

Editorial Policy



Guidance Note

User Generated Content (Video, audio and stills contributions from members of the public in BBC News output)

This guidance note should be read in conjunction with BBC Editorial Guidelines (www.bbc.co.uk/editorialguidelines).

In cases of doubt, further assistance can be sought from the duty Editorial Policy Adviser by telephoning

All Guidance Notes can be found at edpol.gateway.bbc.co.uk/guidance_notes.shtml (BBC internal link) or www.bbc.co.uk/guidelines/editorialguidelines/advice/.

Introduction

This guidance has been drawn up by BBC News, Nations & Regions, New Media 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 (news.bbc.co.uk/1/hi/talking_point/2780295.stm) for members of the public who wish to submit images and videos to the BBC.

The guidance applies to content supplied via mobile devices as well as content submitted online 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 wants to encourage this relationship with the audience and greatly values the role the general public can play in our coverage. 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.

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, or fire. This safety issue could be addressed by reminders from presenters at relevant intervals or on air 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.

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.

Children and young people

see also CBBC advice (internal BBC link at home.gateway.bbc.co.uk/children/docs/audienceconnection/texts_mms.pdf)

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, digital storytelling projects, Blast, the Newsround Presspacker's Club etc. 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.

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. 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

Consent

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.

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?

Commissioning longer form content

Where we are effectively commissioning a longer piece of content, for example a photo essay or video diary, we would normally ask our contributors to get permission from anyone who is clearly identified as a main contributor- for example, it would not mean that you would expect everyone in a photograph of the entire school to have granted consent but you might wish to have the consent of the school.

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.

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 a child or young person; 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

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

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 from here outside the UGC hub hours of 7am-11pm 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. Once it has been broadcast, after the required checks have been carried out (see bullet points above), it may then 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.

Transparency

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. Material from third party organisations such as lobby groups etc. must be labelled to ensure the audience understands 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

Requests for transmitted and untransmitted material and personal details

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.

We may also 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. However we can go back to the person concerned and tell them someone wants to contact them – particularly if it is another broadcaster. (see also 8.2 below)

In addition, our standard terms of use should notify our audience that, in certain circumstances, we may be required by law to hand over material and in certain cases to divulge some personal details as well.

Requests for material

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 BBC Editorial Guidelines on Transmitted Material at www.bbc.co.uk/editorialguidelines/edguide/crime/requestsfortran.shtml).

Note: If the requests are in connection with court proceedings or pending or active complaints procedures they must be referred to Litigation who may also consult Controller Editorial Policy

If material has **not** been broadcast/published, **you must refer to Controller Editorial Policy**. In addition all requests made in connection with legal proceedings and investigations or pending or active complaint procedures **must be referred pre-transmission to Programme Legal Advice and post transmission to Litigation**.

Requests For Personal Information

Personal information such as email addresses will often appear as a matter of course on material that we hold. 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. The same referral procedure should be followed as for requests for material.

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.

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 onto Litigation and Controller Editorial Policy

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 be 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 such footage. Material is submitted to the BBC under published terms and conditions at [news.bbc.co.uk/1/hi/talking_point/2780295.stm#yourpics](https://www.bbc.co.uk/1/hi/talking_point/2780295.stm#yourpics)

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.