VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2022-29

APPROVING A USE POLICY FOR MUNICIPAL BROADBAND (KNOWN AS SPRINGS-NET) FOR THE VILLAGE OF YELLOW SPRINGS

WHEREAS, Village Council previously adopted Resolution 2020-47 and Resolution 2021-34 committing to the provision of municipal broadband service in Yellow Springs, partnering with Springs-Net, the Miami Valley Educational Computer Association,, Yellow Springs Exempted Village Schools, and the Yellow Springs Community Foundation, to pursue grants from Broadband Ohio to extend additional wireless and fiber services; and

WHEREAS, the Village's establishment of a community-wide utility for municipal broadband was accomplished through Ordinance 2021-24, which included provision for development of additional policies pursuant to Village Codified Ordinance Section 1043.01(C),

WHEREAS, it is widely acknowledged that there is the potential for Broadband networks to be mis-used as a surveillance technology; and,

WHEREAS, Village of Yellow Springs Codified Ordinance Section 607.04 requires Council, before approval of any request to fund, acquire or use surveillance technology, to determine that the benefits of the technology outweigh its costs, and that the proposal properly safeguards civil liberties, privacy rights, and civil rights, and that the proposed uses and deployments of the surveillance technology will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or group; and

WHEREAS, The Use Policy providing user privacy and net neutrality in the operation of the Village of Yellow Springs Municipal Broadband Network referenced here as "Springs-Net" properly safeguards civil liberties, privacy rights, and civil rights in that the proposed uses and deployment of Springs-Net will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or group, and in that the benefits of Springs-Net are projected to outweigh its costs,

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY ORDAINS THAT:

Section 1. All formal actions related to this Ordinance were conducted in public meetings in compliance with Section 121.22 of the Ohio Revised Code and Chapter 607 of the Village Codified Ordinances, including by making the Policy publicly available prior to the public hearing on this Ordinance.

Section 2. The Municipal Broadband Policies Use and Privacy and Net-Neutrality Policies for the Municipal Broadband Network referenced here as "Springs-Net" are approved as attached and incorporated in Exhibit A.

_____
Brian Housh, President of Council

Passed: 8-15-2022

Attest: _____
        Judy Kintner, Clerk of Council

ROLL CALL:
        Brian Housh _Y___   Marianne MacQueen __Y__   Kevin Stokes _Y_

            Carmen Brown __Y_   Gavin Devore-Leonard _Y_

Village of Yellow Springs Use Policy Providing User Privacy and Net Neutrality in the Operation of Springs-Net

Purpose: Springs-Net is a municipally owned fiber optic broadband utility. Its purpose is to allow Yellow Springs residents to connect to the Internet at fast speeds. Subscribers will use Springs-Net much as they would a commercial broadband service.

Because some telecommunications companies have, in the past, allowed government surveillance of the data passing over their networks without requiring a court order or search warrant, and because many of those companies use or market customer data for commercial purposes, the Village of Yellow Springs is hereby adopting a privacy and net neutrality policy for Springs-Net to assure users of Springs-Net that such practices will not be used by Springs-Net. The adoption of these policies pursuant to Chapter 607 guarantees citizens that the policies will be in effect and will not be changed without public notice and a hearing. The policies are appended here. Any contractor employed by Springs-Net to build or operate any portion of the network will be required to abide by these policies.

Authorized use: The only authorized use for Springs-Net is as a network to connect subscribers to the Internet to allow them to send and receive data over the Internet. The village is authorized to collect only the data necessary for the management of that network subject to the specific limitations in the policies adopted.

Adverse impact safeguards: The privacy policy provides that Springs-Net will not inspect the traffic over its network and will protect the privacy of users on the network. It will collect and retain only the user account information needed for internal service support and billing and will only log other information needed for networking and support issues. All such information is considered private will not be shared for marketing nor will it be resold, and all logged data will be deleted at regular intervals. The net neutrality statement provides that Springs-Net will treat all data on its network equally and not give preferential treatment to any traffic.

User information will be kept private and only be shared with other entities as legally required by subpoena, court order, or other legal process. Any such request will be reviewed by counsel to validate relevance and validity.

Data collection and review: For networking and support issues Springs-Net will log information only necessary to manage the network and provide needed support services.

Data retention. Data collected as part of the operation of Springs-Net will be deleted at regular intervals.

Data sharing: Springs-Net does not share account information or data related to network capacity and performance with any third parties. Springs-Net will only share consumer data with other entities as legally required by a subpoena, court order, or other legal process to comply with local, state, or federal law.

Oversight: The village manager is responsible for ensuring that the protections in the privacy policy and net neutrality policy are followed by Springs-Net and any contractors.

Citizen concerns: Any concerns about the operation of Springs-Net or compliance with the privacy or net neutrality policy should be sent to support@yso.com.

I.   Net Neutrality and Privacy Policies

The Net Neutrality and Privacy policies have been adopted pursuant to Chapter 607 of the Codified Ordinances of Yellow Springs and may only be amended pursuant to the procedures and requirements of that Chapter.

NET NEUTRALITY POLICY:

Springs-Net is dedicated to providing and defending a private Internet experience for all our users. Springs-Net treats all bandwidth on its network equally and does not give preferential treatment to any traffic based on the type, origin, or

destination. Moreover, we do not inspect the traffic and believe that users on our network are entitled to a private interaction with the Internet. Any contractor employed by Springs-Net to operate any part of the Springs-Net network is required to abide by this policy. Springs-Net does actively monitor capacity and other metrics related to network performance to ensure that all users have the best possible experience. Springs-Net will continue to invest in its network to meet the customers' needs for internet speeds, capacity, and services.

PRIVACY POLICY:

Springs-Net collects and retains user account information (such as name, address, email address, etc.) for internal service, support, and billing. For networking and support issues Springs-Net also logs other information (such as mac address, DHCP lease information) but deletes these logs at regular intervals. All this information is considered private. Springs-Net does not share consumer information for marketing purposes, nor do we resell it to third parties. Any contractor employed by Springs-Net to operate any part of the Springs-Net network is required to abide by this policy.

This information will only be used and shared as necessary to:

- Render, or conduct a legitimate business activity related to, Springs-Net services and service features or other services provided to the subscriber;

- Install, configure, operate, provide, support, and maintain Springs-Net services;

- Confirm that you are receiving Springs-Net services as requested and are properly billed for it;

- Identify you when changes are made to your account;

- Make you aware of Springs-Net equipment or services;

- Understand the use of, and identify improvements to, our service;
- Detect unauthorized use or abuse of Springs-Net services;

- Manage Springs-Net services network;

- Configure network interface devices such as routers, ONT's or other service-related devices; and;

- To comply with Local, State or Federal law.

User information will only be shared with other entities as legally required by a subpoena, court order or other legal process. Any such requests will be reviewed by our counsel to validate relevance and validity.

Changes to Privacy and Net Neutrality Policies:

We reserve the right to change the terms of this Privacy Policy and this Net Neutrality Policy. Any such changes will only be made pursuant to Chapter 607 of the Codified Ordinances of Yellow Springs which requires that the Village Council approve such changes after a public hearing. All changes will be effective upon approval and will be posted on this page.

Contacting us about privacy or net-neutrality questions or concerns:

If you have any questions about this Privacy Policy or this Net Neutrality Policy, please email mailto:info@yso.com and note "Springs-Net Privacy/Net Neutrality" in the subject line.