

House of Lords Inquiry into the future of investigative journalism

Submission by the Media Standards Trust, October 2011

The Media Standards Trust

The Media Standards Trust is an independent, non-partisan charity that fosters high standards in news on behalf of the public.

It does this through research, development and campaigning. Its research publications include: *Shrinking World: the decline of international reporting in the British press* (2010), *Can independent self-regulation keep standards high and preserve press freedom?* (2010), *A More Accountable Press* (2009).

The Trust has over five years' experience of developing online tools for the public. In 2008 the MST won a Knight News Challenge award, in partnership with Sir Tim Berners-Lee's Web Science Trust, to make the provenance of news more transparent on the web. The Trust also runs the *journalisted.com* website and *churnalism.com* website, and has recently won a grant from the Sunlight Foundation (US) to enhance its software for investigative use in the US.

In 2011 the MST co-founded the Hacked Off campaign for a public inquiry into phone hacking, and continues to organise the campaign. The Trust also runs the Orwell Prize for political writing on behalf of the Council of the Orwell Prize.

Introduction to submission

This submission comes not from the perspective of an investigative journalist, but from the perspective of the beneficiaries of investigative journalism, the public. It is based on research, on many conversations with those within and outside the news industry, and on the experience of developing new online tools to help the public better engage with journalism.

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1. Investigative journalism at a local level

What is 'investigative journalism'?

When people talk about investigative journalism they tend to mean the big stuff – the long term investigations into issues of national, and even international, interest: Abu Ghraib, MPs' expenses, rendition flights.

But the most sustained and widespread investigative role that journalism plays is the day-to-day informed observation, reporting and analysis of public bodies and institutions, particularly at a local level.

This is under urgent threat - especially at a local level:

- The Press Association recently conducted two surveys looking at local news reporting. The first, on the press coverage of local authorities, found that '[h]alf of all editors surveyed told PA their papers scrutinised the local authorities less than they did ten years ago'. The second, on court reporting, revealed that '79 per cent of court clerks said local coverage of their courts had declined during their tenure' (from Local Heroes conference, Kingston, May 2010).
- '[T]hings are getting so difficult in parts of the regional press now', Tony Watson, MD of the Press Association told a Parliamentary Select Committee in 2009, 'that there is a serious danger that courts and councils and other public bodies will not be covered to the extent that you would wish to be the case in a functioning democracy.' '[I]t is not just newspapers but public service journalism which is under threat', the NUJ said in its evidence to the same committee. 'If there is no one to walk in [to the courts],' the Lord Chief Justice told the Society of Editors conference in November 2009, 'the public interest is damaged. That is the harsh reality'.

One specific example of the growing news deficit is the town of Port Talbot in south Wales. The *Port Talbot Guardian* closed in 2009. Since then no newspaper has been established to replace it. The only news about Port Talbot is a small number of articles published in the *South Wales Evening Post*. There are no broadcast journalists based in Port Talbot. The local commercial radio station does no news gathering. Even the local council newspaper - *Community Spirit* - closed down in 2011. Port Talbot is almost in a news black hole.

This is why the Media Standards Trust started a three-year joint project in Port Talbot with Cardiff University's Journalism School - supported with help from the European Union's KESS fund. The project has two aims:

1. To study what happens to a community without professional news gathering or regular news provision
2. To experiment with ways to offer alternative news services (already underway with the launch online of the Port Talbot Magnet (<http://www.lnpt.org/>)).

Why are local newspapers doing less investigative journalism?

Local newspapers are no longer properly able to fulfil their functions as public interest news providers or democratic watchdogs. The reasons for this are numerous and inter-related. There is not the space to go into great detail here but in summary:

Declining revenues

The four news groups that own around two thirds of our local newspapers have all experienced significant drops in revenue in the last five years.

Between 2005 and 2010 the local news revenues of Newsquest (Gannett) dropped by 53%, of Trinity Mirror (regional division) by 48%, of Northcliffe (DMGT) by 43%, and of Johnston Press by 23% (Enders Analysis, 2011).

These drops in revenue are the result of declining circulations and the loss of display and classified advertising revenue. Classified advertising has moved online, and often moved to the employer's website (e.g. the NHS).

There are fewer and fewer people buying local newspapers. The circulation figures have been declining consistently for many years now. Circulation has fallen by between 40-50% in the last two decades.

The *Western Mail*, Wales' flagship title, now sells fewer than 27,000 copies, down from over 90,000 thirty years ago. The *Yorkshire Post* sells fewer than 40,000 copies, down from 55,000 less than five years ago.

Declining market value of local newspapers

The majority of local newspapers are owned by public companies. The value of these companies has fallen precipitously in the last five years. The markets appear to believe that the declining circulations and advertising revenue will get worse, not better.

The share price of Trinity Mirror PLC, the largest of the four news groups that own the majority of the UK's local press, has dropped from £5.71 in 2007 to 46p in October 2011. None of the news organisations has yet discovered a sustained commercial business model for local public interest news.

As public companies these organisations are having to continue to be as profitable as possible. Therefore despite the significant drops in revenue most are still reporting profits. In 2010 Trinity Mirror reported an operating profit of 17%.

Such profitability is only possible through radical cost-cutting and restructuring programmes.

Consequences of declining revenue and need to deliver profitability

One of the consequences of the decline in revenues and cost cutting has been a significant reduction in editorial resources. In other words, at many local papers there are fewer journalists (as well as fewer advertising staff, administrative support etc.). Claire Enders has estimated that 40% of jobs in the UK regional press have gone in the last five years.

In some instances one person is overseeing multiple newspapers. In the North West and North Wales region, for example, Trinity Mirror has centralised its publishing operations and reduced staff such that one publishing director is responsible for the *Daily Post* Wales, the *Chester Chronicle*, the *North Wales Weekly News*, and several websites and specialist publications (from *Press Gazette*, 20 June 2011).

It is little surprise that one of the consequences of these cuts is a reduction in the number of professional journalists covering local issues, including public interest reporting and investigation.

Not just a local problem - the decline in international news gathering

Though the reduction in professional news gathering is most acute at a local level, it is not restricted to the local level.

In 2010 the Media Standards Trust published *Shrinking World*, a report on the decline of international reporting in the UK press. It found that across four national newspapers (*The Telegraph, The Guardian, the Daily Mail, the Daily Mirror*) the amount of international news had shrunk by 40% over the last 30 years. At the same time, as a percentage of each paper it had dropped 20% to 11%.

On Thursday 22nd April 2010, the day of the party leaders' foreign policy TV debate ahead of the general election, Britain's two largest circulation dailies - *The Sun* and the *Daily Mail* - had a combined total of three foreign stories, adding up to 257 words. One of these stories was about Michelle Obama showing off her biceps to a class of school children (see *Shrinking World* for full analysis).

Solving the local investigative news problem

There is no easy solution to the problem facing investigative journalism at a local level. It will certainly not be solved by the local television plan proposed by DCMS.

The DCMS local television plan proposes spending £25 million on temporary GIS transmitters to enable up to 65 UK locations to broadcast local TV, subsidised by £15 million from BBC funds over three years. The plan is technologically myopic, economically unsustainable, highly unimaginative, and will do almost nothing to address the underlying local investigative news problem.

However, any plan to address the increasing news deficit has to take into account:

- Local news provision will not be as profitable as it used to be. At no point will print advertising, classified, and circulation revenues reach their previous level. The availability of space, alternative means of distribution, and the range of media available all militate against the old print and broadcast news models
- In some areas provision of local news will not be profitable at all. There will be some areas in the UK where the population is too geographically dispersed, too remote, not affluent enough, and too un-advertiser friendly to make local news provision profitable
- In these areas, and others, local public authorities will go under reported or even un-reported. There are already many local areas where this is the case. This number will increase over the next five years
- Whatever happens to existing professional local news organisations and outlets, local news will have to be produced at much lower cost than it has been in the past
- Local news gathering will rely on a combination of professional news gathering (i.e. someone doing it for income) and amateur news gathering (motivated by other reasons - civic duty, status, circumstances, general interest)

For these reasons government should ask itself a number of difficult questions:

- Does it consider local investigatory journalism - the day-to-day reporting of public and private authorities - essential to the fabric of our political and social economy?
- Is such journalism being provided with enough breadth, depth and regularity by the existing commercial media companies?

- If not, would such companies provide regular public interest journalism if incentivized to do so - for example, if local media ownership rules were relaxed? Or would they simply use this relaxation to continue their policy of stripping out editorial costs and centralising local news provision?
- If local investigatory journalism is considered essential, then at what point does the government believe news gathering and provision to have dropped low enough to warrant direct or indirect intervention?
- What form could such direct or indirect intervention take?

The case for intervention

The government has a long history of intervention in the provision of local news: favourable license arrangements with commercial TV, BBC local news (television, radio and online), IFNCs, the Coalition's local TV plan.

The types of intervention that would, we believe, help to address the growing news deficit at a local level are:

- Nurturing innovation that is already happening (if sporadically)
- Lowering the cost (money, access and time) of doing public interest journalism at a local level (as central government has started to do through initiatives like data.gov.uk). For example by live streaming council meetings, providing data in re-usable formats
- Lowering the legal barriers to doing public interest journalism (see below)
- Incentivising public interest investigative journalism – the day-to-day stuff through, for example: an innovation fund, shared facilities, tax breaks

Imagine for a moment if, instead of spending £25 million on GIS transmitters for local television - transmitters that will be redundant in only a few years time - that money was spent on innovation in information provision.

The government could use these funds to set up a competition, similar to the highly successful Knight News Challenge in the US, for people to develop news and information services on a local level. Winners could receive anything from £10,000 to £250,000, depending on the type of project and service.

Not only would this lead to enormous amounts of creative invention, there is a good chance it would help to answer the question of how to deal with the democratic deficit left by the decline in local news.

2. The technological opportunity

As described above, there is growing evidence that local news is not being provided in a comprehensive, balanced, accessible or timely fashion and that democratic institutions are not receiving the scrutiny they need.

Yet, at the same time, the opportunities for providing local news could not be greater. Anyone can record and publish text, pictures, audio and video at very little cost. There are significant quantities of government data already available online.

In addition to which, the Coalition government has committed to releasing vast amounts of raw data, at a local and national level, creating remarkable opportunities – but also significant challenges – for the provision of information.

For example, the datastores released by public bodies are rarely easy for journalists – let alone amateur bloggers – to use, and unless the barriers to re-use are lowered then it is highly unlikely that they will encourage the provision of public interest journalism.

There is therefore a disconnect. On the one hand the tools and information are there to provide the basis for public interest news in a 21st century way – properly sourced, at low cost, with universal access. Yet people do not know how to do it, and do not have the time or the money to invest in doing it.

Data journalism

There is a tremendous opportunity to ‘do journalism’ using data now available on the net. Though right now the number doing it is small.

The term ‘data journalism’ is misleading. It gives the impression of journalists as statisticians, crouched over computer databases doing SQL queries and writing code. This may be one aspect of data journalism but only a tiny one. And it is certainly not why data journalism is central to the future of news.

Data journalism is shorthand for being able to cope with information abundance. It is not just about numbers. Neither is it about being a mathematician or a techie. It means being able to combine three things: individual human intelligence, networked intelligence, and computing power.

We live in an age of information abundance – both static and dynamic. Static data is things like annual reports, historical crime data, and censuses. This is information that is collected – often by public bodies – categorized, and published. Dynamic data is real time information, flowing in through micro-blogs, social networks, live cameras.

Static data, which used to lie relatively dormant in archives and libraries, is increasingly being made public (on places like data.gov.uk and data.gov). On data.gov.uk there are already 5,600 data sets. In January most of the UK’s local councils (293 out of 326 at the last count) published all their spending records over £500.

Dynamic data comes at us in a torrent. 25 billion tweets were sent in 2010. 100 million new twitter accounts were created in 2010. 35 hours of video are uploaded to YouTube every minute. There were 600 million people on Facebook by the end of 2010 (data from royal.pingdom). If you want, you can watch live CCTV cameras on the streets of London.

Data journalism is about coping with both of these. It is about:

- being able to work out what is happening in Tahrir square in real time from tweets, video footage, and social networks – while at the same time contextualising that with diplomatic news from Cairo and Washington (see services like [Storyful](#) and [Sulia](#))
- being able to upload, add metadata and analyse thousands of pages of legal documents (e.g. via [Document Cloud](#))
- being able to map crime data (e.g. see [Oakland Crimespotters](#))
- being able to harness the intelligence of the ‘crowd’ to unearth stories from mountains of detailed data; as *The Guardian* did with [MPs expenses](#), getting 170,000 read and checked in just over three days (and, separately, to identify all the [Doctor Who baddies](#))

- knowing how to use metadata – in publishing, searching and using information (for example using [hNews](#), [RDFa](#), or [Open Calais](#))
- building the tools that enable people to see the relevance of public information to them (as the *New York Times* did with its series [on toxic waters](#))

We are now swamped with data and information. But data needs journalism. This is where the rather misleading phrase ‘data journalism’ is also quite helpful. There is a myth that all we need to do to make the world a better place is to make everything open and transparent. Openness will help, but it only gets us halfway there. Without people and organisations able and willing to take the open data, clean it, structure it, add metadata to it, create tools to analyse it, analyse it, and tell stories from it, then the data might as well go back in the archive.

Some news organisations are doing data journalism, sourcing stories from it, and making the data discovered re-usable by the general public. *The Guardian*, for example, has a datablog and datastore. *The Telegraph* has a data mapping reporter, Conrad Quilty-Harper. But there are not many people doing this, and too few news organisations who yet believe such work is valuable or profitable.

The MST has developed a data journalism tool - superfastmatch - which is currently being used by the Sunlight Foundation in the US to analyse the influence of lobbying groups on US legislation. This also drives our UK site [churnalism.com](#) which helps the public distinguish original journalism from PR material. Even though we have open-sourced the technology no-one in the UK is, to our knowledge, using it yet.

When re-thinking how to sustain and enhance investigative journalism in the future, data journalism needs to play an important part.

3. Investigative journalism and the law

This submission will not examine the role of the law in detail. We are not lawyers. However, we would like to make a few points that may run contrary to the prevailing industry wisdom.

There are clearly many legal obstacles to information gathering and publication in the UK, as there are in other countries. Some of these are preventing journalists from doing serious investigative journalism in the public interest. Others are protecting people and organisations from intrusion or harm.

In the case of a number of laws the balance is weighted against public interest journalism. In these cases there needs to be reform in order to remove some of the obstacles constraining public interest journalism. There is a demonstrable need, for example, for reform of the libel law.

Similarly, the Media Standards Trust and Hacked Off are campaigning for: the addition of public interest defences to RIPA, Misfeasance in Public Office, and the Official Secrets Act; clarification of the Bribery Act to make clear it does not apply to journalists paying sources for public interest material; and a new public interest defence in libel.

However, though there ought to be these reforms we would caution against the idea that the removal of these obstacles alone will, in itself, lead to a revival of investigative journalism.

Anyone who believes that reform of the law will generate an outpouring of investigative journalism need only look at the US, where the First Amendment removes almost all legal obstacles to journalism. In the US investigative journalism, particularly at a local level, is in as much trouble as it is in the UK. Removing the legal constraints does not resolve the economic constraints.

Equally, those who believe deregulation of media ownership will be a catalyst to greater investigative journalism are equally misguided. The current regulatory regime is outdated and in need of reform, but enabling local newspapers to amalgamate, and merge with local broadcast outlets is very unlikely to lead to greater investment in journalism. More likely it will accelerate current trends in centralisation and reduction in editorial resources.

Conclusion

The opportunities for doing journalism are now greater than they have ever been. But opportunities for earning a living as a journalist are greatly reduced. Public interest journalism, particularly at a local level, will not be as profitable as it was and in many cases will not be profitable at all.

The question we therefore have to ask is: how much do we value the regular provision of public interest journalism? Enough to subsidise it? Enough to provide indirect fiscal incentives? Enough to provide better legal protection?

Without intervention, the provision of public interest news - i.e. regular investigations, especially at a local level - will become increasingly sporadic. At no point will it disappear, but it will be enormously variable. As a result we will lose the benefits of the Fourth Estate that we have, to an extent, taken for granted over the last century.

Recommendations

- Explore ways of providing indirect fiscal incentives for public interest journalism, especially at a local level
- Use the BBC's £25 million as an innovation fund for developing new models of journalism, rather than building temporary GIS transmitters
- Lower the cost (money, access and time) of doing public interest journalism at a local level, for example by providing live streaming of council meetings, providing data in consistent re-usable formats
- Reform libel law
- Extend protection for public interest journalism within the law such that there are public interest defences for: the Official Secrets Act, RIPA, Malfeasance in Public Life; and a strengthened public interest defence in libel and confidence
- Continue to base privacy protection on common law precedent based on Article 8, balanced by Article 10 of the Human Rights Act