

FILE NO. _____

LEGISLATIVE DIGEST

[Public Internet Access – Prohibition on Use of Filtering Software]
Ordinance amending the San Francisco Administrative Code by adding Chapter 22C to prohibit the use of Internet filtering or content blocking technology (“filtering software”) on City-owned computers used as public Internet access terminals.

Existing Law

The San Francisco Municipal Code does not contain any provisions governing the use of filtering software on City-owned computers used as public Internet access terminals.

Amendments to Current Law

This Ordinance would amend the San Francisco Administrative Code by adding Chapter 22C to prohibit the use of Internet filtering software on City-owned computers used as public Internet access terminals. In addition, where a department's compliance with this Ordinance would cause the department to lose Federal or State government funding or subsidies (“Funding”), and such loss of Funding, in turn, would cause the department to substantially reduce the quality, quantity or availability of its services or operations, the Board of Supervisors and the Mayor shall treat such information as a significant factor in favor of granting the department a funding appropriation in an amount equal to the estimated loss of Funding.

The Ordinance does not apply to public Internet terminals designated by the City to be used exclusively or primarily by individuals under the age of 13.

Background Information

In addition to filtering speech that is not legally protected, existing Internet filtering software regularly blocks access to useful and constitutionally protected information. A new Federal law, the Children's Internet Protection Act (“CIPA”), conditions certain Federal funding and subsidies on the use of Internet filtering software on federally-funded public school and library computers with Internet access, including library computers used by adults and library staff. The American Library Association and the American Civil Liberties Union have each filed a lawsuit challenging the constitutionality of the library-related provisions of CIPA. Earlier this year, the Board of Supervisors issued a resolution in support of the American Library Association's legal challenge to CIPA. Under the San Francisco Public Library's current Internet Policy, the Library does not use filtering software and does not monitor or control the content of material accessed through the Internet. This Ordinance supports and mandates the provision of unfiltered Internet access to members of the public who use the City's public Internet access terminals.

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ORDINANCE NO.

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Note: This entire Chapter is new.

Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Chapter 22C, to read as follows:

CHAPTER 22C. PUBLIC INTERNET ACCESS

- Sec. 22C.1. Findings and Purpose of Chapter**
- Sec. 22C.2. Definitions**
- Sec. 22C.3. Prohibition on Use of Filtering Software**
- Sec. 22C.4. Appropriation Requests based on Loss of State or Federal Funding**

SEC. 22C.1. Findings and Purpose of Chapter.

Existing Internet filters and content blocking technology ("filtering software") regularly block access to useful and constitutionally protected information. Accordingly, the purpose of this Chapter is to ensure that where the City and County of San Francisco ("City"), or any department thereof, offers public Internet access through City-owned computers ("public Internet access terminals"), such terminals shall provide members of the public with uncensored access to information available on the Internet.

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1 as a significant factor in favor of granting the department a funding appropriation in an amount
 2 equal to the estimated loss of Funding during the applicable fiscal year.

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4 APPROVED AS TO FORM:
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7 By: *Adine Varah*
 8 ADINE K. VARAH
 9 Deputy City Attorney

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Supervisor Leno
 BOARD OF SUPERVISORS