

KJT 21

Meeting report	Guidance and Promotion Division
Date of meeting:	27/10/2006
Location:	News International's Wapping Plant
Attendees ICO:	Richard Thomas, Lee Taylor
Other organisation:	Editors' Code of Practice Committee: Leslie Hinton (Chairman) and Ian Beales (Secretary) Press Complaints Commission: Stephan Abell (Assistant Director)
Reason for meeting:	To discuss the 'What price privacy?' report and the recommendations to the PCC and associated Editors' Code of Practice Committee and their response.
Contribution to GPD business plan:	Corporate task/engagement with stakeholders
KPI information	1/2 day
Associated file number	Z0065

Issues discussed / questions raised

- LH explained that the meeting was to inform the action that the Editors' Code of Practice Committee may take in response to the recommendations in the WPP report but that no firm proposals would be made today as he has no mandate from the Committee on this point. It was explained that an industry response would be separate and was likely by the end of October.
- RT welcomed the dialogue with the Editors' Code of Practice Committee, set out the background to the report including the evidence uncovered about press involvement and stressed his support for a self regulatory model for the press. He described the good response from other bodies but that the press collectively as an industry side were yet to respond.
- RT stressed that the intended target of sentences are the middlemen involved in the illegal trade in personal data and not journalists most of whom will be acting in the public interest with an exemption rightly available to them. However, he explained that the strategy for dealing with the demand generated by the press had to come from within the industry and set out the possible options for this with guidance and possible revisions of the code of practice. There was discussion about the lack of cases brought against journalists so far despite the existence of evidence revealed during Operation Motorman.
- LH was clear that the objective of the Editors' Code of Practice Committee is not to have prison sentences for sec 55 offences or for journalists to be exempt from such punishment as it would be detrimental to journalism by creating a chilling effect. The role of the Committee should be to make it clear what the law is as applies to journalists and what is expected of them. An industry wide mobilisation to raise awareness amongst journalists would have the same effect on demand as the introduction of sentences.
- There was discussion about the ICO commitment to sentences which RT confirmed as necessary to tackle the wider problem while reiterating that the intended

target is not journalists. The Lord Chancellor and the Department for Constitutional Affairs are supportive of the recommendations and will be contacted directly by the press side as they look to have the prison sentence dropped.

- LH and IB expressed the view that a prison sentence would undermine the effective operation of the PCC as legal advice is likely to result in journalists not cooperating with PCC investigations in case they incriminate themselves. In addition explicit inclusion of offences in the code would need to be investigated by the prosecuting authority not the PCC effectively taking that provision outside of and therefore undermining the self regulatory model. RT pointed out that the code already had reference to the Regulation of Investigatory Powers Act which proves that the proposed approach is possible and consistent with the current operation of the scheme where the PCC would compliance with the code in the 1st instance.
- IB raised concerns about a lack of consistency about how the public interest is interpreted by the courts. There was discussion about the public interest and RT explained that it would be necessary to have detailed guidance similar to that produced for use with the Freedom of Information Act.
- SA confirmed that the PCC have vocally condemned sec 55 offences and will continue to do so where the opportunity arises. RT welcomed the PCC stance but asked for a louder and clearer message from them.
- LH explained that the Committee would need to consider its next steps in light of the meeting especially what to do to raise awareness of the law.
- IB confirmed that that the Committee will respond to the recommendations and that these meetings should be seen as part of the process that response.