

# ACCEPTABLE USE POLICY FOR LIBRARY CUSTOMERS

This document sets out the policy relating to the acceptable use of internet and Wi-Fi access and digital content resources (e.g. eBooks, digital magazines) (**E-Resources**) by customers of South Australian Public Libraries (**Libraries**) including Wi-Fi and eduroam users at the State Library of South Australia (**Rules**). Your local South Australian public library may have its own policies and rules which you will also need to abide by.

## Important

By using E-Resources, you agree that you have read and understood these Rules and you agree to be bound by them. You also agree to comply with any directions given to you by Libraries on the use of the E-Resources and any related services.

Libraries reserves the right to monitor and collect Internet traffic data that is composed, sent or received through its online connections. Any unlawful and/or inappropriate use of the E-Resources, may be disclosed to appropriate authorities, and may be used to prosecute criminal offender/s. Further information regarding the use which may be made of internet traffic data can be found **here**: <https://www.libraries.sa.gov.au/custom/web/PLS/Privacy.pdf>

Libraries reserves the right to limit, suspend or terminate your rights of use and access to any or all E-Resources if you do not comply with these Rules, including during an investigation into whether you have committed a breach of these Rules.

Libraries reserves the right to alter these Rules from time to time without notice.

*Please note: You may be asked to confirm your acceptance of these Rules when logging on to access the E-Resources.*

## Our Philosophy and Objective

These Rules support the vision of **South Australia as an informed, IT-literate and information enabled community**.

- Libraries recognise freedom of choice and equitable access to public library collections and resources for all South Australians.
- Libraries abide by State and Federal laws and regulations.
- Libraries are here to help you access, within the bounds of the law, the wide variety of material available electronically. Libraries do not exercise any form of censorship on any grounds (political, moral, sexual preference, gender, racial or religious).
- Libraries make these E-Resources available as part of their continuing commitment to the highest level of service to the community.

## Notice of Indemnity

You acknowledge that if any legal action is threatened or commenced against you because of your conduct in using the E-Resources, Libraries take no responsibility whatsoever for the conduct or outcome of the legal action.

You agree:

- to indemnify Libraries, and keep Libraries indemnified, against any and all damages, costs and expenses suffered by Libraries arising out of your conduct, and in respect of any action, settlement or compromise, or any statutory infringement; and
- that the grant of access to the E-resources by Libraries is good and valuable consideration for the following indemnity.

## Terms of Use

To use the E-Resources, you must be a resident of South Australia.

You agree that you will not provide false or misleading information to Libraries when applying for membership and/or use of the E-Resources. Proof of your age and/or identity may be required by Libraries, and must be provided on request.

You must not use or attempt to use the E-Resources (including either using or attempting to use Libraries' network or allowing or attempting to allow the telecommunications supplier's (**Supplier**) network to be used) in a manner which is

**unlawful** or is **prohibited** by a code of conduct or these Rules. This includes, but is not limited to, the use or attempted use of the E-Resources:

1. to gain access to or to transmit, publish or communicate any material that is pornographic, obscene, defamatory, offensive, objectionable, abusive, indecent, sexist, racist, menacing, or otherwise illegal;
2. to engage in any conduct that contravenes a Commonwealth or State law or regulation, a council by-law, or an applicable code of conduct;
3. to circumvent any filtering or other content access device or software;
4. to interfere with electronic rights management information;
5. for any purpose which you have previously been advised by Libraries is prohibited;
6. in a manner which may expose Libraries or its Supplier to liability;
7. in any way which damages or interferes (or threatens to damage or interfere) with the operation of the E-Resources or with the efficiency of Libraries' or its Supplier's network (including as a result of attempts by you to increase the capacity or performance of your system or your equipment);
8. in any way which may damage any property or injure or kill any person;
9. to engage in any conduct which is defamatory, abusive, menacing or harassing, including towards Libraries staff and volunteers;
10. to make inappropriate contact with children or minors;
11. to infringe another person's rights (including that person's intellectual property rights);
12. to violate or infringe any duty or obligation owed to any person under law;
13. in any way that may damage any telecommunications infrastructure or equipment that is not owned by you, or interfere with or interrupt any telecommunications network, equipment, facilities or cabling;
14. to make any hoax call, including calls to an emergency service;
15. to:
  - 15.1. store, or direct to be stored on Libraries' or the Supplier's networks or servers, or otherwise download through the use of the Supplier's networks;
  - 15.2. link to or reference from Libraries' or the Supplier's networks or servers, or
  - 15.3. access, reproduce, distribute, publish or commercially exploit,
 any content or material in any form that can be stored and accessed electronically (**Content**) that:
  - 15.4. may, or may be likely to, infringe a person's rights as an owner or licensee of the copyright in a work, sound recording, cinematograph film, television or sound broadcast, published edition of work or in any item, thing or product in which copyright subsists under the *Copyright Act 1986* (Cth); or
  - 15.5. is in contravention of any Australian State, Territory or Commonwealth law (including without limitation any Content that is classified 'RC' or 'X18+' under the *Classification (Publications, Films and Computer Games) Act 1995* (Cth), or is likely to be so classified under that Act;
16. to send, relay or distribute any electronic data, the contents or properties of which have been manipulated for the purpose of maliciously or illegally impersonating or obscuring the original source of that data. This does not include the use of Virtual Private Networks or similar concepts in circumstances where this is legal and otherwise complies with these Rules;

## OFFICIAL

17. to access, monitor, use or control any other person's equipment, systems, networks or data (including usernames and passwords) or to otherwise probe, scan or test the vulnerability of any other person's equipment, networks, systems or data, without that person's consent;
18. to access, or attempt to access, the accounts or private information of others, or to penetrate, or attempt to penetrate, Libraries or a third party's security measures, computer software or hardware, electronic communications system or telecommunications system, whether or not the intrusion results in the corruption or loss of data. This does not include conducting network security testing specifically requested by the owner of the targeted network or system;
19. to use or distribute software (such as password guessing programs, keyboard loggers, viruses or Trojans) with the intent of compromising the security of any network or system;
20. to make fraudulent offers to sell or buy products, items, or services or to advance any type of financial scam such as 'pyramid schemes', 'Ponzi schemes', and 'chain letters';
21. to engage in any activity which impairs the ability of other people or systems to use the E-Resources. This includes any malicious activity resulting in an adverse event such as denial of service attacks against another network host or individual user, flooding of a network, overloading a service, improper seizing or abuse of operator privileges, and attempts to harm a system or network. For the avoidance of doubt, this clause does not capture an activity solely because it unintentionally contributes to network congestion;
22. to provide unrestricted access to Content that is unsuitable for minors;
23. to engage in mass posting of messages to newsgroups;
24. to post advertisements other than in newsgroups that specifically encourage or permit advertising;
25. to post binary files other than in newsgroups that specifically encourage or permit such postings;
26. to post large or numerous messages with purpose of disrupting a newsgroup;
27. to send messages that contain invalid or forged headers or domain names or deceptive addressing;
28. to send, allow to be sent, or assist in the sending of one or more unsolicited commercial electronic messages with an "Australian link" as contemplated by the *Spam Act 2003 (Cth)*;
29. to relay e-mail from a third party's mail server without permission or which employs similar techniques to hide or obscure the source of the e-mail;
30. to connect to Libraries network with an open relay mail server or any other device which may allow third parties to use that mail server or device for the purposes of sending electronic messages, solicited or otherwise, with or without their prior knowledge or consent;
31. to use or distribute any software designed to harvest email addresses; or
32. to otherwise breach the *Spam Act 2003* or any regulations made under the *Spam Act 2003*.

In addition to these Rules, eduroam users must comply with the conditions of use for eduroam which can be viewed here: <https://www.libraries.sa.gov.au/eduroam>.

### Copyright Warning

Digital materials accessible through Libraries are protected by copyright and other intellectual property laws. It is entirely your obligation to ensure that you operate within the legal system, and as a minimum requirement you are obliged to comply with the [Copyright Act 1968](#).

Use of digital materials is governed by licence agreements between the publishers and suppliers of materials and administered by Public Library Services (Government of South Australia).

## Supervision of Minors

Libraries accepts no responsibility or liability for minors' use of the E-Resources. Parents or guardians responsible for minors must exert their own safeguards and controls, including supervision of minors' use of the E-Resources.

- Please note that anyone aged under 18 years is considered a minor for the purposes of these Rules and the *Broadcasting Services Amendment (Online Services) Act 1999*.
- If requested by Libraries staff or volunteers, verification of age must be produced and a parent or guardian's notice signed.

## Content

Libraries do not control the content or layout of any material on any website accessible via the E-Resources. Libraries do not make any representation or warranty about relevancy, accuracy, quality, or validity of any material which you may access via the E-Resources and you must make that judgement for yourself. Some material you access may require or request you to divulge personal details and credit information: you do so at your own risk.

E-Resources, as well as physical materials supplied through Libraries are available for general public access under the [Classification \(Publications, Films and Computer Games\) Enforcement Act 1995](#). Libraries applies no censorship in the choice of resources that form the collection. Parents or guardians responsible for minors may wish to regulate minors' access to the E-Resources and physical materials based on their individual values or beliefs, and are responsible for monitoring and supervising minors' use of the collection.

In accordance with the ALIA statements on [Online Content Regulation](#) and [Free Access to Information](#) and IFLA statement [Statement on Libraries and Intellectual Freedom](#), Libraries do not censor, remove, or restrict resources that some may find offensive. Libraries applies no censorship in the choice of resources.

All use of the E-Resources is at your own risk.

## Internet Wireless Access

You must use reasonable endeavours to secure any device or network within your control which you use to access the E-Resources against being used in breach of these Rules, including by third parties, by:

- logging off Libraries computers and E-Resources after use;
- the installation and maintenance of antivirus and firewall software;
- the application of operating system and application software patches and updates; and
- protecting your account information and password and taking all reasonable care to prevent unauthorised access to your service, including taking reasonable steps to secure any Wi-Fi network that you operate.

Unless otherwise stated, Libraries' rights to limit, suspend or terminate your access to some or all of the E-Resources under these Rules applies regardless of whether the breach or suspected breach of the Rules was committed intentionally, or by means not authorised by you (such as through Trojan horses, viruses or other security breaches).

## Viruses, Worms, Trojans, Denial of Service

While Libraries will make reasonable efforts to ensure the security of our network, it cannot and does not guarantee that viruses and other detrimental programs will not be distributed via our network. Libraries are not liable for any degradation in service, increased download or damage suffered by you as a result of any program received or sent by you over our network.

It is important to protect your computer and any connected networks against higher level computer programs (such as viruses, worms, Trojans and other malicious programs) and lower level Denial of Service (DOS) attacks that can be distributed or propagated via the Internet, including electronic mail. It is your responsibility to ensure that you have in place appropriate protection for your systems and to prevent circulation of such computer programs and attacks from your computer or networks through Libraries' or its Supplier's networks.

Further information and assistance on virus protection can be found [here](#).

## Privacy Statement

Access Libraries' privacy statement [here](#).

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