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H. Tina Kim
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May 28, 2013

Mr. Anthony Marx
President & Chief Executive Officer
New York Public Library
5th Avenue & 42nd Street
New York, New York 10018

Re: Letter Report on the Audit of the
New York Public Library's Controls over Internet Access
(Audit Number 7A13-072AL)

Dear Mr. Marx:

We are sending this Letter Report to provide the results of the audit regarding the New York Public Library's (NYPL) controls over internet access. The objectives of this audit were to determine whether the NYPL libraries' controls are sufficient to prevent unauthorized access to inappropriate sites as required by the Children's Internet Protection Act (CIPA).[1]

It is our opinion that the NYPL libraries' policies are sufficient to prevent unauthorized access to inappropriate sites as required by CIPA. The WebSense Enterprise software package used by NYPL has the ability to detect inappropriate websites and prevent unauthorized access. We noted that the WebSense Enterprise software package is updated daily to reflect new websites that should be controlled. In addition, we found that the individual libraries we tested complied with NYPL policy. However, our test of eight websites that should be blocked based on NYPL's policies found that several were initially accessible despite the use of WebSense. When these websites were identified, however, the library staff immediately contacted the service desk and the exposure was eliminated.

Recommendations

The NYPL should:

1. Continue monitoring the access controls over the internet and deny access to websites as prescribed by CIPA, and

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[1] The Children's Internet Protection Act (CIPA) was enacted by Congress in 2000 to address concerns about children's access to obscene or harmful content over the internet. Schools and libraries subject to CIPA are required to adopt and implement an internet safety policy addressing: (a) access by minors to inappropriate matter on the internet; (b) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; (c) unauthorized access, including so-called "hacking," and other unlawful activities by minors online; (d) unauthorized disclosure, use, and dissemination of personal information regarding minors; and (e) measures restricting minors' access to materials harmful to them.

2. Continue to eliminate all questionable websites (that do not comply with regulations) found by the public or librarians by contacting the service desk.

Background

NYPL has 90 locations including four research centers, focusing on the humanities and social sciences, the performing arts, black history and culture, and business and industry. It also has a network of neighborhood libraries throughout the Bronx, Manhattan, and Staten Island. Throughout the system, NYPL provides free and open access to its physical and electronic collections and information as well as to its services for people of all ages, from toddlers to teens to adults.

CIPA requires that schools and libraries in the United States use and implement measures to protect children from harmful online content as a condition for the receipt of federal funding under the Universal Service Discount Program and the Library Services and Technology Act. CIPA was signed into law on December 21, 2000, and was found constitutional on June 23, 2003.

The use of internet filters or content-control software varies widely in public libraries in the United States because internet use policies are established by the local board. Many libraries adopted internet filters after Congress conditioned the receipt of universal service discounts on the use of internet filters through CIPA. Other libraries do not install content-control software, believing that acceptable use policies and educational efforts address the issue of children accessing age-inappropriate content while preserving adult users' rights to freely access information. Some libraries use internet filters on computers used by children only. Some libraries that employ content-control software allow the software to be deactivated on a case-by-case basis on application to a librarian; libraries that are subject to CIPA are required to have a policy that allows adults to request that the filter be disabled without having to explain the reason for their request.

NYPL leases the commercial filtering software Websense, which categorizes all websites' URLs.[2] Filtered URLs are in four categories with certain restrictions mandated by law: adult content, nudity, sex, and malicious websites. These categories are described below:

- **Adult Content** - Sites that display full or partial nudity in a sexual context, but not sexual activity; sexual paraphernalia; sex-oriented businesses such as clubs, nightclubs, and escort services; and sites supporting the online purchase of such goods and services. This category by policy should be filtered[3] for users under the age of 17.

- **Nudity** - Sites that offer depictions of nude or seminude human forms, singly or in groups, not overtly sexual in intent or effect. This category by policy should be filtered for users under the age of 17.

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[2] A uniform resource locator, abbreviated URL, also known as web address, is a specific reference to a source of help or information.
[3] Filtered – The option to bypass the filter is present in the following situation ONLY: users 17 years of age or older accessing the internet on a hardwired adult PC attempting to visit sites in Websense categories "Adult Content" or "Nudity" for bona fide research or lawful purposes, and the user self-certifies his/her age and wish to disable the filter for a period of 10 minutes.

- **Sex** - Sites that depict or graphically describe sexual acts or activity, including exhibitionism; also sites offering direct links to such sites. This category by policy should be blocked[4] for all users.

- **Malicious Websites** - Sites that contain code that may intentionally modify end-user systems without their consent and cause harm. This category by policy should be blocked for all users; however, this was not included in the audit because it is not part of CIPA.

Audit Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The fieldwork for this audit was conducted from November 26, 2012, through December 31, 2012.

Our audit reviewed NYPL's policies regarding content and blocking control as well as a list of restricted sites and content (i.e. words, phrases, profiles, images, URLs).

- To gain an understanding of the NYPL's internet filtering software, we reviewed NYPL written policies and procedures. In addition, we requested the categories of filtered websites at NYPL as well as the internet software used for all libraries.

- To determine the number of libraries for survey selection, we obtained the lists of libraries from NYPL's website. To conduct our testing, we randomly selected 20 of 78 libraries found in Manhattan and the Bronx (see Appendix I). Due to Hurricane Sandy, we did not test any libraries in Staten Island. We judgmentally selected and tested eight websites (not identified in this report due to their content) that we expected to be blocked based on NYPL's policies. We tested access to these sites at both the adult and children's terminals.

- To determine if NYPL monitored each filtered internet session, we visited each of the 20 randomly selected libraries and tested the libraries' internet usage time limit.

- To determine whether the unfiltered internet browser history was monitored and erased, we visited each of the 20 randomly selected libraries and checked the website browser history at the beginning and at the conclusion of each individual computer session.

- To determine whether NYPL is effectively monitoring the internet controls over unauthorized access to inappropriate sites, we requested exception reports that identify illegal access and who is responsible.

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[4] Blocked – The filter cannot be bypassed in the following situations: users who are under 17 trying to visit sites in ANY category blocked by Websense and users 17 years of age or older accessing the internet on a hard-wired adult PC attempting to visit in Websense categories "Sex" or "Malware."

On April 19, 2013, an exit conference was held and the preliminary letter report dated April 4, 2013, was discussed. On May 1, 2013, we submitted a draft letter report to NYPL officials with a request for comments. We received a written response from NYPL on May 16, 2013. In its response, NYPL agreed with our recommendations.

The full text of NYPL's response is included as an addendum to this final report.

Sincerely yours,

Tina Kim

c: Ann Thornton, Director, NYPL
    Jacqueline F. Bausch, Deputy General Counsel, NYPL
    Elizabeth Weinstein, Director, Mayor's Office of Operations
    George Davis III, Mayor's Office of Operations
    Vincent Liquori, Director of Financial Audit

NEW YORK PUBLIC LIBRARIES TESTED

Library	Location
Allerton Library	Bronx, NY
Baychester Library	Bronx, NY
Bronx Library Center	Bronx, NY
Eastchester library	Bronx, NY
Edenwald Library	Bronx, NY
Jerome Park Library	Bronx, NY
Kingsbridge Library	Bronx, NY
Pelham Bay Library	Bronx, NY
Throg's Neck Library	Bronx, NY
Wakefield Library	Bronx, NY
125th Street Library	New York, NY
Muhlenberg Library	New York, NY
New York Public Library for Performing Arts, Dorothy and Lewis B. Cullman	New York, NY
Riverside Library	New York, NY
Schomburg Center For Research in Black Culture	New York, NY
Science, Industry and Business Library (SIBL)	New York, NY
Seward Park Library	New York, NY
Stephen A. Schwarzman Library	New York, NY
Tompkins Square Park Library	New York, NY
Yorkville Library	New York, NY

New York
Public
Library

16 May 2013

Tina Kim, Deputy Comptroller
Municipal Building
One Centre Street, Room 1100
New York, NY 10007-2341

Dear Ms. Kim:

We have received your letter to Dr. Marx on May 1, 2013, that reports the results of the audit regarding the New York Public Library's controls over Internet access.

We have read the analysis included in the report and accept the recommendations to continue the Library's current practices and procedures. We have no further information to add to the report before it is released to the public.

Yours sincerely,

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