

THE PRESS STANDARDS BOARD OF FINANCE LIMITED

## Editors' Code of Practice Committee

### Agenda

Editors' Code of Practice Committee meeting

NS/NPA offices, 8<sup>th</sup> Floor, St Andrew's House,

18-20 St Andrew's Street London EC4 3AY

10.30 a.m., Thursday, November 6, 2008

1. Apologies
2. Minutes of 15 April 2008 (circulated).
3. Business arising (*if not dealt with below*):
  - Swan Turton Correspondence
4. European Commission privacy study
5. Code Committee website
6. Exploitation by freelance agencies
7. Protection of judges: Select Committee on the Constitution
8. Editors Codebook revised edition
9. Data Protection Act Guidance note
10. Suicide coverage: submission from Papyrus
11. Harassment
12. Annual Code review announcement
13. Other business
14. Next meeting

Appendix A: The Editors' Codebook, draft second edition

Appendix B: The current Code contained in A4 format is attached for easy reference.

Agenda items:

EDITORS' CODE OF PRACTICE COMMITTEE

4. European Commission privacy study (for report). The EC has commissioned a survey on standardising remedies for privacy violations across the community, so that an offence in one country might have a remedy in another. A draft questionnaire originally asked: *Do you think there should be a European Press Ethic Code?* This question was dropped after industry objections.

5. Code Committee website (for report): The number of hits to the website since its launch in January is now around 80,000. Although the monthly average has faded from a high of 11,884 hits in March to 6,824 in September, the number of pages visited was at its highest. Inquiries from U.S.-based search engines still dominate. The Code and the Codebook are the most popular downloads.

6. Exploitation by freelance agencies: John Dale of *Take a Break* magazine has written to the the secretary and to the Chairman asking that the Code protect people from being ripped off when they sell their 'true life' stories to freelance agencies. He claims that where the industry norm was once that the agencies would pay the interviewee 50% of the magazine fee, they now might pay only 10%, which is bad practice. He wants the Code to introduce rules providing:

- Transparency: so that interviewees are told exactly what the deal is regarding the selling of their story - financial and placement.
- A minimum fee to the interviewee in absolute terms, but also a percentage of the total sale price, probably not less than 50%, and should pay whichever is higher.
- The 'story person' should control where they wish their story to be published.
- All 'sign-ups' should be in a contract format approved by the PCC, detailing the above terms.
- Agency websites should specify the above. Currently they conceal and mislead the true nature of the potential transaction. He cites [www.frontpageagency.co.uk](http://www.frontpageagency.co.uk) which says 'you pay nothing - our service is free'.

*This is outside the Code Committee's remit, as it involves commercial transactions. Any change would need to be approved by PressBoF. Even if a clause were introduced to cover these areas, it would be difficult to see how the PCC could police it without inviting fresh demands that it should also pay compensation for other breaches. The secretary will discuss the issue with the PPA and report to the committee.*

7. Protection of judges: The House of Lords Select Committee on the Constitution, which has been investigating the protection of the judiciary's independence, has suggested the Ministerial Code should be changed to stop Ministers publicly criticising judges' rulings. This follows the Craig Sweeney case in 2006, when Home Secretary John Reid and other Ministers made public statements about the leniency of a sentence.

The Select Committee wants a parallel change to the Editors' Code to prevent the press from *treating judges as 'fair game' and blaming them for their interpretation of laws promulgated by politicians*. When the Code Committee rejected this last October, the Select Committee demanded we reconsider, because judges - being unable to respond directly to criticism - were 'a special case.' The secretary sought clarification: *Did their lordships wish to ban all press criticism of judges? If not, how would the Code differentiate between acceptable and unacceptable criticism? How would this sit with normal concepts of freedom of expression? Might the Judicial Communications Office have a role in replying on behalf of judges? Had judges sought this specific protection?*

No direct reply was received, but on October 16, the Select Committee published its response as part of its follow-up Report on Relations between the Executive, the Judiciary and Parliament. This said: "We are not suggesting a restriction on press criticism of judges, but we are calling for an end to the inflammatory and misleading coverage that has appeared all too often in recent years, particularly in the tabloid papers."

The Report said such coverage would undermine confidence in the judicial system, which would be extremely serious. "For this reason we again

EDITORS' CODE OF PRACTICE COMMITTEE

*emphasis the need for press criticism to be factually accurate and temperately expressed."*

The Select Committee repeated its demand for the Code to reflect these principles, which has since been endorsed by the Government.

Possible action: The Code Committee's most obvious options are to:

- Introduce a sub-clause reflecting the Select Committee's wishes. (*As accuracy is already covered in the Code, the new sticking points would be: who would lodge the complaint and what was 'temperate'?*)
- Expand the existing PCC Guidance on Harassment of Judges (*which the Select Committee has rejected as not working*);
- Take no action in the Code, but invite the Judicial Communications Office to make complaints on factual inaccuracy to the PCC in the normal way. (*The Select Committee has already discounted this "as "it would be inappropriate for the Office to justify individual judgments or sentencing decisions"*).
- Politely decline because the case has not been made.

8. **Editors' Codebook:** A draft of the revised Codebook is attached as Appendix A. It has been expanded by more than 40% to cover developments since 2004 - particularly in privacy; clandestine devices and subterfuge; suicide reporting; discrimination; and online publications.

The draft flags up new or revised text in blue type, and potentially controversial areas in green. Completed hyperlinks are in purple, and those to be added are in orange. Once the committee has approved the draft - with any amendments - all text will revert to black, with hyperlinks in blue. The Chairman's Foreword will be added later, along with final folio numbers and the index, which should also be hyperlinked to the text.

*Some areas of particular importance:*

- Clause 4, Intrusion into Grief, where the section on suicide reporting has grown to reflect the change in the Code and latest cases. Following public concerns over coverage of the Bridgend suicides, a Briefing note has also been compiled, which includes suggestions of voluntary best practice. The Committee will need to decide whether this goes too far - or not far enough.
- Clause 5: Harassment has been reworked to reflect concerns following last year's Kate Middleton scenes.
- Clause 10 includes Briefing Notes reflecting the Information Commissioner's concerns at breaches of the Data Protection Act, and following the Clive Goodman case.

*Experience suggests that, as the book is accessed online, readers are likely only to download specific sections. Some key messages have therefore been reiterated throughout the narrative.*

9. **Data Protection Act:** The Committee must decide whether the Codebook revisions meet the industry's obligations, following the Government's abandonment of plans to introduce jail sentences under Section 52 of the Act. Are further changes to the Code needed?

10. **Suicide reporting:** Following the Bridgend suicides, the Committee secretary met Papyrus - which works with young people at risk from suicide. The charity has submitted four suggestions to change the Code:

- I. Reporting suicide should be a separate clause distinct from Clause 5 Intrusion into Grief;
- II. The current wording should be replaced by: *When reporting suicide care should be taken to avoid excessive detail about the method used any detail that may contribute to copycat suicide, such as detail of method or location.*

EDITORS' CODE OF PRACTICE COMMITTEE

- III. This statement to be supported by detailed Guidance Notes on reporting of suicide.
- IV. That the Committee consider removing the word excessive from the current and any future clause.

Possible action: The Committee and the PCC have already acknowledged public concerns. The proposed revisions to *The Editors' Codebook* go some way to meeting the case. But Papyrus and the wider 'suicide lobby' want us to go much further than the Committee is likely to wish.

Should the Committee want to strengthen the Code, it could amend the rules to cover explicitly attempted suicide and glorification of suicide. This might have some presentational impact, without actually changing the situation as it currently stands under the spirit of the Code.

11. **Harassment:** The Codebook has devoted more space to the media scrum-type harassment issues highlighted by the Kate Middleton case. The Committee must decide whether this is enough to quell public concerns, or whether Code changes are needed.

12. **Annual Code review announcement:** Public and industry suggestions for the annual Code Review will be invited from December, closing on 31 January, 2009.

13. **Other business**

14. **Next meeting**