



LEGAL DEPARTMENT
LESBIAN GAY
BISEXUAL
TRANSGENDER &
AIDS PROJECT



October 25, 2011

Via First Class and Electronic Mail

Mr. Peter Marin
iBoss Web Filters
Phantom Technologies, Inc.
9950 Summers Ridge Road, Suite 160
San Diego, CA 92121

Dear Mr. Marin:

As part of our “Don’t Filter Me” campaign, the American Civil Liberties Union (“ACLU”) has been working with software companies to ensure that web-filtering software on government computers does not improperly block access to educational information and resources about sexual orientation, gender identity, and the legal rights of lesbian, gay, bisexual, and transgender (“LGBT”) people. We appreciate iBoss’s statements in support of the “Don’t Filter Me” campaign, and iBoss’s commitment to providing viewpoint-neutral filtering software.¹ In light of that common goal, we write on behalf of the ACLU LGBT Project and the ACLU of Maryland, to ask for your help in ensuring that iBoss software does not improperly block access to LGBT websites.

In mid-October, the ACLU received a complaint that Montgomery County, Maryland, which uses iBoss filtering software on all of its government computers, was improperly blocking access to a wide variety of LGBT-related websites by falsely labeling them as pornography. The County promptly sought to rectify this problem, by unblocking specific sites that were called to its attention as being improperly blocked. According to an October 19, 2011 article in the Montgomery County Gazette,² iBoss also is taking steps to update its software to make the filtering less aggressive. According to statements attributed to you in the article, calibrating the right level of filtering “is a constant adjustment.”

We appreciate the steps iBoss has already taken to address this important issue. Unfortunately, it appears that even after the most recent adjustments, several innocuous LGBT-related websites continue to be blocked, including:

¹ See Press Release: iBoss Web Filters Support ACLU’s Free Speech Guidelines (Sept. 1, 2010), available online at <http://www.iboss.com/docs/pressReleases/2011-09-01FreeSpeech.pdf>.

² “Montgomery Blocks Gay, Lesbian Websites”, available online at: <http://www.gazette.net/article/20111019/NEWS/710199594/1124/1124/montgomery-blocks-gay-lesbian-websites&template=gazette>.

- Evangelicals Concerned (ecwr.org),
- Families Like Ours (familieslikeours.org),
- Freedom to Marry (freedomtomarry.org),
- Lesbian Health & Research Center (lesbianhealthinfo.org),
- Marriage Equality USA (marriageequality.org),
- Pride At Work Action Center (prideatwork.org), and
- Servicemembers Legal Defense Network (sldn.org).

We would appreciate an opportunity to discuss additional adjustments that iBoss could make to its algorithms for identifying sexually explicit websites to ensure that these and similar organizations are not improperly blocked as pornography.

In light of iBoss's commitment to protecting free speech, we anticipate that iBoss will move quickly to stop the unnecessary censorship of non-sexual LGBT websites. Your company should be aware, however, that a failure to fix this problem could jeopardize iBoss's ability to continue doing business with governmental entities covered by state or local nondiscrimination laws that prohibit discrimination on the basis of sexual orientation or gender identity, as is Montgomery County.³ Moreover, aside from their legal obligations, many governments and private entities value principles of nondiscrimination and free speech, and will select filtering software that is consistent with those values instead of one that has been reported to improperly block LGBT-related content.

Thank you for your attention to this important issue. We appreciate iBoss's commitment to fix this problem, and we look forward to working together with you to ensure that iBoss does not block important LGBT-related information and resources. Please feel free to contact us at your earliest convenience.

³Maryland law bars discrimination based on sexual orientation both in employment, Md. Code Ann., State Gov't Art. § 20-606, and in public accommodations, Md. Code Ann., State Gov't Art., §20-304. Montgomery County likewise has strong antidiscrimination laws embodied in its County Code, barring discrimination based either on sexual orientation or gender identity. *See* Art. 27, Montgomery County Code, available online at: http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:montgomeryco_md_mc.

Sincerely,



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