

Red Tape Review Rule Report (Due: September 1, 2024)

Department Name:	Department of Administrative Services (DAS)	Date:	09/26/2024	Total Rule Count:	4
IAC #:	286 (aligned with IAC 11)	Chapter/ SubChapter/ Rule(s):	7	Iowa Code Section Authorizing Rule:	8A.104(5) 8A.203(3) as amended by SF 2385
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

This chapter covers the State Library's Internet Use Policy, outlining the expectations for the use of the provided electronic resources and to show compliance with the Children's Internet Protection Act as required by the Institute for Museum and Library Services (IMLS), the State Library's main federal funding agency.

Is the benefit being achieved? Please provide evidence.

Yes, as the State Library of Iowa continues to be in compliance with federal requirement in order to receive federal funds.

What are the costs incurred by the public to comply with the rule?

There are no costs incurred by the public.

What are the costs to the agency or any other agency to implement/enforce the rule?

Personnel costs would be present to implement and maintain this policy.

Do the costs justify the benefits achieved? Please explain.

Yes, the costs are justified in that the State Library of Iowa continues to receive federal funding necessary to support Iowa libraries.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

To continue receiving federal funding, which is important to the State Library in its support of Iowa libraries, the State Library must have such a policy.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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Yes, this chapter has outdated and unnecessary language because through SF514, the state government alignment bill of 2023, the State Library of Iowa was incorporated in the Department of Administrative Services (DAS).

RULES PROPOSED FOR REPEAL (list rule number[s]):

- IAC 286—7.1
- 286—7.2
- 286—7.5
- 286—7.6

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

Rescind 286—7 and adopt new 11—132

11—Chapter 132 – Internet Use Policy

11—132.1 Rights and responsibilities. The state library expects the use of all its electronic sources such as the Internet to be responsible, ethical, and legal, and consistent with the purpose for which those resources are provided. The state library complies with the Children’s Internet Protection Act (Pub. L. No. 106-554 and 47 USC 254(h)). To this end:

- a.* The state library affirms the right of every individual to have access to constitutionally protected material as stated in the library’s collection development policy.
- b.* Parents or guardians, not the library or its staff, are responsible for the Internet use by their children.
- c.* Internet access is provided in a public area shared by users of all ages, backgrounds, and sensibilities. Users should consider this when accessing potentially controversial information and images.
- d.* The state library reserves the right to ask users to discontinue the display of information and images which cause a disruption.
- e.* Users should respect the privacy of other Internet users by not observing what sites others are accessing.
- f.* Users will not misrepresent themselves as any other user; will not attempt to modify or gain access to files, passwords, or data belonging to others; will not seek unauthorized access to any computer system; and will not damage or alter software components of any network or database.
- g.* Illegal activities subject to prosecution include:
 - (1) Destruction of or damage to equipment, software, or data belonging to the library;
 - (2) Violation of computer system security or system configuration;
 - (3) Violation of the copyright laws of the United States;
 - (4) Downloading or provision of child pornography or display of pornography where it may be seen by children.
- h.* To the extent practical, steps shall be taken to promote the safety and security of users of the Internet when they are using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications.
- i.* Safety and security of minors.
 - (1) Prevention of inappropriate network usage.
 - 1. Technology measures shall be used to prevent unauthorized access and other unlawful activities.
 - 2. Technology measures shall be used to prevent unauthorized disclosure, use, and dissemination of personal identification information.
 - (2) Prevention of access to inappropriate material.
 - 1. Technology protection measures, i.e., Internet filters, shall be used to block or filter access to inappropriate material on the Internet.
 - 2. Blocking shall be applied to visual depictions of material deemed obscene, to child pornography, or to any material deemed harmful to minors.
 - 3. Technology protection measures may be disabled by library staff for adults or, in the case of minors, minimized for bona fide research or other lawful purposes.

11—132.2 *Violation of policy.* Violation of this computer use policy shall result in the loss of computer privileges and may lead to financial responsibility. Illegal activities will be prosecuted.

11—132.3 *Internet access.* The Internet can be accessed via wireless connection for any user on a personal device who visits the state library. Devices may be available to visitors for use during the library's normal business hours. The Internet may be unavailable due to unforeseen problems with hardware, software or telecommunications. Downloading and saving files to the user's own portable device is allowed. Files saved to the computer's drives are erased at the end of each user's session.

11—132.4 *Staff assistance.* State library staff will answer basic questions about Internet use or help locate resources. Staff reserves the right to waive the procedures contained in this document as circumstances warrant.

**For rules being re-promulgated with changes, you may attach a document with suggested changes.*

METRICS

Total number of rules repealed:	4
Proposed word count reduction after repeal and/or re-promulgation	221
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	None -number remains the same at 5

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.