

Written Testimony of David Burt
Oklahoma House of Representatives
Judiciary Committee
September 4, 2003

Introduction

Thank you for inviting me to testify before the Committee. My name is David Burt. I am the Public Relations Director of N2H2 inc., the world's largest supplier of filtering software to K-12 schools. N2H2 provides filtering to over 25,000 public schools and 1,000 public libraries in the United States. Among are library customers are the Metropolitan Library System of Oklahoma County and the Tulsa City-County Library.

I am also a former public librarian and technology manager at the Lake Oswego (Oregon) Public Library. I have given in-person testimony in the past before the National Commission on Library and Information Science¹, the Congressional COPA Commission², the U.S. Copyright Office³, the California State Assembly⁴, and the Pennsylvania State Legislature⁵.

While N2H2 neither endorses nor opposes legislation requiring filtering in schools and libraries, we are pleased to offer factual testimony about filtering software, so that legislative bodies can make informed decisions. I will describe for you how filtering software is working for thousands of schools and libraries across the county, as well as some cost estimates for libraries purchasing and installing filtering software.

Popularity of Filtering Software in Schools and Libraries

Schools and libraries around the country have embraced filtering software. A May, 2002 study by the National Center for Education Studies finds 89% of public schools are now using filtering software.⁶ A study by Library Journal shows that in 2001, 43% of U.S. public libraries were using filtering software on some or all terminals. In 1998, just 1,679 public libraries offering public Internet access filtered some or all Internet access.⁷ By 2001, that number had more than quadrupled to more than to 6,505.⁸

Librarian Satisfaction with Filtering Software

A survey shows that public librarians and school librarians 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.

Library 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

Library 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

The public statements and testimony of public libraries in the state of Oklahoma back up these findings. Scott Carter, spokesman for the Metropolitan Library System in Oklahoma City, which filters all access using N2H2, commented on the recent Supreme Court decision on filtering in the Daily Oklahoman:

...the decision "is not going to impact us much here because we're already filtering," not only for patrons but for employees. There have been few problems with the policy, Carter said.¹³

The Tulsa City-County Library System submitted testimony in support of the government in the recent litigation over the Children's Internet Protection Act (CIPA). TCCL uses N2H2 to filter all terminals. A Department of Justice brief described how TCCL's filtering system works:

TCCL attempts to unblock any site that should be unblocked, or block any site that should be blocked, within 24 hours of the request. Joint Ex. 5 (Walker Depo.), at 35-36.

Patrons' requests for reconsideration of websites can be made anonymously. Joint Ex. 5 (Walker Depo.), at 36. If a patron leaves contact information, Mr. Walker contacts the patron with the results of the decision. Joint Ex. 4 (Saferite Depo.), at 23-24.

Appeals from decisions to block or unblock websites are made to the director of TCCL. The director, Ms. Saferite, recalls just one customer who called with concerns about filtering in general, but it was not in regard to a specific site affected by the filtering. Joint Ex. 4 (Saferite Depo.), at 26.¹⁴

Studies Documenting the Effectiveness of Filtering Software

Numerous independent third-party studies validate the statements of librarians asserting the effectiveness of filtering software.

Most recently, the Kaiser Foundation published a peer-reviewed study of filtering software's impact on accessing health information in the *Journal of the American Medical Association (JAMA)*. After testing the six most popular filters against thousands of health related websites, as well as pornographic websites, the study concluded:

*The Internet filters most frequently used by schools and libraries can effectively block pornography without significantly impeding access to online health information... When set at the least restrictive level of blocking ("pornography only"), filters block an average of 1.4% of all health sites" and "block an average of 87% of all pornographic sites."*¹⁵

In October, 2001, the U.S. Department of Justice (DOJ) commissioned eTesting Labs to compare the four leading filters against a random sample of 200 pornographic websites. Among the four filtering providers, N2H2 placed first at 98%, SmartFilter placed second at 94%, WebSense third at 92%, and SurfControl was the least effective at 83%.¹⁶

The September, 2001 issue of *PC Magazine* tested six filtering products and stated that:

*For this roundup, we looked at six content-filtering products designed for home and another six for business. In testing, most products blocked more than 85 percent of objectionable content—good enough to make a serious dent in inappropriate Internet usage.*¹⁷

The February 7, 2000 issue of *Network Computing* tested seven filters, and found:

*Our test results showed that network administrators can choose from many effective content-monitoring solutions capable of stifling the most adamant of browsers... We visited a broad range of improper Web sites to evaluate each product's content policies and, if applicable, dynamic policy rules.*¹⁸

The March 24, 1998 issue of *PC Magazine* tested six filters and found:

*Our tests involved trying to access extensive lists of URLs, words, and phrases while using each of the products. We tried to access well-known pornography sites as well as less obviously objectionable sites, some of which made no reference to sex... Our testing confirms that these packages principally block sites with pornography, obscenity, and sexually explicit content--and they do a pretty good job.*¹⁹

The October 1998 issue of *Network World* tested seven filters and found:

*All the products with predefined databases allow you to customize their lists, but we found that locating inappropriate sites the vendors didn't include was a challenge.*²⁰

The December, 1997 issue of *ZD Internet Magazine* tested 8 products and found:

*During our tests, Bess performed well, blocking all the pornographic and objectionable sites on our test list... Cyber Patrol performed fairly well, blocking access to most of the sites on our list. All the pornographic sites were blocked effectively... SurfWatch was the best performer on our site-blocking test, blocking access to all the pornographic sites"*²¹

On August 15, 2003, the National Telecommunications Information Administration (NTIA) released a report evaluating the effectiveness of technology protection measures and safety policies used by educational institutions. The NTIA report reviewed the testing literature evaluating filtering effectiveness:

NTIA also received comments that referenced the results of 26 independent laboratory tests on filters conducted between 1995 and 2001 by ten professional testing laboratories.[41] (See Appendix III) The labs conducted 108 individual product tests examining filtering software. The test results grouped products into three categories: "found filters effective," "found filters of mixed effectiveness," and "found filters ineffective." Nineteen of the twenty-six product tests found filters effective, four product tests found filters of mixed effectiveness, and three product tests found filters ineffective. Based on these results, the commenters that drew NTIA's attention to this study concluded that filtering is an effective method of protecting children from inappropriate material.²²

After reviewing the comments of a diverse set of groups such as American Center for Law and Justice (ACLJ), American Civil Liberties Union (ACLU), American Library Association, N2H2, Inc., and the National Education Association (NEA), the NTIA concluded:

In summary, existing technology protection measures have met many of the needs of educational institutions.

How N2H2's Software is Well-Suited for Public Libraries

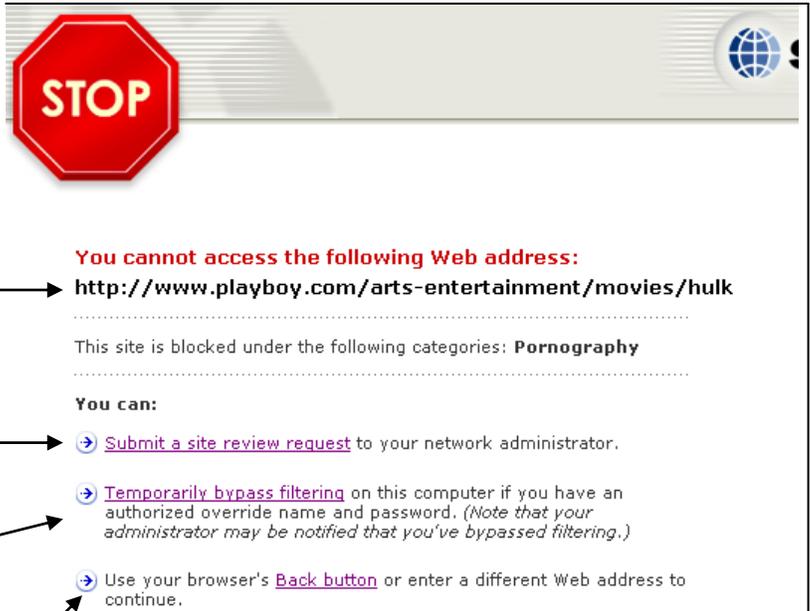
N2H2 has worked with many libraries around the country to provide filtering solutions that meet their individual needs. N2H2's filtering offers a choice of categories and a feature set that allows librarians to configure some workstations for blocking appropriate to minors, some workstations with optional 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.

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.

Flexible Options for Handling Blocked Sites

When a web page is blocked, N2H2's block screen presents library patrons and staff with a number of flexible options:



Descriptive messages tells why the page was blocked

You cannot access the following Web address:
<http://www.playboy.com/arts-entertainment/movies/hulk>

This site is blocked under the following categories: **Pornography**

Option to submit a request by the library to unblock the page.

You can:
→ [Submit a site review request](#) to your network administrator.

Option to temporarily bypass the filtering entirely for a set time period.

→ [Temporarily bypass filtering](#) on this computer if you have an authorized override name and password. *(Note that your administrator may be notified that you've bypassed filtering.)*

→ Use your browser's [Back button](#) or enter a different Web address to continue.

Option to go back to previous page.

Request Review Option

Request Review feature gives library patrons the ability to contact the library and request that a site be unblocked.

A screenshot of a web form titled "Submit site review request". The text says "If you believe the content is incorrectly categorized, submit a site review request to your network administrator." Below this is a line for "Web content:" with the value "http://www.playboy.com/". There are two input fields: "My e-mail address:" and "Comments:". The "Comments:" field is a larger text area with a scroll bar.

Patrons have the option of submitting and e-mail address for a response, or remaining anonymous.

Authorized Override Option

Authorized Override feature allows library staff to disable all filtering at individual workstations for a specified amount of time.

A screenshot of a web form titled "Bypass filtering". The text says "To temporarily turn off filtering on this computer, enter your authorized override name and password. If you need help, contact your network administrator." Below this are three input fields: "Override name:", "Password:", and "Override time:". The "Override time:" field has a dropdown menu showing "15" and the word "minutes". At the bottom right is a button labeled "Begin Override".

Cost Estimates for Public Libraries to Purchase and Install Filtering Software

Software Costs

The software costs vary with the size of the library, and are almost always sold on an annual subscription basis. The market research company Frost & Sullivan conducted a pricing study for their 2000 report, "Content Filtering Markets:"²³

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.

Libraries are usually charged education pricing. Below is N2H2's pricing as of September 2003:

<i>N2H2 for Libraries One Year Subscription</i>	
<i>1-50 workstations</i>	<i>\$1,113.60</i>
<i>51-100 workstations</i>	<i>\$1,756.80</i>
<i>101-175 workstations</i>	<i>\$2,793.60</i>
<i>176-250 workstations</i>	<i>\$3,513.60</i>
<i>251-375 workstations</i>	<i>\$3,868.80</i>
<i>376-500 workstations</i>	<i>\$4,233.60</i>
<i>501-750 workstations</i>	<i>\$6,000.00</i>
<i>751-1000 workstations</i>	<i>\$7,593.60</i>

Hardware Costs

It is difficult to give an estimate for this, since network configurations and the size of libraries vary considerably. Some libraries require no additional hardware costs, while others need to purchase a server computer with additional server software to manage filtering. The cost of this server hardware and software is usually in the range of between \$2,500 to \$10,000 per library system. This additional hardware is typically purchased on a system, rather than branch level, so that a library system with 5 branches would purchase only one server for all 5 branches.

Personnel Costs

While 43% of public libraries currently use filtering, I am unaware of any library system that has had to hire additional staff as a result of installing filters. Anecdotal evidence suggests that librarians incorporate the use of filtering software into their many other public duties involving technology, such as patron instruction, feeding and unjamming printers

Thank you for this opportunity to testify.

Endnotes

¹ Burt, David. Testimony before the National Commission on Library and Information Science, November 10, 1998.

² Burt, David. Commission on Online Child Protection, Richmond, VA, July 21, 2000.

³ Burt, David. Rulemaking on Anticircumvention by the U.S. Copyright Office, Washington, D.C., April 11, 2003.

⁴ Burt, David. Testimony of David Burt before California State Assembly Committee on Jobs, Economic Development, and the Economy, April 24, 2001.

⁵ Burt, David. Testimony of David Burt before the Pennsylvania House Judiciary Committee, March 8, 2000 and June 7, 2001.

⁶ National Center for Education Studies, "Internet Access in U.S. Public Schools and Classrooms: 1994 – 2001", May, 2001.

⁷ 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).

⁸ 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).

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 "Justices uphold Internet filter law," The Daily Oklahoman. June 24, 2003

¹⁴ "Defendants proposed findings of fact," Department of Justice, ALA v. U.S., April 11, 2002.

¹⁵ Resnick, Journal of the American Medical Association (JAMA), See No Evil: How Internet Filters Affect the Search for Online Health Information, December 11, 2002.

¹⁶ ETesting Labs, "U.S. Department of Justice: Web Content Filtering Software Comparison," October, 2001.

¹⁷ "Clean it Up," PC Magazine, September 25, 2001

¹⁸ "Regulating Web Surfing," Network Computing, February 7, 2000

¹⁹ "Monitor a Child's Access," PC Magazine, March 24, 1998

²⁰ "Where do you think you're going?," Network World, Oct 5, 1998

²¹ "Policing the Net," ZD Internet Magazine December, 1997

²² National Telecommunications and Information Administration, "Report to Congress: Children's Internet Protection Act Pub. L. 106-554 Study of Technology Protection Measures in Section 1703," August 2003.

²³ Frost & Sullivan, "Content Filtering Markets", 2001.