

Written Testimony of David Burt
California State Assembly
Committee on Jobs, Economic Development, and the Economy
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Introduction

Thank you for inviting me to testify before the Committee. My name is David Burt. I am the Market Research Manager with N2H2 inc., the world's largest supplier of filtering software to K-12 schools. I am also a former public librarian and technology manager at the Lake Oswego (Oregon) Public Library. I have given testimony in the past before the National Commission on Library and Information Science¹, the Congressional COPA Commission², and the Pennsylvania State Legislature³.

I'm here to testify on behalf of Assembly Bill 151, a bill that would require public libraries to install filtering software to protect minors from obscene material. I will describe for you how filtering software is working for thousands of schools and libraries across the county, how N2H2's software is well-suited for compliance with AB 151, and some cost estimates for libraries to comply with AB 151.

Popularity of Filtering Software in Schools and Libraries

Schools and libraries around the country have embraced filtering software. A May 1999 report by Quality Education Data estimates that increased usage of filtering software in K-12 schools will increase to 71.5% in the 1999-2000 school year over the current 52.5% of U.S. school districts that used ICM in the 1998-1999 school year.⁴

A new study⁵ by the U.S. National Commission on Libraries and Information Science shows a dramatic increase in the number of Public Libraries using Internet filters. In 1998, just 1,679 public libraries offering public Internet access filtered some or all Internet access.⁶ In 2000, that number more than doubled to 3,711,⁷ representing an increase of 121%. Overall, 24.6% of Public Libraries offering public Internet access use filtering on some or all terminals.⁸ One in four Public Libraries offering public Internet access now use filters.

Librarian Satisfaction with Filtering Software

A survey shows that librarians and teachers are highly satisfied with filters. In April-May of 2000, library researcher Dr. Ken Haycock conducted a survey of school librarians and public librarians on the use of filtering software, for the magazine School Library Journal, a publication of Cahners Research.⁹ An impressive 90% of public librarians who used filters responded that "the software serves its purpose" either "very well" or "somewhat well".¹⁰

The study asked both school and public librarians who used filters to rate their level of satisfaction with filtering software in several ways.

SCHOOL INTERNET FILTERING SURVEY, Page 8, Table 15.	Total Sample	Total Public	Total School
Overall satisfaction with the decision to install internet filter software	%	%	%
<u>Very/Somewhat Satisfied</u>	<u>76</u>	<u>76</u>	<u>76</u>
Very satisfied	37	43	36
Somewhat satisfied	39	33	40
<u>Somewhat/Very Dissatisfied</u>	<u>24</u>	<u>24</u>	<u>24</u>
Some dissatisfied	14	10	15
Very dissatisfied/Not at all satisfied	10	14	9

SCHOOL INTERNET FILTERING SURVEY, Page 9, Table 16.	Total Sample	Total Public	Total School
How well software serves its purpose	%	%	%
<u>Very/Somewhat Well</u>	<u>88</u>	<u>90</u>	<u>87</u>
Very well	37	48	34
Somewhat well	51	42	53
<u>Not very well/Waste of Money</u>	<u>12</u>	<u>10</u>	<u>13</u>
Not very well	9	8	9
Waste of money	3	2	4

Suitability of Major Filtering Software Programs for Public Libraries

Comparative table of the most popular filtering software packages in schools and libraries, by most desirable library features.

	N2H2 Bess	WebSense	SurfControl Cyber Patrol	Symantec I-Gear	Secure Computing Smart Filter	8e6 Technologies X-Stop
Separates pornography from sex education, artistic nudity, etc?	Yes ¹³	Yes ¹⁴	Yes ¹⁵	Yes ¹⁶	Yes ¹⁷	Yes ¹⁸
Can be overridden at workstation level by teacher or librarian?	Yes	Yes	Yes	Yes	Yes	Yes
Ability to set different levels of filtering (age, etc.)	Yes	Yes	Yes	Yes	Yes	Yes
Provides page where student or patron may request that a site be blocked or unblocked?	Yes ¹⁹	Yes ²⁰	Yes ²¹	May be added by school or library. ²²	Yes ²³	Yes ²⁴
K-12 Market Share (IDC) ²⁵	19.9%	6.4%	18.2%	5.1%	7.7%	2.6%
Library Market Share ²⁶	20%	6%	51%	NA	2%	2%

How N2H2's Software is Well-Suited for AB 151 Compliance

N2H2 has worked with many libraries around the country to provide filtering solutions that meet their individual needs. N2H2's filtering offers a choice of categories and a feature set that allows librarians to configure some workstations for blocking appropriate to minors, some workstations with optional or no blocking, and to override filtering that may be inappropriate.

N2H2's filtering enables libraries to provide efficient and useful Internet service for library customers. Whether filtering the whole library or just the children's sections, N2H2 allows libraries the flexibility to choose exactly what to filter based on a library's Acceptable Use Policy. Librarians have the ability to offer different levels of filtering depending on the locations of your workstations.²⁷

The flexibility of N2H2 allows libraries to closely follow their Acceptable Use Policies while easing the Internet monitoring burden of library staff. Librarians choose which categories they want to filter and can create your own block/non-block site list and set passwords for staff to override any blocked page.

N2H2 offers ten individual categories related to sexual material, offering librarians a great deal of ability to fine-tune the level of filtering to their individual community standards. Among the 41 categories offered by N2H2:²⁸

Pornography

Includes material that is obscene and child pornography.

Adults Only

Sites that the author or publisher labels as being strictly for adults.

Education

The Education category allows access to sites that contain material that may belong to another category, such as Sex, Nudity, or Violence, but that relates to an educational topic such as classic literature, history, art, or sex education.

History

This category allows sites that contain material that may be in another category, such as Sex or Violence, but that is non-fictional and historically significant.

Lingerie

Sites that provide photos of models wearing lingerie, underwear, or otherwise scant attire.

Medical

This category allows access to sites that contain material that may belong to another category, such as Nudity or Tasteless/Gross, but that relates to the study or practice of medicine.

Nudity

Sites that contain photos or images of bare or visible genitalia, pubic hair, buttocks, or female breasts. This category includes only sites that contain non-pornographic nudity (that is, nudity that is not sexually arousing or erotic).

Sex

Sites that contain descriptions or depictions of sexual acts, specifically those without the intent to arouse. Sexual merchandise and fetish sites fall under the Sex category.

Swimsuits

Sites that contain photos of models in swimwear, especially fashion swimwear photos.

Text/Spoken Only

This category allows sites that contain material that may belong to another category, such as Pornography, but that is strictly in text or spoken word format. For example, Text/Spoken Only distinguishes written erotica from graphic pornography sites.

Cost Estimates for Library Compliance with AB 151

The cost of filtering per workstation varies depending on the type and size of the network. A small library with a few workstations will likely spend \$30 to \$50 per workstation, while a large network of hundreds of workstation will probably spend less than \$10 per workstation.

The market research company Frost & Sullivan conducted a pricing study for their 2000 report, "Content Filtering Markets:"²⁹

In 1999, the average annual per user licensing and/or subscription cost per user was \$17.50 for corporate products, \$13.00 for educational products, and \$38.00 for residential products.

N2H2 Filtering technology is available for all sizes of implementations. We have a client solution that can accommodate one computer at home or in a library, to fully managed state-wide network implementations. Our fully managed service includes N2H2 hardware and has an associated one-time setup and installation fee of \$2,995 to \$5,495. Our software only solutions only have subscription fees associated, and are available for Microsoft ISA, Microsoft Proxy 2.0 and Volera ICS. Our subscription pricing is on a sliding scale based on size, from \$25 per filtered computer per year to \$6.25.

Thank you for this opportunity to testify.

Endnotes

¹ Burt, David. Testimony before the National Commission on Library and Information Science, November 10, 1998. Available at <http://www.filteringfacts.org/nclis.htm>

² Burt, David. Testimony before the COPA Commission, July 20, 2000. Available at <http://www.copacommission.org/meetings/hearing2/burt.test.pdf>

³ Burt, David. Testimony of David Burt before the Pennsylvania House Judiciary Committee, March 8, 2000. Available at <http://www.filteringfacts.org/penntest.htm>

⁴ Quality Education Data, Internet Usage in Public Schools, 4th edition, 1999.

⁵ PUBLIC LIBRARIES AND THE INTERNET 2000: SUMMARY FINDINGS AND DATA TABLES. A report based on research sponsored by the U.S. National Commission on Libraries and Information Science (NCLIS) and conducted by John Carlo Bertot and Charles R. McClure. NCLIS Web Release Version, September 7, 2000 < <http://www.nclis.gov/statsurv/2000plo.pdf> > (hereinafter "INTERNET 2000").

⁶ U.S. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE, MOVING TOWARD EFFECTIVE PUBLIC INTERNET ACCESS: THE 1998 NATIONAL SURVEY OF PUBLIC LIBRARY INTERNET CONNECTIVITY. A report based on research sponsored by the U.S. National Commission on Libraries and Information Science and the American Library Association and conducted by John Carlo Bertot and Charles R. McClure. Washington, DC: U.S. Government Printing Office, 1999 (visited February 8, 2000) < <http://www.nclis.gov/statsurv/1998plo.pdf> > (hereinafter "THE 1998 SURVEY"). Out of a total population of 11,519 public libraries providing public Internet access (see Figure 8, p. D-10), 878 or 7.6% filtered all terminals (see Figure 48, p. D-50), and 801 or 7.0% filtered some (see Figure 49, p. D-51).

⁷ INTERNET 2000, at Figure 11, p. 18. Out of a total population of 15,128 public libraries providing public Internet access (see Figure 4, p. 11), 1,446 or 9.6% filtered all terminals (see Figure 11, p. 18), and 2,265 or 15% filtered some (see Figure 11, p. 18).

⁸ INTERNET 2000, at Figure 11, p. 18.

⁹ SCHOOL LIBRARY JOURNAL'S SCHOOL INTERNET FILTERING SURVEY by Cahners Research, conducted by Dr. Ken Haycock of the University of British Columbia. August, 2000. (hereinafter "SCHOOL INTERNET FILTERING SURVEY")

¹⁰ SCHOOL INTERNET FILTERING SURVEY, at Table 16, p. 9.

¹¹ SCHOOL INTERNET FILTERING SURVEY, at Table 15, p. 8.

¹² SCHOOL INTERNET FILTERING SURVEY, at Table 16, p. 9.

¹³ N2H2 offers ten sex-related categories: "Adults Only", "Education", "History", "Lingerie", "Medical", "Nudity", "Pornography", "Sex", "Swimsuits", "Text/Spoken Only."

Category descriptions available at <http://www.n2h2.com/solutions/filtering.html>

¹⁴ WebSense offers five sex-related categories: "Adult content", "Nudity", "Sex", "Sex Education", and "Lingerie and Swimsuit." Category descriptions available at

<http://www.websense.com/products/about/database/index.cfm>

¹⁵ Cyber Patrol offers five sex-related categories: "Partial Nudity", "Full Nudity", "Sexual Acts", "Sex Education." Category descriptions available at

http://www.surfcontrol.com/products/cyberpatrol_for_education/product_overview/cybernot_cats.html

¹⁶ I-Gear offers six sex-related categories: "Sex/Acts", "Sex/Attire", "Sex/Personals", "Sex/Nudity", "SexEd/Advanced", "SexEd/Sexuality" Category descriptions available at

http://www.symantec.com/nis/category_defs.html

¹⁷ Smartfilter offers three sex-related categories: "sex", "nudity", "obscene", "mature"

Category descriptions available at <http://www.securecomputing.com/index.cfm?sKey=86>

¹⁸ X-Stop offers three sex-related categories: "R-rated", "obscene", "pornography"

Category descriptions available at http://www.8e6technologies.com/docs/Manual_nt_proxy45.pdf

¹⁹ N2H2 end users who feel they are unfairly blocked can request a review, or request a site be blocked at http://www.n2h2.com/solutions/request_review.html

²⁰ WebSense end users who feel they are unfairly blocked can request a review, or request a site be blocked at http://database.netpart.com/site_lookup/. Users may also test a site to see if it is blocked or not.

²¹ Cyber Patrol end users who feel they are unfairly blocked can request a review, or request a site be blocked at <http://www.cyberpatrol.com/cybernot/>. Users may also test a site to see if it is blocked or not.

²² I-gear end users who feel they are unfairly blocked can request a review, if the system administrator has created a custom block page. This process is described [here](#).

²³ Smart Filter end users who feel they are unfairly blocked can request a review, or request a site be blocked at <http://www.securecomputing.com/index.cfm?sKey=234> Users may also test a site to see if it is blocked or not.

²⁴ X-Stop end users who feel they are unfairly blocked can request a review, or request a site be blocked at <http://www.8e6technologies.com/submit/index.html>

²⁵ . "Worldwide Market for Internet Access Control", Chris Chistensen, IDC, 2000. Page 11.

²⁶ School Library Journal's School Internet Filtering Survey", Dr. Ken Haycock, Cahners Research, August 2000. Page 19.

²⁷ N2H2 Website, "Library Filtering Solutions" <http://www.n2h2.com/solutions/library/index.html>

²⁸ N2H2 Filtering Categories, <http://www.n2h2.com/solutions/filtering.html>

²⁹ Frost & Sullivan, "Content Filtering Markets", 2001.