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NEW SOUTH WALES

Library Council of New South Wales

Internet Policy Guidelines for NSW Public Libraries

5 September 2011

Disclaimer

These guidelines have been provided to NSW public libraries for their information only. These guidelines contain clauses which NSW public libraries may wish to consider when implementing their own internet policy. The guidelines are not compulsory and the Library Council of NSW recommends that all NSW local authorities seek independent legal advice before implementing a policy based on these guidelines. The Library Council of NSW accepts no responsibility for any loss or damage whatsoever resulting from reliance on these guidelines by any NSW public library.

Internet Policy Guidelines for NSW Public Libraries

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1. Purpose and Scope

In the environment of a public library, the policy framework consists of:

- Policy as endorsed by local government
- Staff procedures, and
- Customer terms of use/guidelines.

These policy guidelines are designed to assist the development of an internet usage policy within NSW public libraries. The guidelines address issues around providing public access to the internet in a NSW public library. They do not include operational concerns such as firewalls, connectivity, staff procedures and access.

2. Background

Public libraries play an important role in our communities. In NSW free access to information through public libraries is mandated by the *Library Act, 1939*.¹ In the online age, libraries ensure that members of any community are not excluded from the information and social interactions exchanged in the online environment. As the *International Federation of Library Associations and Institutions (IFLA) Internet Manifesto* highlights, access to the internet

...enables individuals and communities throughout the world, whether in the smallest and most remote villages or the largest cities, to have equality of access to information for personal development, education, stimulation, cultural enrichment, economic activity and informed participation in democracy. All can present their interests, knowledge and culture for the world to visit.

Libraries and information services provide essential gateways to the Internet. For some they offer convenience, guidance, and assistance, while for others they are the only available access points. They provide a mechanism to overcome the barriers created by differences in resources, technology, and training.²

This role is supported by the findings of *Enriching communities: the value of public libraries in New South Wales* which explored the economic, social, cultural and environmental value of public libraries to communities in NSW.

The top five contributions to the community were seen as being a safe and pleasant place to visit; supporting educational facilities; facilitating lifelong learning; encouraging responsible social behaviour; and ensuring access to the Internet for all. The underlying themes are clearly those of safety, harmony, equity and education.³

Participation in the online world can be constrained by a number of factors which include access, skills and abilities, and tools:

¹ Guidelines to Section 10 Library Act 1939 <https://www.sl.nsw.gov.au/public-library-services/guidelines-section-10>

² IFLA Internet Manifesto <https://www.ifla.org/publications/node/224>

³ Enriching communities: the value of public libraries in New South Wales 2007 <https://www.sl.nsw.gov.au/public-library-services/enriching-communities-value-public-libraries-nsw>

- access to computers, access to internet services, access to adequate bandwidth, limited timed sessions,
- literacy levels, computer skills, education,
- disabilities and the availability of accessible equipment and software,
- filtering and censorship,
- equipment with non-roman scripts enabled

The Library Council of NSW recognises the key part libraries play in breaking down barriers for the people of NSW:

A public library has a role as an unbiased source of information and ideas, including online content. It must accept responsibility for providing free access to materials and information presenting, as far as possible, all points of view on current and historical issues, including controversial issues.⁴

3. Legislative framework

3.1 Library Act, 1939

Public libraries in NSW are subject to the *Library Act 1939* and operate with reference to a number of policies and guidelines adopted by the Library Council of New South Wales. Section 10(1)(b) of the *Library Act 1939* states that libraries must provide:

Free access to certain materials on library premises.
Any person (whether or not a member of the library) is entitled free of charge to access any library material of the library and any information forming part of the information service of the library (other than information excepted from free access by guidelines issued by the Council) for use on the library premises.⁵

The Library Council of NSW *Guidelines to Section 10* clarify the intention of this provision:

The intention of this provision is to ensure that no charge is made for the use of library materials or access to the information services of the library by any person on the library premises.⁶

The *Library Act 1939* defines library material:

Library material includes book, periodical, newspaper and any other printed matter and also includes map, music, manuscript, picture, photographic plate and film and any other matter or thing on or by which words, sounds or images are recorded or reproduced.⁷

This definition may include electronic publications and information that is accessible via the Internet. The intention of this provision is to ensure that members of the public

⁴ Library Council of NSW (2007) Access to Information in New South Wales Public Libraries <https://www.sl.nsw.gov.au/sites/default/files/accesstoinformation2007.pdf>

⁵ Library Act 1939 <https://www.legislation.nsw.gov.au/#/view/act/1939/40>

⁶ Library Council of NSW (2007) Library Act 1939 Guidelines to Section 10

⁷ Library Act 1939 <https://www.sl.nsw.gov.au/public-library-services/advice-best-practice/legislation>

can enter a public library and access information, regardless of its format, free of charge.

3.2 Copyright

The types of copyright breaches that can typically occur using the internet include file sharing and illegal downloads of files. Under the Copyright Act 1968, prescribed copyright notices are required to be visible to the public, on or near all library equipment that can be used for copying or communicating copyright material in any format (eg. photocopiers, fax machines, scanners and computers). The Copyright Act provides that, if a library has notices with the specified words on or near copying and recording equipment (such as photocopiers, scanners, computer terminals, printers and audio and video recording equipment, including CD burners) on or near the library premises, it shall not be taken to have authorized the making of the infringing copy by reason only that the copy was made on that machine.

A copy of the two notices is included in the Australian Copyright Council fact sheet: *Notices on Photocopiers and Other Copying Machines G40*⁸

4. Policy elements

This section describes the issues to address in an internet usage policy.

4.1 Free public access to the internet

Free public access to the internet in NSW public libraries is a core service. The informational and recreational roles of a public library are longstanding and an essential element of a library service. Free internet access supports these roles and healthy communities through providing:

1. access to information and services
2. access to recreational material
3. avenues for community engagement and participation

The presentation of information online has rapidly evolved into an interactive exchange of information, rather than a traditional one way transaction where web pages were published in a model very similar to the publication of a book (ie. author, editor, publisher, reader). The era of 'push button publishing' where individuals can create content, collaborate and build user generated information resources introduces interactive online communication as a vital part of the dissemination of information and a core library service.

4.2 Welcome statement

Public libraries provide a range of services to people of all ages in the community. Not all material on the internet is suitable for use in a public setting and, consistent with the *Children's Policy Guidelines*, parental permission is recommended before allowing young people to use the internet in the library.

⁸ Australian Copyright Council Notices on Photocopiers and Other Copying Machines G40
https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Notices_on_Photocopiers_Other_Copying_Machines.aspx

The policy should begin with a statement that makes it clear that free access to the internet is available for specific purposes.

— recommended clauses —

[XYZ] Library is committed to serving the information and recreation needs of this community. The Library strives to provide a welcoming environment, and provides free public access to the internet to support lawful

- access to information and services
- access to recreational material
- avenues for community engagement and participation

4.3 Access to information and services

Information available via the internet should be treated no differently in public libraries than print based information:

Libraries should endeavour to provide access to comprehensive and balanced collections that meet the needs of their communities as far as budget, space and availability of materials allow.

Library materials that have not been subject to Federal and State restriction or prohibition should not be excluded from a public library on moral, political, racial, religious, sexist, language, or other sensitive grounds alone. Nor should library materials be included on these grounds alone, whatever pressure may be brought to bear by individuals or groups.⁹

4.4 Free access to email services

In the past, some public libraries have charged for access to the internet for "non-informational" purposes, such as email. Now in a much more interactive web environment, libraries deliver many core services online, including access to databases, ebooks (text and audio), email and chat reference services, online book clubs and websites that require email authentication.

Email is a critical tool in research and information seeking, allowing clients to forward articles from electronic databases, to pose questions via "ask a librarian" type services, and is essential to use many cloud based services. Guaranteeing free access to email services via the library allows libraries and councils to use email to communicate cost effectively with clients and deliver services that are reliant on clients having their own email addresses.

Increasingly government information services are provided and business transactions are conducted online, including applying for employment. Ensuring that all members of the community have the opportunity to access these services and opportunities is a crucial role for public libraries ensuring equity of access.

⁹ Library Council of NSW (2007) Access to Information in New South Wales Public Libraries <https://www.sl.nsw.gov.au/sites/default/files/accesstoinformation2007.pdf>

4.5 Access to recreational material and services

The internet greatly expands the range of recreational material that can be offered in a public library setting, including interactive activities such as social networking and playing online games. Where these activities are not specifically restricted by law, they may be included in the library's acceptable use policy which should be clearly displayed beside the computers, or via a "click through" licence at the point of use.

4.6 Community engagement and participation

By acting as free access points in communities, public libraries facilitate participation in:

- e-government: governments and their agencies use internet technologies to deliver services, to communicate information via online publishing and to engage with the community via interactive forums
- life long learning: online services are used as both an information resource and a delivery platform for education. In many parts of NSW access to further education is via distance learning delivered online.
- small business: many small business owners need access to online services to register business names, research licensing requirements, research potential markets.
- community activities and decision making

4.7 Quality of life in communities

Libraries also increase quality of life in communities through access to information online that supports:

- health and wellness
- informed decision making via legal information (eg. Find legal answers: information about the law in NSW¹⁰)
- supporting access to information in native languages by accessing resources that are only available online
- commercial activities in communities where there are no alternatives (eg. quilting clubs sourcing materials where no stores are available locally)

4.8 Social media

Social media describes software tools that allow groups to generate content and engage in peer-to-peer conversations and exchange of content (examples include blogs, wikis, tagging, online video, online photo sharing and social networking sites).¹¹ These web-based technologies provide vehicles to facilitate collaboration and sharing. New social media tools are emerging constantly.

Social media tools have many uses in public library environments, including:

- delivering services and interacting with clients
- locating information distributed via social media tools (eg. podcasts, online video)
- video tutorials and online lectures and tours
- contributing information to online forums and digital archives
- consultation, community projects and feedback mechanisms

¹⁰ Find legal answers <https://legalanswers.sl.nsw.gov.au/>

¹¹ Social media: **Social media** are primarily Internet and mobile based tools for sharing and discussing information. It most often refers to activities that integrate technology, telecommunications and social interaction, and the construction of words, pictures, videos and audio. http://en.wikipedia.org/wiki/Social_media

- participation in community and political life

Library clients, increasingly accustomed to using social media tools, expect a more interactive public library service and seek opportunities to contribute to the library's content, collaborate (eg. volunteers correcting the text in digitised newspaper transcripts) and communicate with libraries online.

A library service is therefore expected to allow access to social media as part of its overall internet usage policy.

5.0 Groups with specific needs using the internet

5.1 Young people using the Internet

Unlike print collections, the resources available on the internet are not subject to collection development and classification by the public libraries. Parents/guardians of young people are solely responsible for a young person's access to and use of the library's Internet facilities, including access to sites, their subject matter and content. Parents/guardians must ensure that their children's use of the Library's Internet facilities accords with the library's Internet policy.

For further guidance in relation to children's use of public libraries and parental responsibility, please see Library Council of New South Wales: Children's Policy Guidelines for NSW Public Libraries

5.1.1 Cyber bullying

Unsupervised children can be at risk in any public place, including public libraries and the online environment. Library staff do not supervise children in the library so there is a risk that unsupervised children may be subject to cyber bullying.

— *recommended clauses* —

The Library promotes and supports young people's access to information, including electronic information through its Internet facilities. Library staff are available to assist young people in the use of the Internet, and to recommend websites on particular subjects.

Parents/guardians are responsible for their child's use of the Internet. Junior library users (under the age of 18) must have the consent of their parents/guardians before using the Internet. Library staff do not supervise or monitor children using the internet in the library so there is a risk that unsupervised children may be subject to cyber bullying.

5.2 Indigenous people

Some Indigenous clients may have concerns about information about Indigenous people presented online. It is appropriate to acknowledge the existence of this information and its potential impact on Indigenous clients. Further information is available through the Aboriginal and Torres Strait Islander Library and Information Resources Network Protocols.

It is acknowledged that some online information may contain references to Aboriginal people and Torres Strait Islanders that are considered culturally inappropriate or offensive.

5.3 Culturally and linguistically diverse communities

For many CALD clients the public library provides vital access to information in their first language, including government, legal and health information in translations. The library also provides a valued gateway to communication with friends and relatives and to information from home countries.

In order to facilitate this service it is necessary to ensure that the fonts required are downloaded on library equipment to support access and equity for clients reading non-roman scripts. Providing these fonts is consistent with a library's obligations under the *Anti-Discrimination Act 1977 (Cth)* to avoid any indirect discrimination against persons of a particular race whose language requires such scripts.

5.4 People with disabilities

Where libraries are developing content online it is recommended that they comply with W3C Web Accessibility Initiative known as *Web Content Accessibility Guidelines Version 2.0 (WCAG 2.0)* to ensure that all members of a community have equal access to online information.

Assistive software and hardware is available to ensure people with disabilities in the community can also access the internet in the library. These tools can greatly enhance the services public libraries offer and the access people with disabilities in the community have to these services.

6.0 Using the internet in a public place

The *Library Regulation 2018, clause 17(1)(b)* states that library users may be directed to leave if the person's conduct or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library. This may include accessing websites that may reasonably be considered to offend other library users. Examples may include displaying images of deceased persons which can cause offence to Aboriginal and Torres Strait Islander people, or displaying adult content.

6.1 Pornography and illegal material

Under the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* persons are taken to have publicly exhibited a film or computer game where they have "superintendence or management" of the public place where the exhibition or demonstration takes place. It is advisable that the Library develop appropriate procedures to be observed where clients are found to be accessing material on library computers or on library premises which would otherwise be restricted under this Act.

The suggested procedure is for staff to instruct the client to stop accessing the material. In some circumstances it may be appropriate for staff to contact the relevant authorities. In other circumstances such as legitimate research, it may be appropriate to suggest that the client accesses the material in a different part of the library not accessible to the general public.

It is possible that the Library may, as a result of a client's unlawful internet use, inadvertently come to possess child pornography (if downloaded to a computer drive). Section 91HA of the *Crimes Act 1900* contains defences that should protect library staff from criminal liability in these circumstances. It is advisable that the Library include in its policy provisions to address circumstances where clients are found to have accessed child pornography.

This may include procedures which would involve reporting the incident to police, ensuring that the material is not able to be accessed by other clients using the computer(s), and once advised by the authorities that is appropriate to do so, deleting the material from the Library's system.¹²

— recommended clauses —

Library clients must be sensitive to the values and beliefs of others when displaying potentially controversial information or images on computer screens located in public areas.

Where a client is found to be using Library computers to access pornographic, offensive material, or for any unlawful purpose, the Library reserves the right to direct the client to leave the Library, to direct that the client not re-enter the Library for a specified period and to report unlawful conduct to the relevant authorities.

7.0 Risk management

Privacy and confidentiality cannot be totally assured in the use of any online resource. Library clients and staff must be aware that the security of data and networks cannot be guaranteed. Clients must also be aware that, network and systems administrators, during the performance of their duties, need to observe the contents of certain data, on storage devices and in transit, to ensure proper functioning of the library's internet facilities and computer networks.

Many libraries advise clients of the conditions of use that apply when using the computer facilities provided in the library via click through licences, on membership forms or by displaying signage.

7.1 Filtering

A public library has a role as an unbiased source of information and ideas, including online content. It must accept responsibility for providing free access to materials and information presenting, as far as possible, all points of view on current and historical issues, including controversial issues.

The Library Council does not support the use of censoring software as it inhibits free access to information, and it does not provide adequate protection for children from all material that may be harmful on the Internet. Note the use of data surveillance devices in Australia is limited by the *Surveillance Devices Act 2007(Cth)*.

¹² Library Council of NSW (2007) Access to Information in New South Wales Public Libraries <https://www.sl.nsw.gov.au/sites/default/files/accesstoinformation2007.pdf>

7.2 Breach of privacy and identity theft

Public libraries follow the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* when collecting personal information from clients.¹³ However, there are risks of a breach of privacy when using any online service. Library clients are encouraged to log out of services and to refrain from entering highly sensitive information (eg. tax file numbers, banking details) while using library facilities.

Clients should be reminded of their personal responsibility, as the library cannot assume responsibility for any loss of data, funds, or identity theft that may result from use of the internet in the library.

7.3 Wireless access

Communications over a wireless network are not secure. Information sent from or to a laptop can be captured by anyone else with a wireless device and appropriate software. Clients using wireless access in the library should be advised of the risks.

Where clients are using their own internet enabled devices, appropriate use of those devices and any associated behaviour within the library is governed by the *Library Regulation 2018 Part 3 Clause 17*.

8.0 Related guidelines

- Library Council of New South Wales: Access to Information in New South Wales Public Libraries Guideline
- Library Council of New South Wales: Living Learning Libraries: Standards and Guidelines for NSW Public Libraries [S.15 Provision of multiple use public Internet workstations]
- Library Council of New South Wales: Children's Policy Guidelines for NSW Public Libraries
- Library Council of New South Wales: People places: A guide for public library buildings in New South Wales
- Library Council of New South Wales: Privacy Guidelines for NSW Public Libraries

¹³ Library Council of NSW (2018) Privacy Guidelines for NSW Public Libraries https://www.sl.nsw.gov.au/sites/default/files/privacy_policy_final_2018.pdf

Attachment One: IFLA Internet Manifesto

1. Library and information services and the Internet

1.1 Library and information services are vibrant institutions that connect people with global and local information resources. They provide access to ideas and creative works and make the richness of human expression and cultural diversity available to everyone.

1.2 The Internet enables individuals and communities throughout the world, whether in the smallest and most remote villages or in the largest cities, to have greater equality of access to information to support personal development, education, cultural enrichment, economic activity, access to government and other services, and informed participation in a democratic society as an active citizen. At the same time the Internet creates opportunities for all to share their own ideas, interests and culture with the world.

1.3 Library and information services should be essential gateways to the Internet, its resources and services. Their role is to act as access points which offer convenience, guidance and support, whilst helping overcome barriers created by differences in resources, technology and skills.

2. Freedom of access to information and freedom of expression are essential to equality, global understanding and peace.

Therefore IFLA asserts that:

2.1 Freedom of access to information and freedom of expression, regardless of format and frontiers, is a central responsibility of the library and information profession.

2.2 The provision of unhindered access to the Internet by library and information services forms a vital element of the right to freedom of access to information and freedom of expression, and supports communities and individuals to attain freedom, prosperity and development.

2.3 Access to the Internet and all its resources should be consistent with the United Nations Universal declaration of Human Rights, and especially Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2.4 Barriers to the flow of information should be removed, especially those that prevent individuals from taking advantages of opportunities that will improve their quality of life and can result in inequality and poverty. An open Internet is essential, and access to information and freedom of expression should neither be subject to any form of ideological, political, or religious censorship, nor to economic or technological barriers.

3. The role and responsibilities of library and information services

3.1 Library and information services have a vital role in ensuring freedom of access to information and freedom of expression, and have a responsibility to:

- serve all of the members of their communities, regardless of age, race, nationality, religion, culture, political affiliation, physical or mental abilities, gender or sexual orientation, or other status

- provide access to the Internet in an appropriate environment for all users
- support users, including children and young people, to ensure they have the media and information literacy competencies they need to use their chosen information resources freely, confidently and independently
- support the right of users to seek and share information
- strive to ensure the privacy of their users, and that the resources and services that they use remain confidential
- facilitate and promote intellectual, cultural and economic creativity through access to the Internet, its resources and services.

3.2 In common with other core services, access to the Internet and related technologies in library and information services should be without charge.

4. Implementing the Manifesto

4.1 IFLA encourages all governments to support the unhindered flow of Internet accessible information and freedom of expression, to ensure openness and transparency by opposing attempts to censor or inhibit access, and ensure that surveillance and data collection are demonstrably legal, necessary and proportionate.

4.2 IFLA calls upon library and information services to work with states, governments, or religious or civil society institutions, to develop strategic policies and plans that support and implement the principles expressed in this manifesto through the development of public access to the Internet in library and information services across the world, and especially in developing countries.

Endorsed by the IFLA Governing Board, August 2014.

Source: <https://www.ifla.org/publications/node/224?og=30>

Related documents

International Federation of Library Associations and Institutions (IFLA) *Statement on Libraries and Intellectual Freedom*:
<https://www.ifla.org/publications/ifla-statement-on-libraries-and-intellectual-freedom>

International Federation of Library Associations and Institutions (IFLA) *Guidelines on Public Internet Access in Libraries*
<https://www.ifla.org/publications/node/92392>

Article 19 of the *United Nations Universal Declaration of Human Rights*
<https://www.un.org/en/universal-declaration-human-rights/index.html>

Attachment Two: ALIA Statement on online content regulation

ALIA objects addressed

To promote the free flow of information and ideas in the interest of all Australians and a thriving culture, economy and democracy.

Principle

Freedom can be protected in a democratic society only if its citizens have unrestricted access to information and ideas.

Statement

Libraries and information services facilitate and promote public access to the widest variety of information, reflecting the plurality and diversity of society. The selection and availability of library materials and services, including online content and services, is governed by professional considerations and not by political, moral and religious views.

Libraries and information services support the right of all users to unhindered access to information of their choice regardless of format. Access to electronic information resources should not be restricted except as required by law and this basic right should not be eroded in the development of regulatory measures for online information.

Users are assisted with the necessary skills and a suitable environment in which to use their chosen information sources and services freely and confidently. Each user's right to privacy and confidentiality is protected with respect to information sought or received and resources consulted.

In addition to the many valuable resources available on the internet, some are incorrect, misleading and may be offensive. Libraries and information services proactively promote and facilitate responsible access to quality networked information for all their users, including children and young people. They enable library users to learn to use the internet and electronic information efficiently and effectively.

Adopted: 1997 Amended: 2001, 2002

Source: <https://www.alia.org.au/about-alia/policies-standards-and-guidelines/alia-online-content-regulation>

Related documents

ALIA Statement on Free Access to Information

<https://www.alia.org.au/about-alia/policies-standards-and-guidelines/statement-free-access-information>

Attachment Three: Relevant legislation

Privacy and Personal Information Protection Act 1998 (NSW)

8 Collection of personal information for lawful purposes

- (1) A public sector agency must not collect personal information unless:
- (a) the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and
 - (b) the collection of the information is reasonably necessary for that purpose.
- (2) A public sector agency must not collect personal information by any unlawful means.

Library Regulation 2018 (NSW)

17 Library users may be directed to leave

- (1) A library staff member may direct any person to leave the library and not to re-enter the library for such period as the staff member directs, if the staff member is of the opinion that:
- (a) the person has contravened any provision of this Part, or
 - (b) the person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.
- (2) A person to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: 2 penalty units.

- (3) The period for which a person may be excluded from the library by such a direction must not exceed the maximum period determined by the governing body of the library.

Copyright Act 1968 (Commonwealth)

39A Infringing copies made on machines installed in libraries and archives

Where:

- (a) a person makes an infringing copy of, or of part of, a work on a machine (including a computer), being a machine installed by or with the approval of the body administering a library or archives on the premises of the library or archives, or outside those premises for the convenience of persons using the library or archives; and
- (b) there is affixed to, or in close proximity to, the machine, in a place readily visible to persons using the machine, a notice of the prescribed dimensions and in accordance with the prescribed form;

neither the body administering the library or archives nor the officer in charge of the library or archives shall be taken to have authorized the making of the infringing copy by reason only that the copy was made on that machine.

Document History and Version Control Table

Version number	Date approved	Approved by	Brief description
0.1	24 June 2011	A/Director Public Library and Community Learning Services	Draft distributed for stakeholder consultation
1.0	2 August 2011	Manager, Funding and Advisory Services	To Crown Solicitor for advice.
1.1	12 September 2011	Public Libraries Consultative Committee	Incorporates Crown Solicitor advice.
1.2	Endorsed 12 September 2011, updated 2019 in line with changes in legislation	Public Libraries Consultative Committee	Incorporates Library Regulation 2018 and IFLA Guidelines on Public Internet Access in Libraries