

# What Can Go Wrong When You Offer Public Internet Access

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By providing public internet access, a business owner may find that he or she is responsible for activity conducted by patrons who use that access. While this area of law is still very much unsettled, a business owner may be held to known tort standards, under which the business owner must take reasonable steps to either warn an individual of potential harms resulting from the internet use, or identify any individuals engaging in illegal conduct while using the internet access.

There are different types of conduct that a business owner should be concerned with when providing public internet access:

- **Illegal activity**- A patron conducting illegal activity using provided public internet access is a business owner's primary concern. A public access point can provide a layer of anonymity that is attractive to those seeking to engage in illegal activity on the internet. Without restrictions, a patron can easily access child pornography, purchase controlled substances, or conduct myriad other illegal activities. While the illegal activity can be traced by the authorities, the business owner may have to explain away the illegal activity or, in the least, identify the perpetrator
- **Infringement** - A patron can also purchase counterfeit goods or access unauthorized copyright content when using public internet access. If a patron downloads music or films without permission, that download may constitute copyright infringement and, as a result, the business owner may be liable for the infringement. While available technology can identify the illegal download, the software usually only identifies the Internet Service Provider used to conduct the illegal download. Consequently, it is important for any business owner to more particularly identify who is using their internet access.
- **Privacy** - A patron using unprotected public internet access is open to a range of attacks designed to obtain the patron's personally identifiable information, such as the patron's address, credit card numbers, or other potentially damaging private data. The business owner may be liable for damages resulting from personally identifiable information stolen while the patron used the provided public internet access, and should warn patrons of these potential dangers.

As a result, a business owner should consider the following recommendations when providing internet access to patrons:

The business owner should draft and adopt a public internet access policy that all users must read and acknowledge, such as via a splash page;

- The business owner should use an agreement and disclaimer that discloses terms and conditions of use, which would including prohibitions and authorizations of use;

- The business owner should consider using a controlled sign-in or password access system; and
- The business owner should consider using filtering programs which block access to sites known to promote illegal activity.

While providing internet access may attract patrons, it is important to recognize the potential dangers in doing so. With proper preparation, a business owner can feel confident that provided public internet access is safe for patrons and does not expose the business to liability.

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