

REUTERS
INSTITUTE for the
STUDY of
JOURNALISM

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Lord Justice Leveson
The Leveson Inquiry
The Royal Courts of Justice
Strand
London WC2A 2LL

10th October 2011

Dear Lord Leveson,

You will be aware from the second of your seminars that the Reuters Institute for the Study of Journalism in Oxford published a study in 2009, just as the phone hacking scandal was first broken, on issues that are very relevant to a part of your Inquiry. *Privacy, Probity and Public Interest*, which Stephen Whittle, one of its authors, gave you at the Seminar, discusses the dilemmas and difficulties around getting the balance right between the public's right to know and the individual's right to privacy.

A further study - *Scandal News International and the Rights of Journalists*, by John Lloyd, Director of Journalism at the Institute and a Contributing Editor to the FT - has just been published by the Institute. It is, as the name suggests, a study of the News of the World Affair - and addresses the issue of the public interest at some length.

As was suggested at the seminar, we need vigorous, independent journalism that is exercised in the public interest as a vital part of our democratic process. But neither press nor other media should be above the law or a state within a state. It has to be transparent and in Onora O'Neill's word "assessable".

The challenge for the future is how to protect a vital freedom to report and opine without fear or favour while recognising that that right carries with it certain responsibilities to the public good. There is a public good in private space (which is crucial to human integrity and relationships); whether people seek to commoditize it is irrelevant. There is also a public good in exposing wrong doing and corruption, the misuse of funds and incompetence. But the infringement of privacy requires an impact test: is it to do with the potential to impact the lives of the many or simply to be interesting to the prurient? Will it cause good or harm?

Broadcasters, who do as much if not more investigative journalism than the press, have to meet a two stage test set by Ofcom: first, is the infringement warranted; second, can you justify what you broadcast? There is no pre-broadcast censorship but a requirement to explain and defend your approach to the public interest in the circumstances of the case. In their study for the Reuters Institute, Whittle and his co-author Glenda Cooper found no evidence that the requirement has either hindered or prevented hard hitting and important investigations.

And there is every reason in such a sensitive area to require the same standard of broadcast and written media.

Whatever is done has to be proportionate to what is being investigated, that implies:

- A clear sense of what the public interest might be
- Evidence that justifies taking the investigation forward so that it is not a "fishing expedition"
- The minimum deception necessary
- Clear rules about secret recording
- A clear editorial audit trail

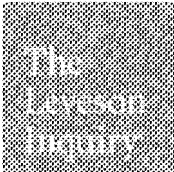
This approach is similar to that set out by Sir David Omand and now adopted by the Guardian as part of their editorial principles. The test is always whether a private act has a demonstrable impact on public responsibilities.

We would be very glad to give evidence to you based on these two studies and to supply further copies of each if you would find that helpful. In the meantime we wish you well for your Inquiry.

Yours sincerely,

Dr David Levy
Director

Cc: John Lloyd, RISJ
Stephen Whittle



culture, practices and ethics of the press

Steps before publication

1. If you are happy for the Inquiry to publish your submission please add and sign the following statement of truth to the end of your submission/statement:

Statement of Truth

I believe the facts stated in this witness statement are true.

Signed

Date 22/1/2012

Please be aware that by signing the statement of truth you are confirming that you agree that the contents of the submission/statement are true. Please take extra time to ensure that you are completely happy with your submission/statement before you sign it.

If you have provided a submission/statement in your private capacity you should state your full name in the submission/statement but should provide in a separate document personal details (e.g. address, contact address, mobile telephone number and e-mail address), which will not be published.

Please remove any personal details such as home address or telephone number before forwarding the final signed submission/statement.

If you have provided the submission/statement on behalf of an organisation, please state this clearly in the first line of the submission/statement.

2. Your signed submission/statement, in its entirety, should be returned to us by email.
3. Returning your signed submission/statement will confirm that you are content for the Inquiry to publish it on its website in the form you have provided. If this is not the case and you have any concerns or wish for certain sections to be withheld please make this clear in any response.
4. Your signed submission, once received, will initially be provided to those groups who have been designated as Core Participants to the Inquiry (a full list is available on our website: www.levesoninquiry.org.uk).
5. If the Core Participants do not raise any matters your statement will then be referred to in open session and at that point it will be published, along with your name, on the Inquiry's website.

The Inquiry intends to begin publishing submissions/statements on the website shortly and would therefore be grateful for your response by return.