

College of Journalism

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Introducing the Public Interest



All journalism is claimed to be in the public interest - some of it actually is.

The Public Interest is one of the most elusive concepts in journalism. And yet, it's central to it.

At its most basic, the journalist's job in a democracy is to make available to the public the information it needs to conduct its business - political, commercial, social.

Of course, there isn't just one public in any society. There are many, each with different interests at different times. And we are all at different times present or active in different publics.

With different interests.

There's another problem, too, with the idea of the Public Interest. The dual meaning of the word 'interest'.

What's in the interest of a public may not interest it. Or may not interest it when it's in a position to do something about it.

So, knowledge of the deficiencies in bank regulation back in 2005 and 2006 was definitely in the Public Interest. But it was difficult to interest the public in it.

Some journalists tried - but their efforts were confined to the pages of specialist publications that even the specialists found it hard to be interested in the issue for very long.

The public was borrowing and spending at unprecedented levels; banks and finance houses were finding ever more innovative ways of bundling up debt to create new types of "asset" to fund yet more borrowing and spending.

Two years later, it all crashed and burned. "Why didn't you tell us what was happening?" was the cry of 2008 and 2009.

The truth is, we - journalists and audiences alike - were more 'interested' in other things while what became known as the 'credit crunch' was slowly developing into a matter of intense public interest.

Priorities

It's easy to be pompous about the Public Interest and take the high-minded puritanical stance that journalism should only be about what's

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Public Interest

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BBC Editorial Guidelines

truly significant - politics, economics, crime and so on.

And it's true that one of the most important tasks of journalism is to report the significant in a way that is relevant and timely. And interesting.

There's an obvious and direct relationship between the success of any commercial news organisation and its ability to attract and engage readers and viewers.

Each newspaper or news organisation will have different priorities, will interpret the Public Interest differently according to what it understands of its audience's interests and the interests of the wider public.

Justifications

The notion of Public Interest is an important one to journalism for another reason.

We justify activities, such as invasion of privacy, that are in themselves usually unjustifiable but which we carry out in the Public Interest.

Without that Public Interest, such activities and techniques would be simply deceptive and intrusive.

For the BBC, journalism in the Public Interest means reporting and providing information on matters of significance and relevance to a broad audiences. These include:

- Promoting accountability and transparency - gathering and presenting information to enable public scrutiny of government and those with authority or influence over audiences' lives
- Informing public debate - gathering, providing and testing information on key issues to help the public understand and debate decisions made on their behalf
- Preventing deception, fraud and corruption - providing audiences with the means to avert being misled by some statement or action, especially when public money is involved
- Crime and anti-social behaviour - exposing criminal or significant anti-social behaviour, particularly by public figures
- The world - reporting from parts of the world where there are conflicts, where issues of major significance (e.g. climate change, human rights) require understanding, or where the policies of the UK and its allies are having significant effects.

For newspapers in the UK, almost every clause of the Editors' Code has attached to it a 'public interest exception'. Though the code leaves undefined and unexplored the meaning of the phrase.

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Public Interest and Privacy



Journalism in the public interest will at times inevitably clash with the interests of private individuals.

The boundary between legitimate journalism and intrusion into the private life of individuals, and what might be justified in the public interest, has rarely been so much in the public eye or under a judge's scrutiny.

It's an issue of crucial importance, not just to journalism but to society generally.

Journalism of any depth should always insist on its right to go beyond boundaries defined by authority as impassable - and many of these have moved, or fallen.

In broad terms, these boundaries have tended to shrink over time - and there is constant pressure from journalists for them to shrink further. The defence we often use is 'the public interest'.

The BBC says in its Editorial Guidelines:

"We seek to report stories of significance. We will be vigorous in driving to the heart of the story and well informed when explaining it. Our specialist expertise will bring authority and analysis to the complex world in which we live. We will ask searching questions of those who hold public office and provide a comprehensive forum for public debate."

As BBC correspondent Allan Little makes clear in his video, so much of what BBC journalists seek to do in this area is bound up in the core values of trust, accuracy, fairness, impartiality and a respect for privacy.

BBC journalists' credibility depends on being seen as a trusted source and guide as well as concentrating journalistic and investigative attention on stories that matter to people's lives rather than those which may simply be intrusive.

Balance

The balance between public and private interest is always going to be a matter of judgment and every case is different. Many will have no right answer - or a balance that everyone will agree with.

The default position is that all individuals have a legitimate expectation of privacy. And this applies equally even to those who conduct some of their life in public.

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The fact that someone is a politician or celebrity doesn't automatically mean that journalists have the right to enquire into the education of their children, say, or march into their home demanding answers to questions.

The extent to which a life partly lived in public does make a person 'fair game' for the press is hotly debated. Different sections of the media take different views, especially with celebrities, who, it is argued, use the media for their own ends to promote their careers or pet concerns.

As far as BBC journalists are concerned, the expectation is that any intrusion into an individual's private life - generally without their consent - must be justified by demonstrating a clear public interest.

So, the BBC will generally report the private, legal behaviour of public figures only where broader public issues are raised by the behaviour itself or by the consequences of it becoming widely known.

The picture is often complicated by the fact that other sections of the media have published such stories - stories that wouldn't pass the BBC test. In some cases, such a story will gain such currency that BBC outlets cannot ignore its existence.

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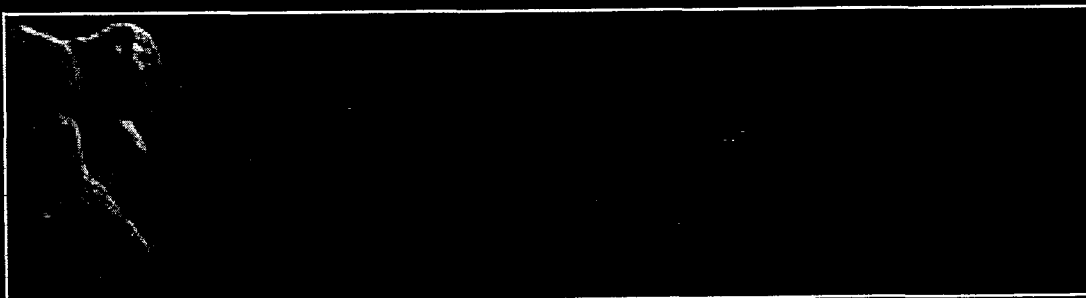


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The Public Interest and Privacy



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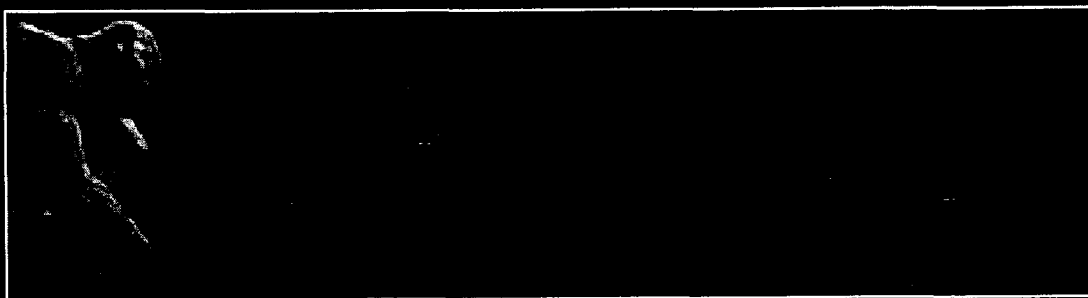
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The Public Interest and Privacy



On the following pages, you'll be presented with scenarios which test your understanding of the Public Interest in journalism.

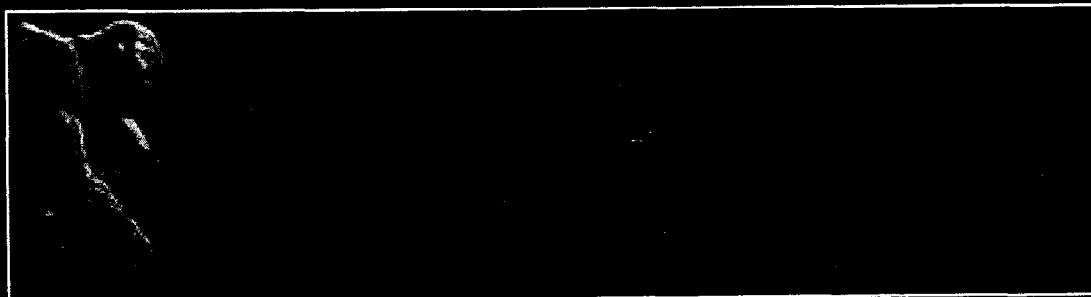
In some, there are clear answers in the sense that broadcasters such as the BBC and some newspapers have made explicit statements of policy on the issue in question.

In others, there may not be so clear an answer and it's up to you to explore the considerations around different courses of action.

The icons along the bottom of the screen may offer you information, advice (good and bad), or may prompt you to think about particular questions.



The Public Interest and Privacy



Your local MP is new to parliament. She is 38 years old, a former university lecturer and has two children - a son aged 19 and daughter aged 15.

She's separated from her husband who now lives abroad.

The weekend after she's elected, one of your video journalists is filming her in her kitchen - her daughter wanders into shot.

The MP calls you later and asks for an undertaking that you will 'never' use the shots of her daughter.

Do you agree to her request?

◀ Things to think about ▶

The Public Interest and Privacy

Close ▼

Things to think about

You are, of course, filming on private property and the MP's daughter is still a child.

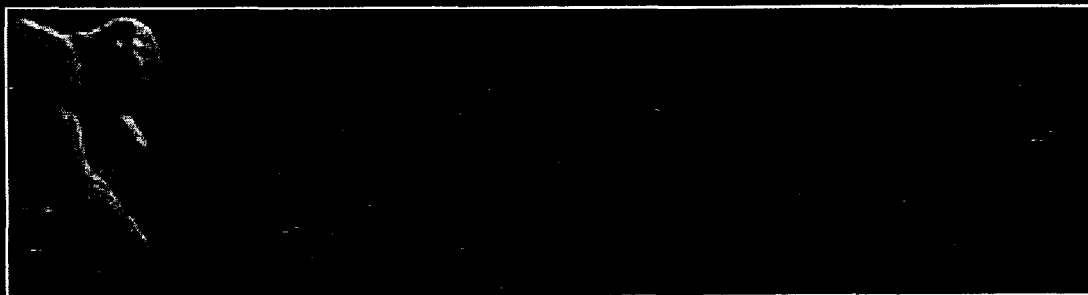
Is it significant that your VJ was invited into the home of the MP, who agreed to, indeed welcomed, the publicity?

Is the MP legally entitled to demand you do not show images of her daughter? For all time?

Would it be ethical to retain the video in the library in case the opportunity arose to use the pictures when the daughter was no longer a child or when there was a clear public interest in using them?

Things to think about

The Public Interest and Privacy



One of your MP's first speeches is on the local drug problem. Click 'Speech' for an extract.

You take a look at her son's Facebook page - he's currently at university. There's an interesting photo album on public view which shows him at a student party, dated a few weeks ago.


His behaviour is clearly 'exuberant' and close-ups show his eyes red and hooded - in one, he appears to be drawing on what looks like a joint.

Click on 'Questions' to consider the issues.

◀ [Speech](#)

[Questions](#) ▶

The Public Interest and Privacy

Close 

Questions

This is clearly an important speech - your MP's first foray while in office into drugs policy and parenting.

Is it in the public interest to use the Facebook image of her son?

Is it in the public interest not to use the Facebook image? In other words, would you be selling the public interest short by not revealing something significant and relevant in the light of her speech?

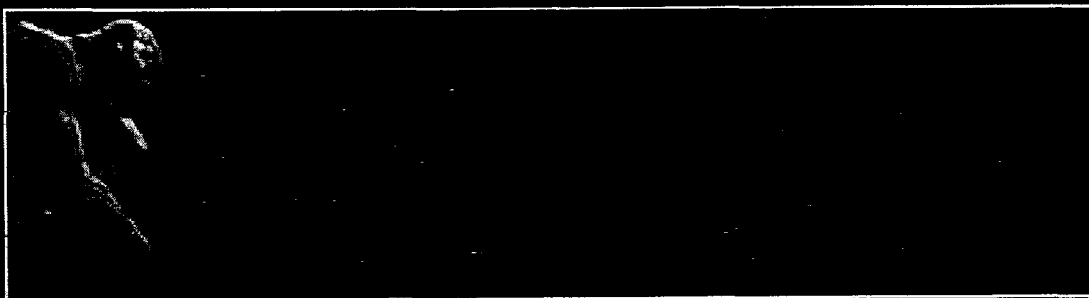
Whose privacy would be compromised if you were to use the Facebook image?

Thinking about the possible public interest defences - exposing wrongdoing, hypocrisy, deception, crime, threats to public health - which, if any, apply here?

Speech

Questions

The Public Interest and Privacy



You're uncomfortable using the pictures of the MP's son without informing him.

You're not looking for his consent - you either have a public interest defence or you don't. But you would like to make sure the images show what they appear to - especially confirmation that it is a joint he's smoking.

You call him. Click 'Conversation' for a short extract of what he said.

Click 'Questions' to consider some of the issues involved.

[Conversation](#)

[Questions](#)

The Public Interest and Privacy

Close 

Questions

Clearly, if you're going to use the photos, you need to think about how?

The MP's office denies that she has ever smoked cannabis at home and explicitly denies that either of her children has.

Is there a public interest in broadcasting or publishing the student's allegation and his mother's denial?

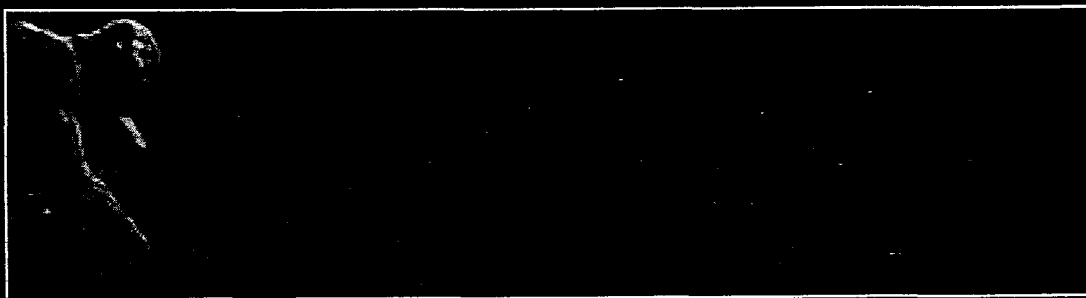
What are the grounds for a possible public interest defence? What are the counter arguments?

Do you wish to revisit the discussion on images of the 15-year-old daughter?

Conversation

Questions

The Public Interest and Privacy



One of the MP's old boyfriends has emerged.

They had a brief relationship about 20 years ago when they were both undergraduates.

Click 'The Old Boyfriend' to read some of what he told a weekend tabloid. It was splashed all over the front page.

The MP's office confirms that she had a brief relationship with this man, but that she considers the matter to be private.

Click 'Questions' to consider what you might do.

[The Old Boyfriend](#)

[Questions](#)

The Public Interest and Privacy

Close ▼

The Old Boyfriend

"We had a great time at university.

Didn't do much work - too busy with drugs and sex ... I've no idea how she managed to get a first class degree.

It took me a long time to realise she was sleeping with just about everyone she met - 'til she got pregnant, that is.

But I don't think anyone really knows who her son's father is. Least of all her.

Her former husband married her out of pity, I think. Not surprising they were only together for four or five years."

The Old Boyfriend

Questions

The Public Interest and Privacy

Close ▼

Questions

What is the public interest in the former boyfriend's story?

Arguably, the MP, her former husband and her son's privacy are compromised by this account from a former boyfriend - on what grounds might it be in the public interest to disregard that?

What are the factors that influence your decision? To what extent is it material that the MP is a public figure? A public figure whose behaviour should be of a certain standard? A public figure who has spoken about drugs and family life?

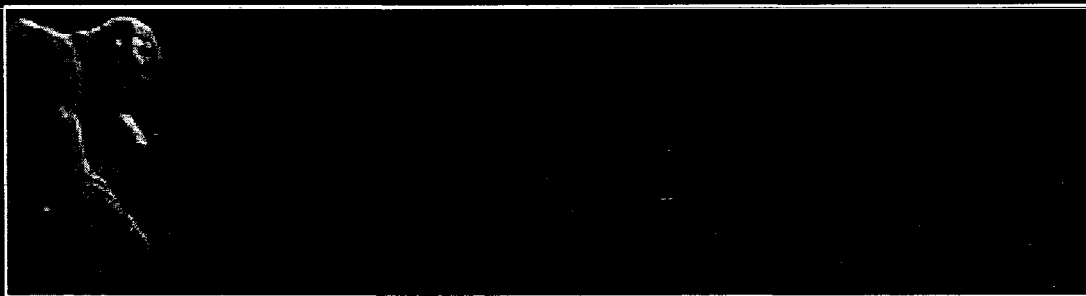
Are the previous stories about the MP relevant to this one?

Are public figures allowed a past?

The Old Boyfriend

Questions

The Public Interest and Privacy



A member of your audience has sent you a grainy picture taken on a mobile telephone. Click 'Picture' to see the image.

The audience member's accompanying email says it shows your MP's 15-year-old daughter - collapsed, drunk in St George's Square in the centre of town at midnight.

Police and the MP's office have confirmed that the girl was taken from the square to a local hospital where she was treated for alcohol poisoning. She'd been at an end-of-exams party.

Click 'Questions' to explore and consider some of the issues.

[Picture](#)

[Questions](#)

The Public Interest and Privacy

Close ▼

Picture



Picture

Questions

The Public Interest and Privacy

Close ▼

Questions

What is the potential public interest in this picture?

The girl collapsed in full view and in a public place. The photograph was taken openly. Are these factors?

She is still a child, of course - but does her anti-social behaviour mean that you should disregard that?

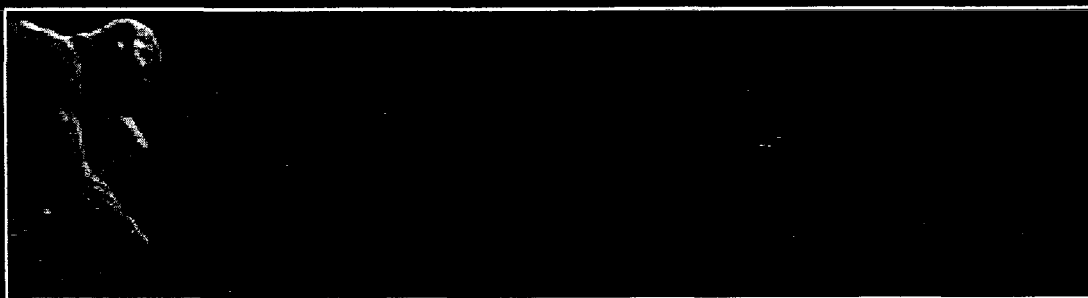
What other factors might apply here? Her mother's public profile? The 'troubled' recent history of the family?

While you're thinking, a rival news organisation has used the picture and it's been widely published on the net. Does that change your view of the public interest?

Picture

Questions

The Public Interest and Privacy



It's GCSE results day and you're filming at the school where your MP's daughter will be collecting her results.

You have the school's permission for general shots of students coming and going into the school - you'll be filming from public property; the street outside.

The MP's daughter comes out into the street after collecting her results - she's in tears. One of her friends comforts her and turns to your video journalist and shouts very audibly: 'This is all her bloody mother's fault.' You have it all on video.

Click 'Questions' to explore the public interest issues here.



Questions



The Public Interest and Privacy

Close ▼

Questions

The video is striking and highly emotional - all other considerations aside, it is extremely striking footage.

Is there a public interest in using the pictures?

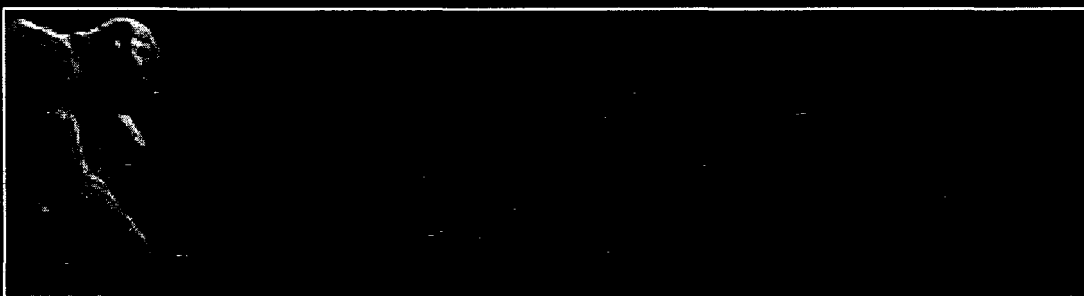
What might be the arguments that there is a public interest in this story?

What other factors matter here? The permission of the school? Filming public activity in a public place?

Again, does the MP's public role or her previous speeches have any bearing on your decision?

Questions

The Public Interest and Privacy



Your MP clearly has 'issues' with her past, her family and her public profile.

A freelance photographer has snapped a long lens picture of her and her former husband. The photographer was out in the street and shot the picture through an open door. The couple were sitting at the back of the restaurant, apparently keen to be out of sight.

Click 'Picture' to see the image. 'She's obviously trying to sort out her problems with her old man,' the photographer tells you.

Click 'Questions' to explore the public interest issues here.

◀ Restaurant

Questions ▶

The Public Interest and Privacy

Close ▼

Restaurant

Restaurant

Questions

The Public Interest and Privacy

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Questions

The photographer may well be right - but there are important public interest questions here.

The photographer was in a public place; the couple were not. Is that important?

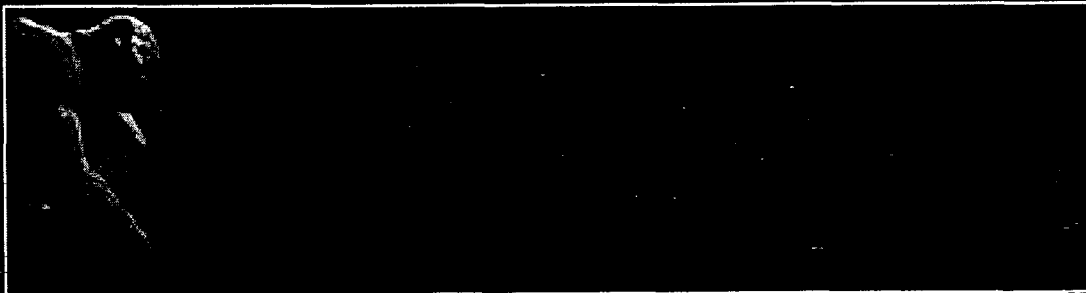
The couple, though visible through a long lens from the street, were talking discretely and away from public view. Is that important?

Their discussion may well have been about personal and family matters - some of which have been played out in the public arena but which they would like to be resolved privately. Does their expectation of privacy have any bearing on the public interest?

Restaurant

Questions

Public Interest and Privacy



That's it.

In these assignments, you've been trying to resolve the competing demands of privacy and the public interest.

To what extent does a person who opts for a life lived under public scrutiny forfeit a large part of their and their family's private lives?

When are the interests of children and other family members trumped by the public interest?

And when should we, as journalists, ask whether a good story really is in the public interest?



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Secret Recording in the Public Interest



Investigative journalism will sometimes involve secret recording.

That means secretly recording with the intention of using the material on air or online.

This is not the same as recording for note-taking purposes. Electronic recordings made for note-taking may almost never subsequently be used on air or online.

Secret recording is defined as:

- › The use of hidden cameras and/or microphones
- › The deliberate use of audio-video equipment, including long lenses, small video cameras, mobile phone cameras or radio microphones, either to conceal the equipment from targeted individuals or to give the impression of recording for purposes other than broadcasting (e.g. a holiday video)
- › The general use of audio-video equipment, including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones, when people are unaware they are being recorded
- › Recording phone calls for broadcast without informing the other party
- › Deliberately continuing a recording when the other party thinks it has come to an end.

Public Interest

Introducing the Public Interest

Video: Allan Little on Public Interest

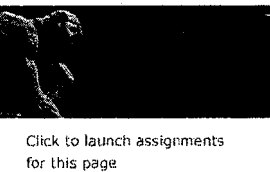
Public Interest and Privacy

Secret Recording in the Public Interest

Video: Public Interest in Action

Public Interest: Journalism Tutor

Assignments



Click to launch assignments for this page

Intercepting telecommunications is a criminal offence for which the penalty can be imprisonment.

To be justified according to BBC values, any proposal for secret recording has to pass two tests. First, the justification for the investigation; second, whether secret recording is the only way to expose the issue.

Test one: the justification of the investigation

Is your investigation intended to:

- › expose crime - significantly, anti-social behaviour, corruption or injustice
- › disclose significant incompetence or negligence
- › protect people's health and safety
- › prevent people from being misled by some statement or action of an individual or organisation
- › disclose information that allows people to make a significantly more

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Event: Shootings Debrief

Video: Reporting Haiti

informed decision about matters of public importance?

Test two: is secret recording the only option?

The questions are:

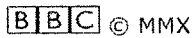
Important links

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- Do you have clear existing documentary or other evidence that your investigation is justified by the criteria listed above, or do you have evidence of intention to commit a crime?
- Can you show that an open approach would be unlikely to succeed?
- Is the recording necessary for evidential purposes?

You should apply these two tests twice: once before the secretly recorded material is gathered; and again, separately, before it is broadcast or posted.

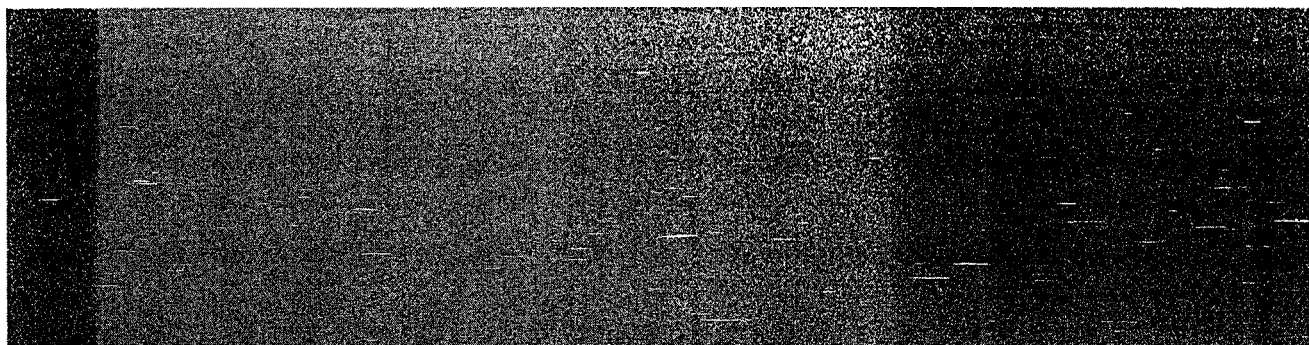
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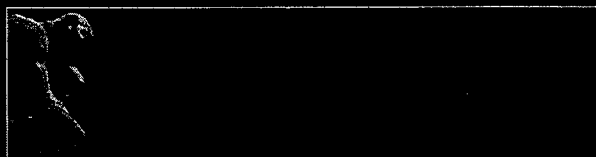
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The Public Interest and Subterfuge



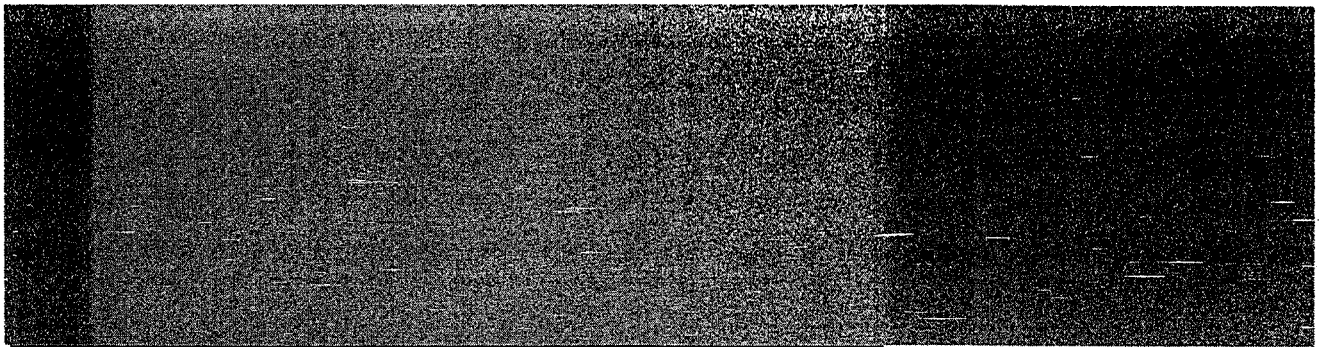
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The Public Interest and Subterfuge



Subterfuge is sometimes required of journalists. It can include many different things. Posing as a 'rogue trader's' customer, say.

Or it can mean secret recording, either close-to with a hidden camera or microphone or from a distance using long lenses. And it might mean pushing at the boundaries of someone's privacy.

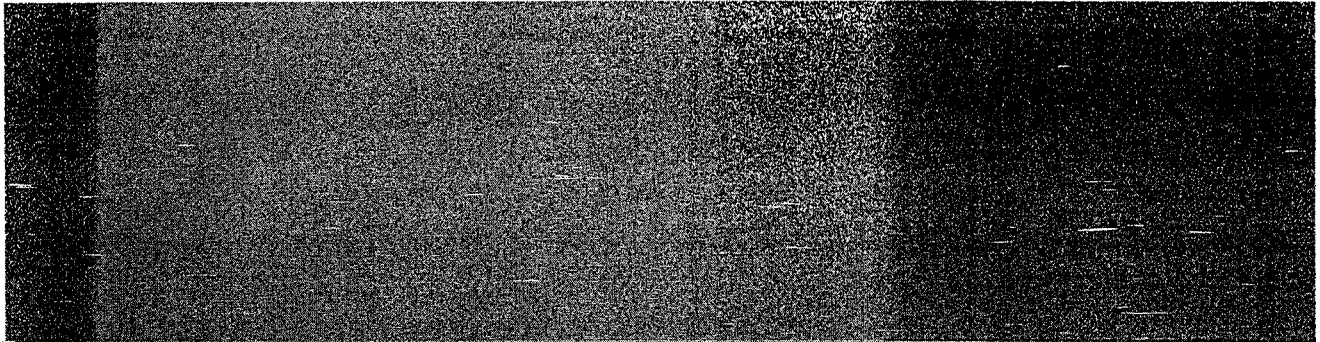
It rarely, if ever, means breaking the law - intercepting communications, including phone calls, voicemails, emails or post for example. Nor theft.

But there are conditions. Click on 'Conditions' for more.



[Conditions](#)





The Public Interest and Subterfuge

Close ▾

Conditions

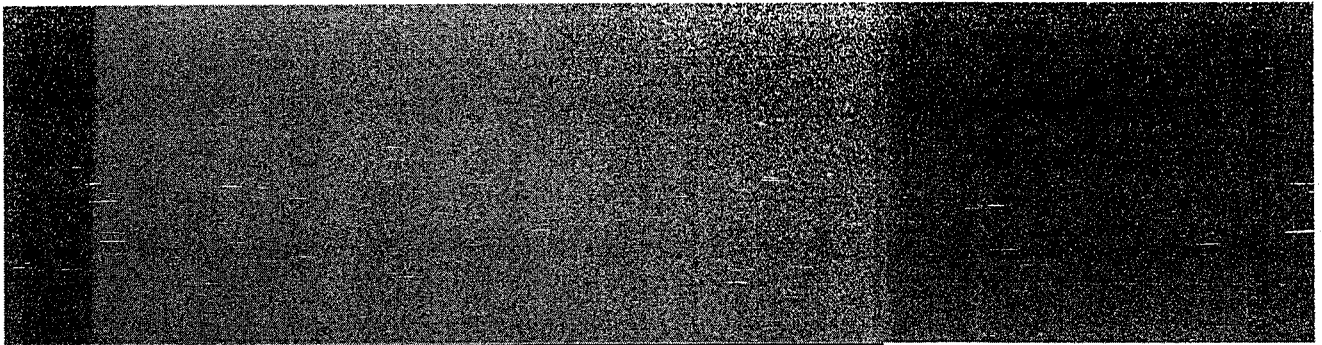
Surveys suggest the public understands that from time to time it's necessary for journalists to use subterfuge to uncover anti-social behaviour.

But they recognise that such activities - which would not be allowed to the police, for example, in assembling evidence for a prosecution - must be clearly in the public interest.

That means the subterfuge is intended to uncover things like crime or wrongdoing, hypocrisy, deception or a matter of public health.

It's necessary to have firm evidence wrongdoing etc - subterfuge isn't normally acceptable on a 'fishing trip'. And, usually, it's necessary to show there is no other way of collecting the clinching evidence.

Conditions



The Public Interest and Subterfuge



A quick one to get underway. You're in the editor's chair.

Your task today is to decide whether or not to allow your reporters to go undercover or use other subterfuge.

Click on 'Memo' below to read one reporter's proposal.

Then consider, discuss and decide whether it's in the public interest to allow the proposed subterfuge.

If you want some help, click on 'Arguments For' and/or 'Arguments Against'.

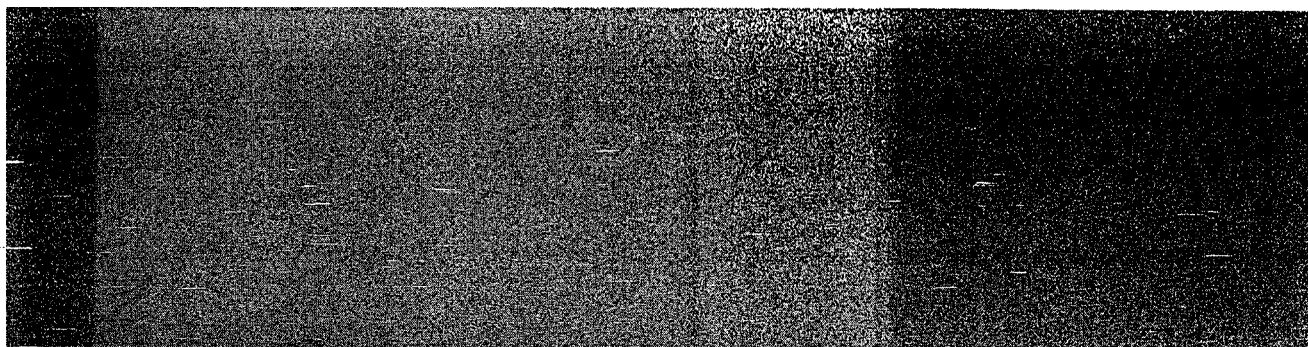


Memo

Arguments For

Arguments Against





The Public Interest and Subterfuge

Close ▾

Memo

From: Jerry
To: Ed
Subject: School admissions

I'm pretty sure some head teachers at the good schools in town are taking 'donations' from parents to let in kids from outside their catchment areas.

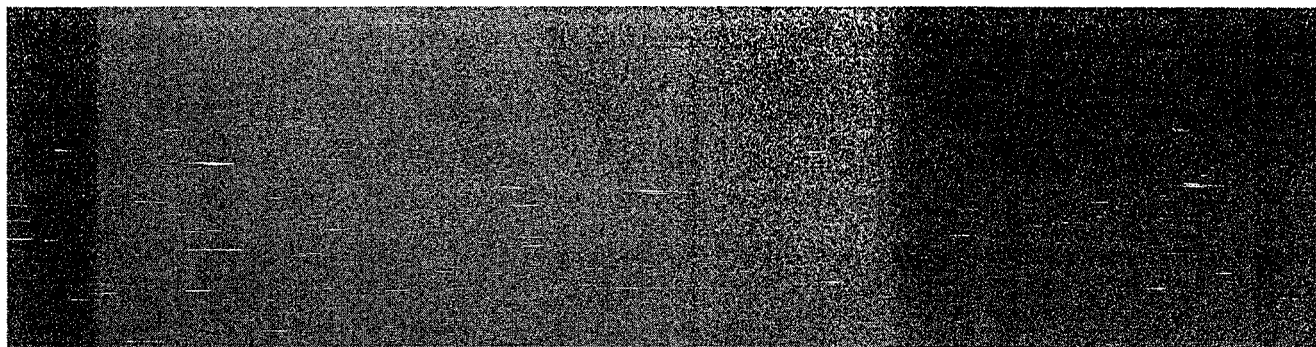
The schools are all interviewing for next year now. Why don't I get wired up and go along to the half dozen good schools pretending to be an anxious parent ... see what happens.

J

Memo

Arguments For

Arguments Against



The Public Interest and Subterfuge

Close ▾

Arguments For

If your reporter's suspicions are true, it would be an example of criminal wrongdoing.

And - again, if true - revealing this crime would be in the public interest. As would doing so as soon as possible to avoid another school year being tainted.

Clearly, there is likely to be no other way to expose this wrongdoing.

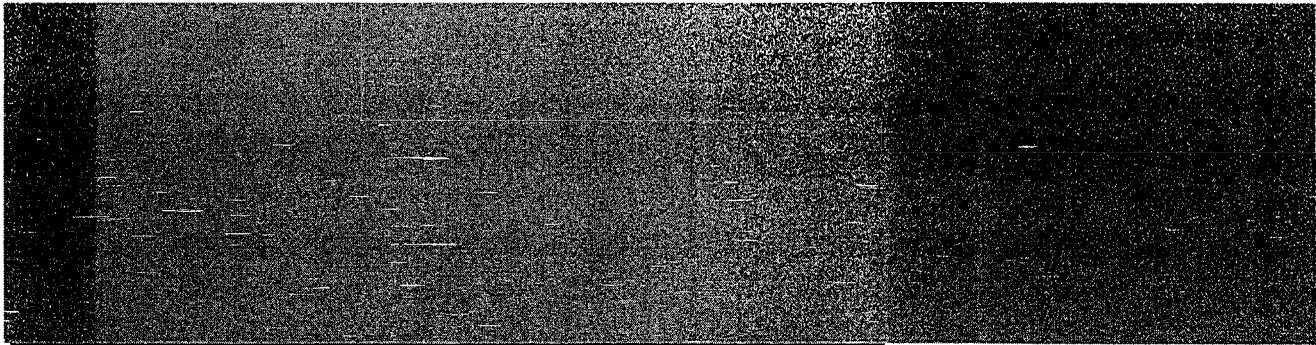
Since any such activity would be criminal, it would be necessary to have incontrovertible evidence.

Such an allegation would be extremely serious and you would need to be confident you could defend a libel action in court.

Memo

Arguments For

Arguments Against



The Public Interest and Subterfuge

Close ▼

Arguments Against

Your reporter may have suspicions - but no evidence that anything of the kind is happening.

Your reporter has made no attempt to gather evidence. Without any prima facie evidence of wrongdoing, without any allegations, it's impossible to know whether another approach might work.

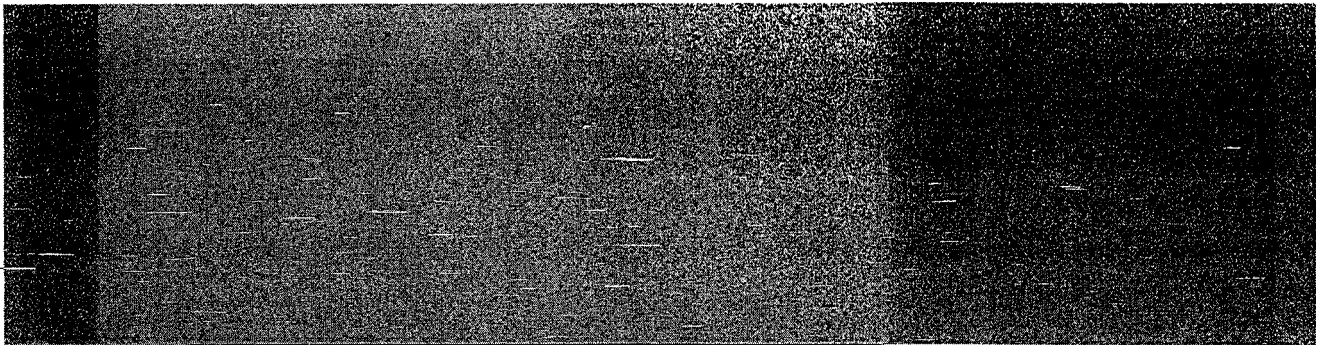
While uncovering any wrongdoing of this kind would clearly be in the public interest, 'fishing' would not be.

Your reporter runs the risk of creating the very wrongdoing he or she suspects.

Memo

Arguments For

Arguments Against



The Public Interest and Subterfuge



Of course, it's never quite that simple - usually one decision leads to another dilemma. Now, your star investigative reporter has come to you with a great story. He says.

"A British company called 'ElecRestraint' is making and selling riot control and torture weapons to developing countries - and they're doing it illegally. Things like electric truncheons and riot shields.

They're not allowed to pass through the UK - but I saw them on show and being sold at an arms fair."

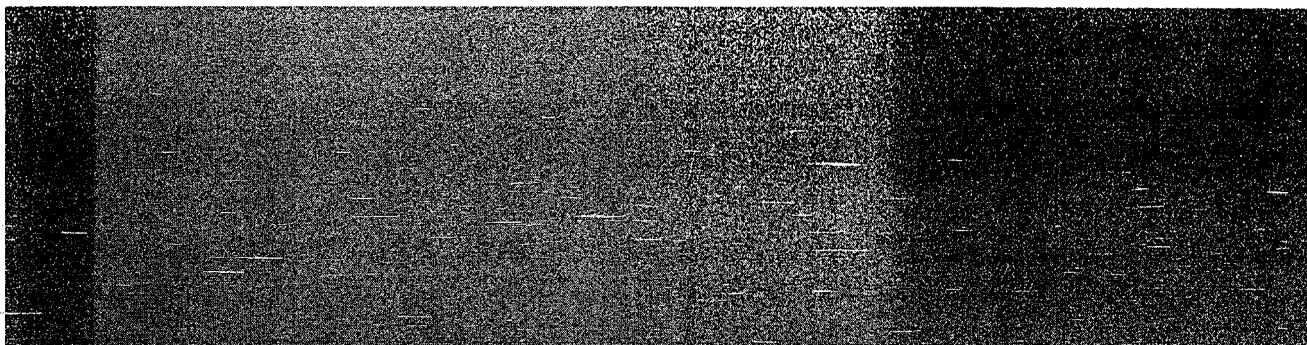
Click 'Briefing' to read your reporter's note. Then 'Questions'.



Briefing

Questions





The Public Interest and Subterfuge

Close ▾

Briefing

In 1997, the government said it was:

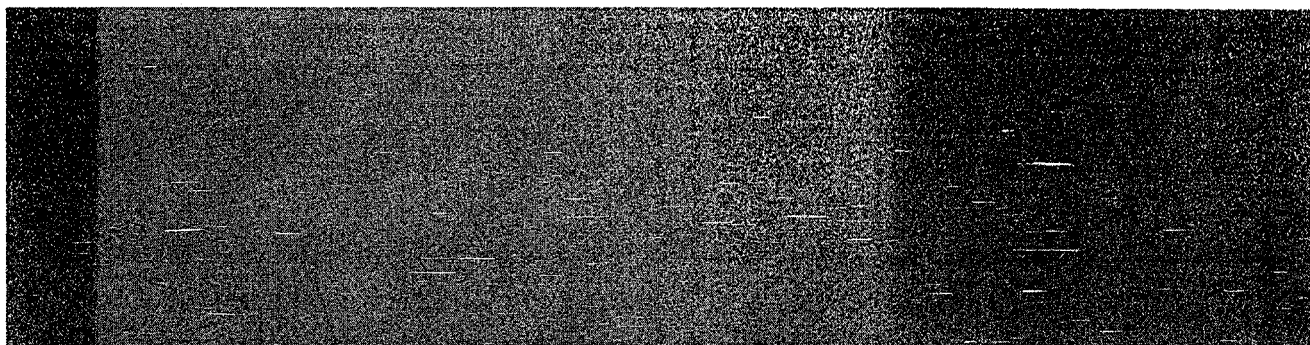
" ... committed to preventing British companies from manufacturing, selling or procuring equipment designed primarily for torture ... including electric-shock batons, electric-shock shields, stun guns and tasers."

Direct exports were banned - which meant these weapons could not be manufactured here in the UK, nor could they pass through the UK if brokers based here sold them to foreign governments.

I saw electric truncheons openly on sale at the arms fair in Docklands - there were samples on the ElecRestraint stand. And a lot of interest.

Briefing

Questions



The Public Interest and Subterfuge

Close ▾

Questions

How would you characterise this story - assuming it's true?

Does it fall into the category of criminal behaviour? Wrongdoing? Hypocrisy?

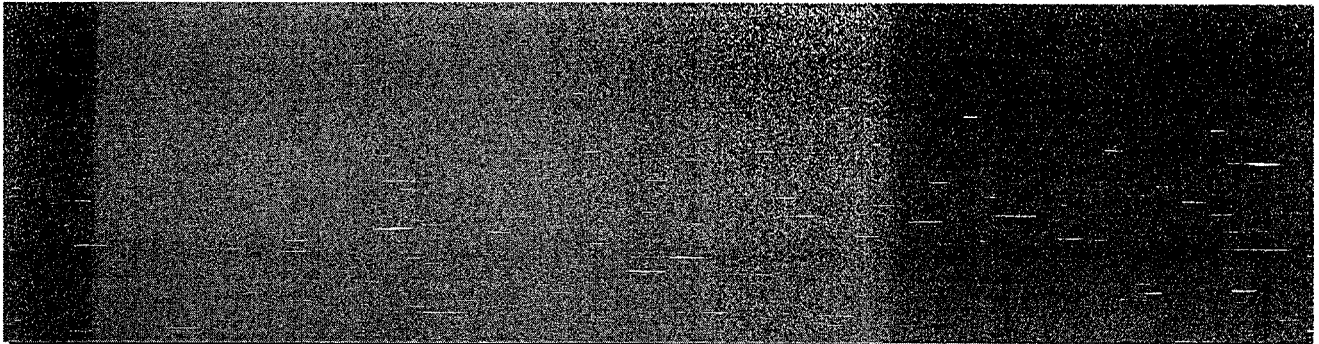
Is there a public interest in exposing the arms company? After all, the riot equipment is to be used abroad - and in those countries, the use is perfectly legal.

And if these governments didn't buy the equipment from a UK company, they'd get it somewhere else.

Do you have a story?

Briefing

Questions



The Public Interest and Subterfuge



Your reporter has some footage of electric truncheons being used to quell a riot in an Asian capital.

They appear similar to the ones made by ElecRestraint - you can compare them with the pictures in the company brochure.

A regional representative of an anti-torture pressure group has given you written testimony that the company's branding was visible on the weapons.

Your reporter has a plan. Click 'Proposal' to see what it is.

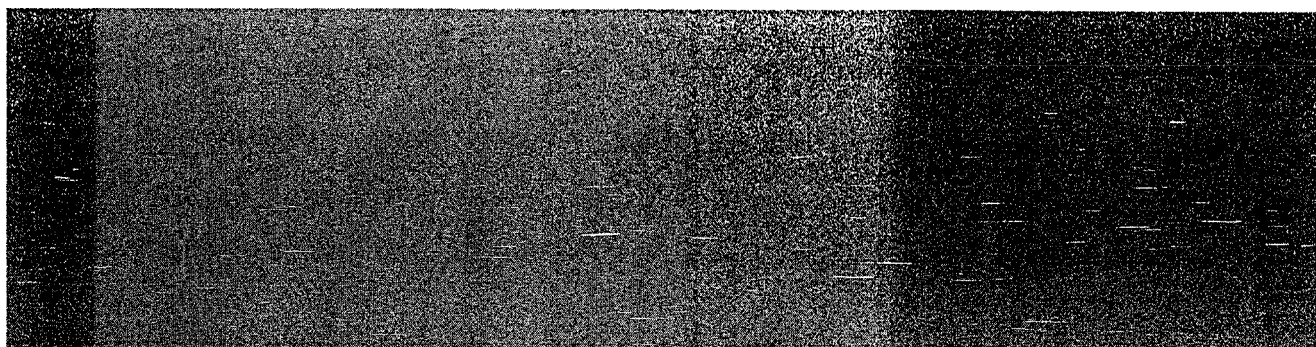
Then click 'Questions' to consider some of the issues involved.



Proposal

Questions





The Public Interest and Subterfuge

Close ▾

Proposal

"The salesman at the fair didn't know I was a reporter - but he knew I was interested in what they had to sell.

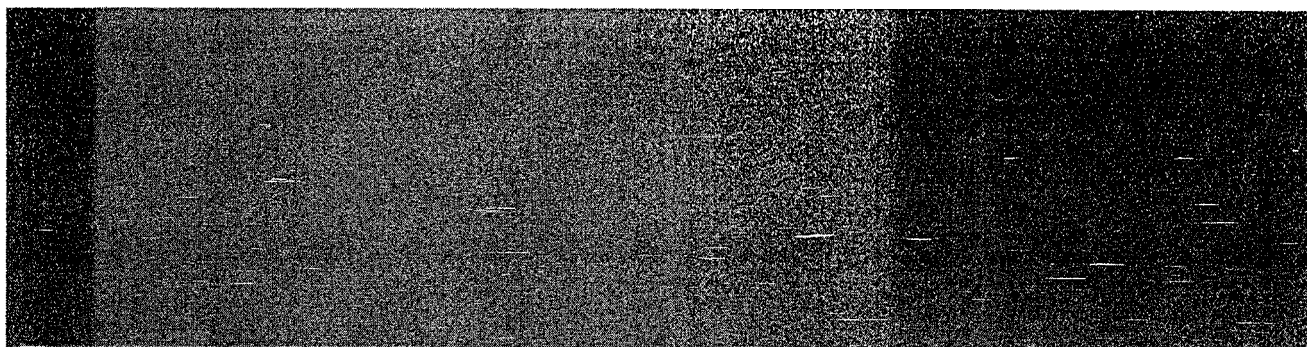
He gave me his card. I could arrange a meeting with him, posing as an arms broker.

You know, wired up. Secret recording. Get him to give us the proof we need.

If I could persuade him to show me the truncheons again here on UK soil, that would be illegal and we'd have them."

Proposal

Questions



The Public Interest and Subterfuge

Close ▾

Questions

So, your reporter is proposing two deceptions.

One, to pose as an arms broker. Two, to record the company salesman surreptitiously.

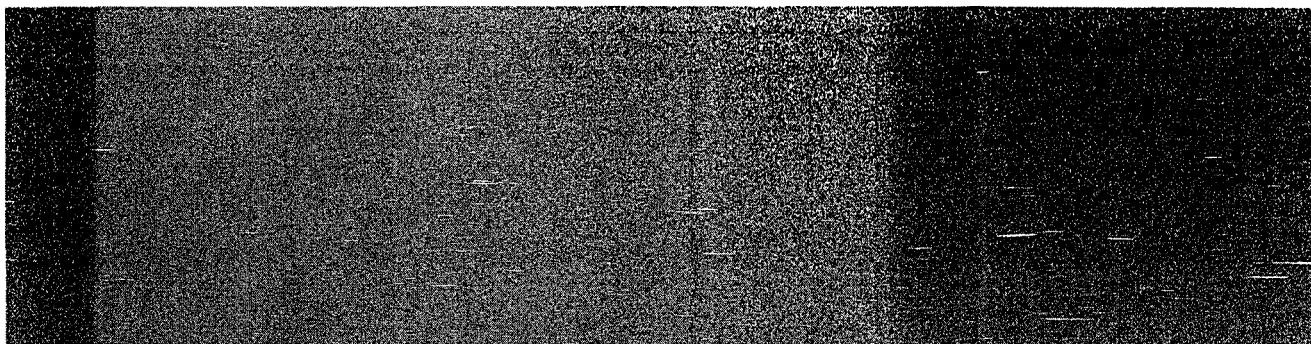
Consider both separately. Is there a public interest sufficient to justify either or both of these deceptions?

Would you sanction the reporter going undercover?

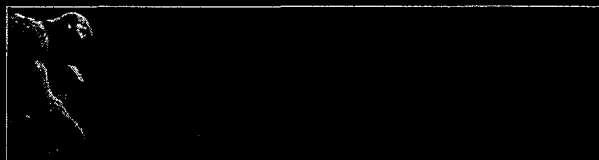
What is the public interest here?

Proposal

Questions



The Public Interest and Subterfuge



For better or worse, you said OK to the deception plan.

And you've got a result. Click 'Recording' to read a transcript of the conversation.

So your key material is:

- Your reporter's eye witness at the arms fair
- Footage of the electric truncheons in use
- Testimony of an anti-torture activist
- The secret recording of the ElecRestraint salesman

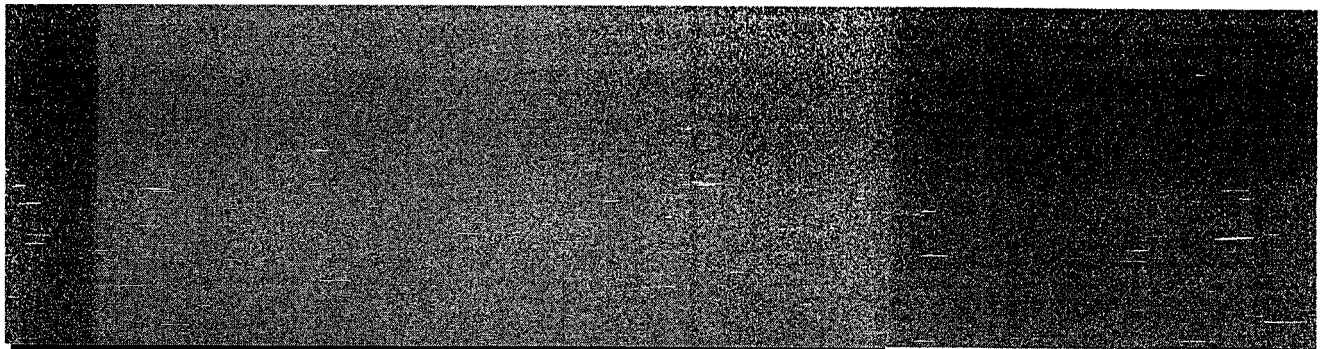
You can flesh this out with the legal background and political and expert comment. Click 'Questions' to examine the issues.



Conversation

Questions





The Public Interest and Subterfuge

Close ▾

Conversation

"So, if I wanted say ... a thousand electric truncheons ...

Sure, we can do that.

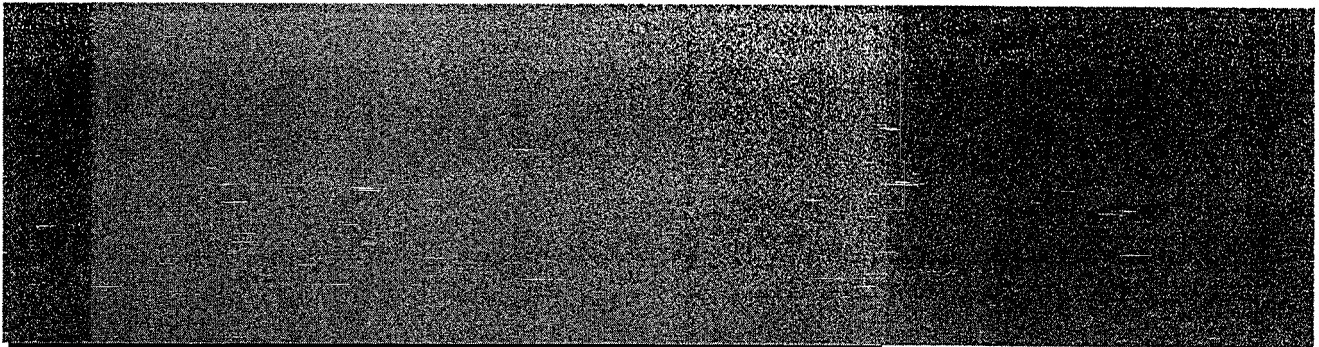
But I'd need to be sure they met my client's spec. I mean, I saw some on display at the fair ...

Yeah ...

Could I take another look? I mean, they're still in the UK, yeah?

Oh yeah ... they all come through the UK ... I mean, they're not supposed to but, hey!"

Conversation Questions



The Public Interest and Subterfuge

Close ▾

Questions

Your story, when transmitted, will contain secret recording - the result of deception.

Is there a strong enough public interest defence?

What are the elements of that defence?

What are the counter arguments?

Conversation

Questions