

## EDITORIAL POLICY GUIDANCE NOTE USER CONTRIBUTIONS IN NEWS OUTPUT

(Last updated: October 2010)

### EDITORIAL GUIDELINES ISSUES

*This guidance note should be considered in conjunction with the following BBC Editorial Guidelines:*

- Accuracy  
See Editorial Guidelines Section 3: Accuracy
- Privacy  
See Editorial Guidelines Section 7 Privacy: Personal Information
- The Law  
See Editorial Guidelines Section 18 The Law: Data Protection

*This guidance note covers use of content sent to the BBC for inclusion in news output. For advice on using images from third party sites see the Guidance Note on Use of Pictures from Social Media and Third Party Websites.*

### SUMMARY OF MAIN POINTS

- It is vital that we do not encourage our audiences to risk their personal safety or that of others, in order to gather material for submission to the BBC.
- Consideration should be given to whether identifying a contributor could put them at risk. In some instances it may put lives in danger if a contributor's identity is revealed.
- We should not encourage people to break the law to supply us with material.

- If we become aware of any incident of suspected “grooming” online, we must refer it promptly to the CBBC Interactive Executive Management Team (or, for Commercial Services, to the relevant editorial leader) who will report it to the appropriate authorities.
- We must be particularly careful about the amount of information we disclose about children and young people, in order not to put them at risk.
- Privacy decisions over which images to use on air or online will be governed by the same editorial principles as those we employ with our own footage.
- For newsgathering and breaking news, we will use our usual editorial judgement to decide whether further consents may be needed in order to publish this material. We would normally expect to have the consent of a parent or guardian before using interviews or close up /clearly identifiable shots of a person under 16.
- We should not automatically assume that the material is accurate and should take reasonable steps where necessary to seek verification.
- We should ensure that material from members of the public is clearly labelled, so that our audiences know it has not come from the BBC or another news organisation.
- All requests for transmitted material in connection with court proceedings, or other procedures which may regard the material as evidence must be referred to Programme Legal Advice and Editorial Policy.
- All requests from third parties for access to unused material, should normally be referred to Director Editorial Policy and Standards. In addition all requests for untransmitted or otherwise unused material, including notes, by the police and/or in connection with court proceedings, possible court proceedings or other procedures which may regard the material as evidence must be referred to Programme Legal Advice and Director, Editorial Policy and Standards.
- If requests for material, made by the police or other state authorities or on behalf of any party to civil litigation, make reference to any laws, the matter should be passed on to Litigation and Director Editorial Policy and Standards.

## **GUIDANCE IN FULL**

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## Introduction

This guidance has been drawn up by BBC News, Nations & Regions, FMT and Editorial Policy, and is intended for newsgathering teams who receive or request photographs, video or audio from members of the public.

It is designed to be used in conjunction with our external advice "Your news, your pictures" (see [here](#)) for members of the public who wish to submit images and videos to the BBC.

The guidance applies to content supplied to the BBC via mobile devices as well as content submitted online, through social media sites or through the post e.g. video cassettes.

Our audiences have provided invaluable material in the immediate aftermath of very important news events. The BBC encourages this relationship with the audience and greatly values the role the general public can play in our coverage. Participants to events can tell us their stories, giving us different slants than those given from journalists' perspectives.

Sometimes the BBC asks a member of the public who has already sent a contribution to the BBC, to send us more material if they come across it in the course of their normal activity. It should be clear to the contributor that we are not asking them to do something for us that they wouldn't be doing anyway.

This guidance should act as a checklist for staff to ensure that all third party contributions are subject to appropriate editorial scrutiny, that requests for contributions are made responsibly and that where relevant we have obtained appropriate consents.

## Safety of Contributors

It is vital that we do not encourage our audiences to risk their personal safety or that of others, in order to gather material for submission to the BBC.

Requests for user contributions should be appropriate to the nature of the story. We need to consider when to tell people that they should not risk their safety to supply us with images or recordings. This may be when we request material from members of the public or where we are likely to receive it anyway and there is likely to be a safety issue, for example a bomb blast, fire, other natural disaster or sensitive or violent story. This safety issue could be addressed by reminders from presenters at relevant intervals or on astons or online. We should also include this information in any relevant external communications. It may be appropriate to remind the public that we do not expect them to breach police or emergency service lines, and that if we believe that they have done so, we will not use their contribution.

Particular care should be taken to re-emphasise that personal safety should not be put at risk when requesting further eyewitness updates or longer form content, such as a video diary.

Consideration should also be given to whether identifying a contributor could put them at risk. In some instances it may put lives in danger if a contributor's identity is revealed. There may be some countries where even contacting contributors could put them at risk.

## Breaking the Law

We should not encourage people to break the law to supply us with material, for example by trespassing on private property. Where necessary, we may need to remind contributors that we may not publish material if we believe that laws have been breached in gathering it. Ex-UK, there may be some exceptional circumstances where it may be technically illegal to supply mobile pictures of public events to news organisation. Such cases should be referred to a senior editorial figure who may consult Programme Legal Advice and Editorial Policy.

## Children and young people

We should not routinely ask children to act as regular newsgatherers for the BBC. However on occasion we may ask them to submit creative material for competitions or digital storytelling projects, such as the Newsround Presspacker's Club or BBC School Report, which are intended for children.

Before making a specific request for children to send in material relating to a current news story, any proposal should first be referred to a senior editorial figure in the relevant division, who may consult Editorial Policy (this includes programming which is specifically aimed at children e.g. Newsround).

Where a current news story is likely to appeal to teenagers and young people, and they are likely to submit material, we should take special care about their safety. In these circumstances, we may need to remind people to be careful about their safety and the safety of others and not to cross police/emergency services lines.

If you become aware of any incident of suspected "grooming" online, you must refer it promptly to the CBBC Interactive Executive Management Team (or, for Commercial Services, to the relevant editorial leader), who will report it to the appropriate authorities. The team can be contacted via the internal BBC global address as *CBBC Interactive Executive Management Team*. Independents should inform their BBC Commissioning Editor and can contact the CBBC Interactive Executive Management Team.

There is detailed advice about suspected "grooming" online and how to escalate it in the *Guidance Note on Interacting with Children and Young People Online*.

(See Guidance: Interacting with Children and Young People Online)

We must be particularly careful about the amount of information we disclose about children and young people, in order not to put them at risk. How they are identified in our content requires careful consideration and will vary according to context.

The Editorial Guidelines Section on Children and Young People as Contributors states the need to be careful to avoid the 'jigsaw effect', i.e. revealing several pieces of information in words or images that can be pieced together to readily identify where the child may be found.

(See Editorial Guidelines Section 9: Children and Young People as Contributors)

## Privacy

Decisions over which stills, video and audio to use on air or online will be governed by the same editorial principles as those we employ with our own stills, video and audio. If we feel that a picture or video has breached someone's privacy or if it is clear they did not wish their image to be captured, we may decide it is either not appropriate to use the material or we may take steps to protect the subject's identity. The BBC's advice to members of the public includes a reminder that we ask them to respect the right to privacy of others, particularly of children and vulnerable adults, when gathering material that they intend to submit to the BBC.

We should make it clear to people how we intend to use their personal information, including information such as their email addresses. We must handle personal data in accordance with the guidelines issued by Information Policy and Compliance, for example in the manner and length of time that information is stored and subsequently disposed of. At all times we must be compliant with the BBC's Privacy policy (see [here](#))

## Consent from contributors

With the shrinking size and growing sophistication of digital cameras and cameras and audio recording equipment on mobile devices, there may be many occasions where people will not realise they are being filmed, photographed or recorded. Even if they do, they may not realise that images of them may be submitted for broadcast locally, nationally or even globally. They will therefore not always have an opportunity to ask whoever is recording to stop.

### *Consent: newsgathering and breaking news*

Clearly many of the images and material we receive will not come with any documented form of consent from the subjects, particularly if they are taken as dramatic events unfold. We will use our usual editorial judgement to decide whether further consents may be needed in order to publish this material.

For example you may wish to ask the following questions:

- Does this feature someone in great distress?
- Does the material show clearly identifiable children?
- Where has the material been taken, e.g. in a public place such as a shopping centre or in their doorway?

- Does it show a clearly identified individual having medical treatment?
- Does it show or feature activity which appears to be criminal or seriously anti-social?
- Is anyone asking for filming to stop?

*Consent: longer form content*

Where we are asking members of the public for a longer piece of content, for example a photo essay, video diary, or a series of eyewitness updates, we would normally ask them to get permission from anyone who is clearly identified as a main contributor.

With video and audio, verifiable proof of consent can often be achieved unobtrusively by advising our contributors to record the consent from people they feature. This could be as simple as asking contributors to record a few words from their subject such as "this is for BBC News", which is easily edited out by us; this shows that the subject realises the contribution is likely to be submitted for broadcasting. This device has been used successfully in Entertainment and Children's programming.

*Consent: newsgathering, children and young people*

We would normally expect to have the consent of a parent or guardian before using interviews or close up /clearly identifiable shots of anyone under 16; particularly if the image shows potentially distressing or alarming circumstances. The younger and more vulnerable the child, and the more sensitive the subject matter, the more likely it is that consent is essential; examples would include where children are expressing views on matters of public controversy, or when the subject is anti-social behaviour.

An exception may be made where a contributor records vox pops with children on non controversial subjects such as pocket money or pop singers. We should also ensure, where the child is mature enough to give informed consent, that we have the child's consent to take part. Even where we have all relevant consents we must still consider if it is in the child's best interests to be featured before we decide to transmit the material.

(See Editorial Guidelines Section 9: Children and Young People as Contributors)

**Permission to use the content**

It is not always the case that the person sending the content has created it. We should take reasonable steps to ensure permission has been obtained

from the owner of the copyright (even though the Terms and Conditions require the contributor to own the copyright.)

Journalists should also be aware that, for example, a contributor may have filmed material that has third party copyright in it, such as a musical performance or artworks. Further advice can be obtained from the copyright lawyers in Litigation and Intellectual Property.

## Checking the facts

Material provided by eyewitnesses can strengthen our coverage greatly, provided we take sensible precautions.

Our starting point is that we should aim to apply the same approach to pictures, audio and video supplied by members of the public, as we do to any other material we handle as journalists.

We should not automatically assume that the material is accurate and should take reasonable steps where necessary to seek verification. As digital manipulation tools become more accessible, we also need to be on our guard against photo manipulation and hoaxing.

We aim to achieve accuracy by

- the accurate gathering of material using first hand sources wherever possible
- checking and cross checking the facts
- validating the authenticity of documentary evidence and digital material
- corroborating claims and allegations made by contributors wherever possible

Simple, common sense procedures can also help alert to what may be a hoax. For example, checking that the weather on a piece of video matches the weather at the time of the incident it purports to show. (e.g. it is not snowing in midsummer.)

In most cases, material will not be put directly on air or online. We should ensure we have adequate resources to check material for accuracy, appropriate consents etc before it is broadcast or published. However in some cases of breaking news, there may be a very tight turnaround between receiving and viewing material and broadcasting it.



Special care must be taken if we suspect that material has been supplied by a member of a lobby group or organisation with a vested interest in the story, rather than a disinterested bystander.

Material sent into yourpics@bbc.co.uk is seen by the UGC hub journalists, verified and then distributed around News. Pictures and video should not be taken unverified from the UGC hub by any journalist without them having consulted with a senior editorial figure. This guidance applies to all BBC journalists.

Some audio may not go through the hub, particularly if it has been sent directly to individual programmes or radio stations. It is very important that the required checks are carried out (see bullet points above). Once the material has been broadcast, it may be appropriate to offer this around the network via traffic/ GNS. However this should not be done without consultation with a senior editorial figure. Care should be taken to ensure that the member of the public who has submitted the content understands it may have wider distribution.

When content is sent to the BBC via social media, such as a personal Facebook or Twitter account, particular care should be taken to ascertain that the contributor is who they say they are. For example, there have been hoaxes where people have posed as celebrities on Twitter. Posts may also have been changed by someone else. It is also important to check that the person sending the content has created it. Remember to take reasonable steps to ensure permission has been obtained from the owner of the copyright.

Advice on the various ways to verify user contributions can be sought from the Social Media Editor and Assistant Editor of the UGC hub of BBC News.

## Transparency

We should ensure that user contributions are clearly identified as such, with material from members of the public clearly labelled, so that our audiences know it has not come from the BBC or another news organisation. Material from third party organisations such as lobby groups etc. must be labelled to ensure the audience understands its provenance. It is good editorial practice, particularly when material has come from countries with reporting restrictions, to tell the audience clearly what the BBC knows and does not know about the content, what it purports to show and its provenance.

## Description of commentators

Some commentators describe members of the public who send in video, audio or still contributions as "citizen journalists". This may not necessarily

be helpful because these contributors are not professional journalists. Most do not feel comfortable describing themselves as such. In particular, we should discourage people from referring to themselves as "BBC journalists" or as "working for BBC News" or "gathering material for BBC News". This could lead to confusion in the field and could expose them and our own crews to additional risks.

It may be preferable to use the term "citizen-newsgathering" and describe the content as "audience material".

(See also *Safety of Contributors*: consideration should be given to whether identifying a contributor could put them at risk. In some instances it may put lives in danger if a contributor's identity is revealed. There may be some countries where even contacting contributors could put them at risk.)

### **Requests from third parties for personal details**

Personal information such as email addresses will often appear as a matter of course on material that we hold.

We may receive requests for personal information about the person who has submitted the material.

Under the Data Protection Act, we should not generally pass on details to a third party without consent. However we can go back to the person concerned and tell them someone wants to contact them - particularly if it is another broadcaster.

Before offering third parties access to this material (for example via a viewing at BBC premises) we should consider whether it is possible to remove or screen out personal information.

Any proposal to give a contributor's personal details, comments or other personal information to a third party without the contributor's consent should be referred to a senior editorial figure, or for independents to the Commissioning Editor, who may wish to consult Information Policy and Compliance and Programme Legal Advice.

We would not normally hand over personal details unless required by law to do so; however, in some limited cases, we may consider whether it would be appropriate to contact the contributor to inform them that the police may wish to contact them. This could be, for example, where someone has sent us in material which they clearly wish to be used to highlight serious anti social behaviour.

The BBC Privacy Policy notifies our audience that, in certain circumstances, we may be required by law to hand over personal information.

## Requests from third parties for transmitted and untransmitted material

We may receive requests, from third parties such as the police, to hand over material which has been submitted by our audiences. This may be likely if the images appear to record a criminal act, or feature public disorder such as a siege, an assault, or a demonstration. If the material itself has been broadcast or published on our websites then we should treat it in the same way as our own transmitted material.

(See Editorial Guidelines Section 13 Re-use and Re-versioning)

All requests for transmitted material in connection with court proceedings, or other procedures which may regard the material as evidence (such as disciplinary hearings by regulatory bodies), must be referred to Programme Legal Advice and Editorial Policy.

Requests from third parties for access to unused material, such as notes, unedited video ("rushes") or audio recordings, should normally be referred to Director Editorial Policy and Standards. In addition all requests for untransmitted or otherwise unused material, including notes, by the police and/or in connection with court proceedings, possible court proceedings or other procedures which may regard the material as evidence (such as disciplinary hearings by regulatory bodies) must be referred to Programme Legal Advice and Director Editorial Policy and Standards.

### Legal advice

Requests for material may cite different laws. If requests, made by the police or other state authorities or on behalf of any party to civil litigation, make reference to any laws including the following, the matter should be passed on to Litigation and Director, Editorial Policy and Standards.

### PACE

Material can be ordered to be disclosed where it is likely to be of substantial value and relevant evidence. The police must also have tried other methods of obtaining the material (unless they would be bound to fail) and disclosure must be in the public interest. The Police must give the BBC notice of any application and the BBC can make representations in opposition.

### TERRORISM ACT

Material can be ordered to be disclosed where it is likely to be of substantial value. It does not have to be relevant evidence - and so could include information which merely assists the investigation. Disclosure must be in the public interest. The Police do not have to give the BBC notice of any application.

#### SERIOUS ORGANISED CRIME AND POLICE ACT

Material can be ordered to be disclosed where it is likely to be of substantial value to the investigation of certain financial offences. It does not have to be relevant evidence – and so could include information which merely assists the investigation. There is no public interest test and the authorities do not have to give the BBC notice of any application.

#### WITNESS SUMMONSES

Parties to criminal prosecution (Crown or Defendant) can apply for a witness summons to compel the production of material that is likely to be material evidence. It needs to be in the interests of justice to issue the summons. Notice of any application has to be given.

#### PROCEEDS OF CRIME ACT

Material and information can be ordered to be disclosed in connection with money laundering investigations, confiscation investigations and civil recovery investigations. There are various criteria that need to met, including reasonable grounds for believing that the material or information sought is likely to be of substantial value to the investigation and that there are reasonable grounds for believing disclosure is in the public interest. An application may be made without notice in certain circumstances but if this happens the BBC can apply to discharge any order made.

#### CIVIL PROCEDURE RULES

Parties to civil proceedings can apply for disclosure orders to compel the production of documents that are material to a case. It needs to be shown that such disclosure is necessary, proportionate and likely to benefit one of the parties to the case. The BBC has to be given notice of an application.

#### Payment for material/copyright

We only pay in exceptional circumstances for material supplied by members of the public. Material is submitted to the BBC under published terms and conditions (see [here](#)).

These give us a free, non-exclusive licence to publish on any platform, and the person who took the footage/pictures retains copyright. However, on very rare occasions where material is particularly editorially important or unique and depicts something of great significance, we may consider making an appropriate payment. In Newsgathering, journalists should consult their senior editor, before entering any negotiations on payments; in English Regions referral should be made to HRLPs and through Heads of News and Current Affairs in the Nations.

Audiences should not be encouraged to think that payment is the norm, or in any way encouraged to take risks, put themselves in danger or break any laws in order to secure what they perceive to be material of high monetary value.

In return for payment we may negotiate an assignment of copyright or exclusive rights – but bear in mind that material other than photographs may be copied and used by other news organisations under “fair dealing”.

Bear in mind also that under the standard terms the person sending in material generally retains the copyright, so they are free to give or sell their material to others. They may go on to agree an exclusive deal with another outlet, which would in effect terminate their licence to the BBC, and we would not be able to reuse the image, video or audio. We would not have to delete the archive though.