

DAVID Y. IGE
GOVERNOR



SARAH ALLEN
ADMINISTRATOR
BONNIE KAHAKUI
ASSISTANT ADMINISTRATOR

**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

P.O. Box 119
Honolulu, Hawaii 96810-0119
Tel: (808) 586-0554
email: state.procurement.office@hawaii.gov
<http://spo.hawaii.gov>
Twitter: [@hawaiispo](https://twitter.com/hawaiispo)

**TESTIMONY
OF
SARAH ALLEN, ADMINISTRATOR
STATE PROCUREMENT OFFICE**

**TO THE SENATE COMMITTEE
ON
TECHNOLOGY**
Thursday, January 30, 2020, 3:30 PM

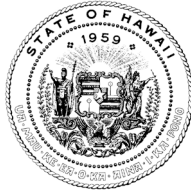
**S.B. 2307
RELATING TO STATE PROCUREMENT OF WIFI AND INTERNET**

Chair Keohokalole, Vice Chair English, and members of the committee, thank you for the opportunity to submit testimony on S.B. 2307. The State Procurement Office (SPO) supports the intent of the bill, but opposes the placement of the direction.

The language, in its entirety, in Sections 2 and 3 does not belong in the procurement statute, HRS 103D. The procurement code should be used for general policy guidance.

These specifications are particular to a subject-specific chapter such as the chapter governing "Telecommunications" and should be placed there. It is important to maintain this general policy to keep the Code streamlined, rather than becoming a catch-all for any and all subject-specific requirements and specifications.

Thank you.



OFFICE OF ENTERPRISE TECHNOLOGY SERVICES

P.O. BOX 119, HONOLULU, HI 96810-0119
Ph: (808) 586-6000 | Fax: (808) 586-1922
ETS.HAWAII.GOV

Testimony of
DOUGLAS MURDOCK
Chief Information Officer
Enterprise Technology Services

Before the

SENATE COMMITTEE ON TECHNOLOGY
SENATE COMMITTEE ON GOVERNMENT OPERATIONS
THURSDAY, JANUARY 30, 2020

SENATE BILL NO. 2307
RELATING TO STATE PROCURMENT OF WIFI AND INTERNET SERVICES

Dear Chairs Keohokalole and Thielen, Vice Chairs English and Inouye, and members of the committee:

The Office of Enterprise Technology Services (ETS) supports the intent of this bill, which requires that all state and state funded facilities have internet computer and wireless access filters to block access to pornography sites.

As background, ETS provides internet services for most Executive Branch Departments (except for the Department of Education and the University of Hawaii), Legislature, Judiciary, and OHA. As part of that service, ETS has implemented tools that restrict inappropriate internet sites such as pornography and also restrict malicious sites that may compromise security. ETS-provided network services are restricted to state government users.

ETS does not supply or control internet access provided to the public by state entities at their locations. The entities offering internet access to the public in their facilities must work directly with their service providers to restrict internet sites.

We have several recommendations regarding the bill. First, we recommend use of the words 'restrict users from' rather than 'block' to allow for authorized access, such as criminal investigations.

Second, we would prefer paragraph (b) be rephrased to apply only to internet access provided to the public by third parties at facilities owned or operated by or on behalf of the state. Paragraph (b) as written would require ETS to relinquish control over our internet filters to a contractor. ETS prefers to have the option to set and monitor the filters using our cybersecurity and networking staff.

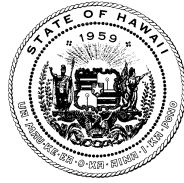
Paragraph (b) could be rewritten to state, “(b) All state agencies that provide internet access to the public through a contract at facilities owned or operated by or on behalf of the state shall add contract language and provisions that require vendors to restrict users from access to sites that provide pornographic images, depictions, or materials.

We are aware that some public internet access may be provided at state facilities by means other than contract, for example, through a licensing agreement. In these cases, adding restrictive language in Chapter 103D may not be effective in accomplishing the purpose of this bill.

Other options might be to add a requirement that agencies report the status of state-provided public internet access, adding a proviso in the budget bill, or moving the restriction to another section of the Hawaii Revised Statutes.

Thank you for the opportunity to provide testimony on this measure.

DAVID Y. IGE
GOVERNOR



STACEY A. ALDRICH
STATE LIBRARIAN

STATE OF HAWAII
HAWAII STATE PUBLIC LIBRARY SYSTEM
OFFICE OF THE STATE LIBRARIAN
44 MERCHANT STREET
HONOLULU, HAWAII 96813

**SENATE COMMITTEE ON TECHNOLOGY
SENATE COMMITTEE ON GOVERNMENT OPERATIONS
Thursday, January 30, 2020
3:30 pm
State Capitol, Room 414**

**By Stacey A. Aldrich
State Librarian**

**S.B. 2307 RELATING TO STATE PROCUREMENT OF WIFI AND INTERNET
SERVICES**

To: Chair Jarrett Keohokalole
Chair Laura H. Thielen
Vice Chair J. Kalani English
Vice Chair Lorraine R. Inouye
Members of the Senate Committee on Technology and
Senate Committee on Government Operations

The Hawaii State Public Library System (HSPLS) appreciates the opportunity to comment on S.B.2307, which would require that all state and state-funded facilities have internet computer and wireless access filters to block access to pornography sites.

HSPLS currently has two methods for managing the use of the internet for our patrons and staff. The first method is through policy and guidelines: 1) Board of Education Policy 600-5: Hawaii State Public Library System Internet Acceptable Use Policy; and 2) Hawaii State Public Library System Internet Use Guidelines. These two documents establish appropriate use of internet access by the public and staff. The

second method is by filtering. We must follow the Children's Internet Protection Act (CIPA) in order to receive and spend our federal Library Services and Technology Act funding. We currently use Content Keeper, which is a service through our patron management software from Comprise called SAM. This filter enables us to support our Internet Acceptable Use Policy and Internet Use Guidelines.

Thank you for the opportunity to testify on this measure and your continued support of the Hawaii State Public Library System.

Attachments

POLICY 600-5

HAWAII STATE PUBLIC LIBRARY SYSTEM INTERNET ACCEPTABLE USE POLICY

The Hawaii State Public Library System ("HSPLS") offers free public access to the Internet for educational and informational purposes on specified computers. This policy applies to all patrons of the HSPLS computers or networks.

Disclaimer

The library only assumes responsibility for the information provided on the library home page and has no control over information available through the Internet, other than the content provided on the library's web site and cannot be held responsible for its content. Users should be aware that the content on the Internet may not necessarily be verified as accurate, current, appropriate, or legal, and that users are solely and personally responsible for their use of this resource. The library is not liable for any direct, indirect or consequential damages related to the information contained therein. The library does not guarantee privacy or confidentiality during the use of Library Internet stations.

In the event of equipment failure, library staff will work with you to reschedule a time and/or offer alternative sources for information. The library is not responsible for any damages or loss of data arising from the use of equipment, programs or other library materials.

Responsibilities of the Hawaii State Public Library System

HSPLS will comply with provisions of State of Hawaii and federal law as they apply to the use of library computers and access to information through the Internet.

In accordance with the federal Children's Internet Protection Act ("CIPA"), all library public workstations use filtering software to access the Internet. Adults, defined by CIPA as being 17 years and older, may request that library staff disable the filter during their Internet session.

HSPLS seeks to protect the First Amendment rights of its customers and their individual rights to privacy. HSPLS maintains customers' records in accordance with the responsible management of the library system's collections and services. HSPLS does not collect or retain records that could unnecessarily compromise the privacy of its customers.

One of HSPLS's objectives is to maximize online resources and, to that end, HSPLS has developed Internet Use Guidelines to allow fair access to the many users who want to use these resources.

Library staff has the authority to limit the number of patrons at the same terminal if the usage is disturbing other patrons or creates a hazard for others.

Library employees are authorized to take prompt and appropriate actions to enforce this Board of Education Policy, the HSPLS Internet Use Guidelines, and/or other provisions of the HSPLS Administrative Rules, as stated or implied herein.

Responsibilities of Library Customers

It is the individual user's responsibility to demonstrate good judgment, respect for others, and appropriate conduct while using the public library and its resources, including use of Internet resources.

Internet computers are in public areas in HSPLS libraries. By agreeing to the HSPLS Internet Use Guidelines at the beginning of each session, users accept responsibility and acknowledge that some sites may reasonably be deemed offensive to other library patrons, and that images on the screen are visible to a wide audience. Not all content on the Internet is appropriate for viewing by all. Library patrons may be asked to discontinue accessing sites or engaging in other Internet behavior that others may find inappropriate.

Library patrons must use their own active library card for access. All library patrons are expected to use library resources, including the Internet, in a responsible and courteous manner, consistent with educational and informational purposes for which the resources are provided.

All patrons are expected to abide by the following:

- The library's Internet stations may not be used for any purpose that violates U.S., state or local laws. Users must respect all copyright laws and licensing agreements pertaining to software files and other resources obtained via the Internet.
- Patrons may not view or display obscenity, child pornography, or other illegal content.
- Library Internet patrons may not attempt to alter or damage computer hardware or software. The Library does not allow for the use of personal software.
- Library equipment may not be unplugged, moved, removed, or otherwise modified. Patrons may not attempt to reconfigure systems or software or in any way interfere with the system set-up
- Patrons may not use the network to make unauthorized entry or hack into other computational, informational, or communication services or resources. Patrons may not invade the privacy of others or engage in any activity that is harassing, defamatory or threatening; or receive or display text or graphics which may reasonably be construed as obscene as defined by law.

All library patrons must abide by this policy and the Library's Internet Use Guidelines. Violations may result in the loss of Internet use and/or library privileges.

Use by Minors

The nature of the Internet requires users to exercise critical thinking skills to determine if the content is truthful, relevant, and appropriate. Parents and legal guardians may need to provide guidance for their own children on the issues.

HSPLS does not serve *in loco parentis* (in place of a parent). Library staff will not provide supervision of children as they explore the Internet. The responsibility for what minors read or view on the Internet rests with their parents or legal guardians, who should instruct their children on what they feel is appropriate.

Although the library complies with CIPA and provides filtering, no filtering software can control access to all materials that an individual may deem inappropriate. Words, images, or sounds

that may be considered inappropriate or offensive by an individual may not be blocked because no filtering software program is 100% effective.

Parents or legal guardians should let their children know if there are materials they do not want them to use and how to use the Internet safely. Parents or legal guardians are encouraged to supervise their child's Internet use.

Response to Prohibited Behaviors and Content

Misuse of a public access computer will result in the loss of computer privileges, potential loss of library privileges, and possible legal action.

Agreement to Comply with Internet Use Policies

The use of a public access computer at any facility owned or operated by HSPLS is considered acceptance of the HSPLS Internet Acceptable Use Policy.

HSPLS shall develop guidelines for Internet use that are consistent with this policy.

[Approved: 06/21/2016]

Former policy 9200 history: 05/17/2007

☒ Search catalog☐ Search site[or search old catalog](#)

HOME

BROWSE ▾

READ ▾

ATTEND ▾

LEARN ▾

RESEARCH ▾

CONNECT ▾

VISIT ▾

HOW DO I... ▾

I'M A... ▾

Internet use guidelines

The resources that are available via the Internet can expand the library's information services well beyond its physical collections.

HSPLS' objective is to maximize access to authoritative online resources and has developed guidelines to allow fair access to the many users who want to use these resources. Anyone requiring special accommodations to use the Internet computers should ask a library staff member for help.

1. Library users must register and present their own valid HSPLS library card to use the Internet computers as well as to print from any public printer. A valid library card means an active library card below established thresholds for claims returned and fines, fees, and charges. No other forms of ID will be accepted.

Exception: An HSPLS Library card is not required to access Federal government information or publications at the dedicated Internet computers located at designated Depository Public Libraries. See Guideline No. 17 below for more information.

2. Due to technical incompatibilities, network down times, or computer maintenance, HSPLS cannot guarantee access, and will not extend sessions or allow replacement reservations due to the following situations:

- Inability to connect to the Internet
- Inability to connect to specific Internet sites
- Inability to download or print files

- Connection speed
- Other unanticipated problems

3. In compliance with the Federal Children's Internet Protection Act (CIPA), filtering software has been installed on all HSPLS Internet computers. An adult, defined by CIPA as a person at least 17 years of age, may ask library staff to disable the filter.

4. Internet access is offered on a self-service basis. Customers shall assume full responsibility for learning to use the equipment and resources provided by HSPLS. If users encounter technical problems during their sessions, they should notify a staff member immediately, with a description of exactly where they were and what they were doing when the problem occurred. These problems will be addressed as staff time permits. Library staff do not have expertise with all Internet sites and resources and may not be able to assist with specific programs or problems.

5. Reference staff will assist library users by recommending and explaining how to use HSPLS' subscription databases, eBooks, and other digital collections as well as other authoritative web-based reference resources. Reference staff may assist library users who are searching for additional subject material on the Internet as time allows.

6. Only downloading to a personal portable storage device is allowed. *Warning*: Files downloaded from the Internet may contain viruses. HSPLS will not be responsible for any damage to users' personal portable storage devices, computers and/or files resulting from their use of the Internet computers.

7. Normally Internet computers will be available during library business hours. However, some library computers may not be available for general use but may be limited by library staff to meet reference service and other programming needs.

8. One 60 minute Internet session may be reserved per seven-day period, generally Sunday through Saturday. The limit of one reserved session per week applies to all Internet computers system wide. Each 60 minute session may be reserved beginning on the hour or half-hour.

9. Some libraries may offer 15-minute express computers on a space available basis. Users must have their own valid HSPLS library card, and no reservations will be taken for these computers.

10. Walk-ins can be accommodated whenever an Internet computer is free and when there are no reservations. A walk-in will be limited to the amount of time remaining in the current session.

11. The last session of the day may be shorter than the normal session because of library closing procedures.

12. Downloading and printing must be completed within each reservation or walk-in session. Internet users will receive up to three end-of-session alerts. HSPLS is not responsible for incomplete downloads or printing

13. Internet computers are in public areas in HSPLS libraries. By agreeing to this Internet use statement, users accept responsibility and acknowledge that some sites may reasonably be deemed offensive to other library customers, and that images on the screen may be viewed by a wide audience. Not all content on the Internet is appropriate for viewing by all library customers. Library users may be asked to discontinue accessing sites or engaging in other Internet behavior which others may find inappropriate.

14. The nature of the Internet requires customers to exercise critical thinking skills to determine if content is truthful, relevant and appropriate. Parents and legal guardians may need to provide guidance for their own children including discussion of their family values. Library staff will not provide extensive supervision of children as they explore the Internet. The responsibility for what minors read or view on the Internet rests with their parents or legal guardians, who should instruct children never to give out personal information (including name, address, password, telephone number, and credit card information) online.

15. Library users will agree to access the Internet using HSPLS computers and connections in compliance with all Federal and State laws and with HSPLS Internet policies, guidelines, and procedures:

- The First Amendment to the U. S. Constitution does not protect all content. No HSPLS public access computer may be used to view or display obscenity, child pornography, or other illegal content. The legal status of any particular content can be determined only by a court of law with proper jurisdiction.
- A work protected by copyright law may not be copied without permission of the copyright owner unless the proposed use falls within the definition of “fair use.” Customers are responsible for compliance with all state, national and international laws governing copyrighted materials.
- Prohibited behavior includes the use of library computers for unauthorized access, including hacking, spamming, or other unlawful activities.
- Users are not permitted to invade the privacy of other people or intrude upon their rights. Harassment of library staff or other individuals is prohibited.
- Other prohibited behaviors include, but may not be limited to: damaging or disrupting computer resources and networks; changing the settings and configurations of public access computers; installing non-library software on library computers; use of library computers for chat, game playing, and audio and video downloads.

16. RESPONSE TO PROHIBITED BEHAVIORS AND CONTENT: Misuse of a public access computer will result in the loss of computer privileges, potential loss of library privileges, and possible legal action.

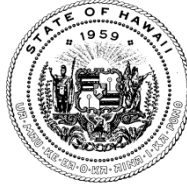
17. One Internet computer located at each Federal Depository Library (Hawaii State Library, Kahului Public Library, and Lihue Public Library) will be dedicated to accessing Federal government publications and information. Library cards are not required to use these computers to access Federal documents. Free access to these computers will be allowed as an extension of the depository library's collection and as provided in 44 USC 1911: United States Code, Title 44, Section 1911. However, customers will need a valid HSPLS library card in order to print copies of their research results.

Adopted: March 8, 2007

**You have questions. We have answers.
We're librarians. (It's what we do.)**

Ask us a question

Copyright © 2020, Hawaii State Public Library System. All rights reserved.



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

January 30, 2019
3:30 p.m.
State Capitol, Room 414

S.B. 2307
RELATING TO STATE PROCUREMENT OF WIFI AND INTERNET SERVICES.

Senate Committee(s) on Technology and Government Operations

The Department of Transportation **supports** all state and state funded facilities have internet computer and wireless access filters to block access to pornography sites.

The DOT's internet providers use filtering technology on websites regarded "Not Suitable for Work (NSFW)" which includes pornography.

However, personal internet devices can access NSFW websites through their own internet provider by customizing their personal web security settings.

Thank you for the opportunity to provide testimony.