 years in a state correctional facility, five years of which shall be a mandatory minimum term of imprisonment. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

D. Any person who intentionally operates an Internet website for the purpose of facilitating the payment for access to child pornography is guilty of a Class 4 felony.

E. All child pornography shall be subject to lawful seizure and forfeiture pursuant to § 19.2-386.31.

F. For purposes of this section it may be inferred by text, title or appearance that a person who is depicted as or presents the appearance of being less than 18 years of age in sexually explicit visual material is less than 18 years of age.

G. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs or where any child pornography is produced, reproduced, found, stored, received, or possessed in violation of this section.

H. The provisions of this section shall not apply to any such material that is possessed for a bona fide medical, scientific, governmental, law-enforcement, or judicial purpose by a physician, psychologist, scientist, attorney, employee of a law-enforcement agency, judge, or clerk who possesses such material in the course of conducting his professional duties as such.

1992, c. 745; 1993, c. 853; 1994, c. 511; 1999, c. 659; 2003, cc. 935, 938; 2004, c. 995; 2007, cc. 759, 823; 2009, c.379; 2011, cc. 399, 416; 2012, c. 369; 2013, cc. 761, 774; 2014, c. 291; 2015, c. 428.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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## Addendum J- Virginia Code §18.2-372

Virginia Code §18.2-372

<http://law.lis.virginia.gov/vacode/title18.2/chapter8/section18.2-372/>

§ 18.2-372. "Obscene" defined.

The word "obscene" where it appears in this article shall mean that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex, that is, a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value.

Code 1950, § 18.1-227; 1960, c. 233; 1975, cc. 14, 15.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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## Addendum K- Virginia Code §18.2-391

Virginia Code §18.2-390: <http://law.lis.virginia.gov/vacode/title18.2/chapter8/article6/section18.2-391/>

§ 18.2-391. Unlawful acts; penalties.

A. It shall be unlawful for any person to sell, rent or loan to a juvenile, knowing or having reason to know that such person is a juvenile, or to knowingly display for commercial purpose in a manner whereby juveniles may examine and peruse:

1. Any picture, photography, drawing, sculpture, motion picture in any format or medium, video or computer game, electronic file or message containing an image, or similar visual representation or image of a person or portion of the human body which depicts sexually explicit nudity, sexual conduct or sadomasochistic abuse and which is harmful to juveniles, or
2. Any book, pamphlet, magazine, printed matter however reproduced, electronic file or message containing words, or sound recording which contains any matter enumerated in subdivision 1 of this subsection, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to juveniles.

However, if a person uses services of an Internet service provider or an electronic mail service provider in committing acts prohibited under this subsection, such Internet service provider or electronic mail service provider shall not be held responsible for violating this subsection.

B. It shall be unlawful for any person knowingly to sell to a juvenile an admission ticket or pass, or knowingly to admit a juvenile to premises whereon there is exhibited a motion picture, show or other presentation which, in whole or in part, depicts sexually explicit nudity, sexual conduct or sadomasochistic abuse and which is harmful to juveniles or to exhibit any such motion picture at any such premises which are not designed to prevent viewing from any public way of such motion picture by juveniles not admitted to any such premises.

C. It shall be unlawful for any juvenile falsely to represent to any person mentioned in subsection A or subsection B hereof, or to his agent, that such juvenile is 18 years of age or older, with the intent to procure any material set forth in subsection A, or with the intent to procure such juvenile's admission to any motion picture, show or other presentation, as set forth in subsection B.

D. It shall be unlawful for any person knowingly to make a false representation to any person mentioned in subsection A or subsection B hereof or to his agent, that he is the parent or guardian of any juvenile, or that any juvenile is 18 years of age, with the intent to procure any material set forth in subsection A, or with the intent to procure such juvenile's admission to any motion picture, show or other presentation, as set forth in subsection B.

E. No person shall sell, rent, or loan any item described in subdivision A 1 or A 2 to any individual who does not demonstrate his age in accordance with the provisions of subsection C of § 18.2-371.2.

F. A violation of subsection A, B, C, or D is a Class 1 misdemeanor. A person or separate retail establishment who violates subsection E shall be liable for a civil penalty not to exceed \$100 for a first violation, a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed \$500 for a third or subsequent violation.

Code 1950, § 18.1-236.6; 1970, c. 560; 1975, cc. 14, 15, 492; 1976, c. 504; 2006, c. 463.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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## Addendum L- United States Copyright Law: U.S. Code, Title 17

United States Copyright Law: U.S. Code, Title 17

<https://www.copyright.gov/title17/>

### Copyright Law of the United States

This publication contains the text of title 17 of the United States Code, including all amendments enacted by Congress through June 30, 2016. It includes the Copyright Act of 1976 and all subsequent amendments to copyright law; the Semiconductor Chip Protection Act of 1984, as amended; and the Vessel Hull Design Protection Act, as amended. The Copyright Office is responsible for registering intellectual property claims under all three. The United States copyright law is contained in chapters 1 through 8 and 10 through 12 of title 17 of the United States Code. The Copyright Act of 1976, which provides the basic framework for the current copyright law, was enacted on October 19, 1976, as Pub. L. No. 94-553, 90 Stat. 2541. The 1976 Act was a comprehensive revision of the copyright law in title 17. Listed below in chronological order of their enactment are the Copyright Act of 1976 and subsequent amendments to title 17.

Chapters 9 and 13 of title 17 contain two types of design protection that are independent of copyright protection. Chapter 9 of title 17 is the Semiconductor Chip Protection Act of 1984 (SCPA), as amended. The SCPA was enacted as title III of Pub. L. No. 98-620, 98 Stat. 3335, 3347, on November 8, 1984. Chapter 13 of title 17 is the Vessel Hull Design Protection Act (VHDPA), as amended. The VHDPA was enacted on October 28, 1998, as title V of the Digital Millennium Copyright Act (DMCA), Pub. L. No. 105-304, 112 Stat. 2860, 2905. Subsequent amendments to the title 17 provisions for SCPA and the VHDPA are also included in the list below, in chronological order of their enactment.

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