

Privacy

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Journalists face a difficult balancing act. They must respect privacy but they must also be rigorous and robust in their investigation into issues that are in the public interest. This will mean that in some cases it will be necessary for a journalist to carry out an investigation that interferes with someone's privacy.

Such cases could include:

- crime and anti-social behaviour
- corruption or injustice
- incompetence or neglect
- public health and safety
- misleading public statements
- political statements.

The most important rule is that we must treat people fairly and with respect. We must also be clear about our own motives. We must have no personal interest in an investigation that invades a person's privacy. The only justification is that it is in the public interest and we are genuinely attempting to shine a light on wrongdoing. What does privacy cover?

Privacy covers anything that a person might reasonably expect to keep from becoming public knowledge. It could include some facts that are known by some, but not by all. For example, someone's address might be seen as a privacy issue if that person is in the public eye and doesn't want to be troubled, or if they are in the news and likely to attract unwanted attention.

Clearly, their address is known by some, friends, relatives, their bank, the utilities, etc, but not the general public. Of course, addresses can always be found by anyone determined enough to research, but it is not always right for a journalist to reveal that address without good reason --- whether it is in the public interest.

There will also be cases where a person in the public eye who is in a public place can expect to have their privacy protected. Cases might be where they are in a clinic or hospital receiving treatment. Submitted material

Increasingly, journalists are being offered submitted material. The age of UGC (user-generated content) has changed the media landscape to such an extent that many of the ethical values we hold dear as journalists are being challenged and ignored by anyone with the technology to capture images and transmit them. This does not make it right for us to ignore our editorial guidelines.

It does raise important editorial issues. For example, if material is in the public domain and everyone is talking about it, yet we ignore it, we might be seen as missing out on an important element of a news story and failing to inform our users. Such situations need careful editorial consideration and will require referring up to the most senior editorial line manager. However, in all cases, we should remain true to our own editorial values and refuse to compromise.

So care needs to be taken with submitted material, particularly that taken from CCTV, webcams, video cameras and mobile phones. It's unlikely we will be able to verify all contributed material as being genuine. Many respected news organisations stipulate that material has to be verified by two independent sources. This might not be possible with contributed material. In that case, an editorial call needs to be made.

Clear signposting is a way round this if we feel the material is justified, but we need to always be careful about displaying material that could compromise our own editorial values and those of the news brand we work for. Reliability, trust,

honesty, fairness and accuracy are hard won values and you need to be sure you protect these. If your audience sees material that leads them to believe that you have moved away from such values, you could lose their trust.

A short clip for a story with a short shelf-life that has little or no impact on the public other than a trivial passing interest is never a justification for risking your editorial reputation. Think long and hard about what you include if you can't verify it and if it threatens the very values your news organisation is built upon. Judge and jury

Remember, a journalist's job is to report facts and inform the public debate so that people can make informed choices. We are not the judge and jury in what is right and wrong in the community we serve. It is far too easy to elevate ourselves to a place of power where we feel we are almost beyond the law and have a right and duty to dig deep, regardless of the hurt and damage such digging can cause.

Some feel that an individual's right to privacy is qualified by their behaviour. If a person is considered to be involved in crime or anti-social behaviour, it could be felt they have waived part of their rights to privacy because it is more likely to be in the public interest to expose their behaviour. This is not for us to decide.

This is also a delicate area, particularly in transition and post-conflict countries where what might be termed by some to be anti-social or unlawful behaviour could, in some cases, be seen by others as an important and legitimate protest against unjust regimes.

Most journalists will not infringe privacy unless there is a clear case of it being in the public interest to do so. If we are asked to stop recording because of concerns about privacy, we should normally do so unless it is editorially justified to continue. At that point we need to be absolutely clear about our reasoning. To keep up with our competition, win more users and sell more papers is not a good enough reason. It must be seen as important to informing the public debate and it must be a fair, accurate and balanced representation of the facts. Even then, the journalist must refer up to ensure that they have come to a considered conclusion having weighed all the facts and that they are not being driven to take decisions based on their own perspectives. Obtaining consent

There are a number of places where journalists should normally obtain two forms of consent, one to gather the material and the other to broadcast the material. These include the scene of an accident, hospitals, schools or prisons.

Journalists should always seek the advice of senior colleagues when they intend to use unattended recording equipment without the knowledge of those being recorded, record telephone conversations originally intended for background information, door-step an potential interviewee without making a prior approach, or broadcasting material recorded by others, such as user-generated content (UGC). Secret recording

If a journalist intends to make a secret recording, they have to be able to justify the decision on the grounds of there being a clear public interest for it to take place. It is sometimes justified if it is likely to gather evidence or behaviour that the audiences would otherwise not see and hear.

Justifications for secret recordings could include:

- where there is evidence that there is an intention to commit an offence
- where an open approach would be unlikely to succeed
- gathering evidence
- consumer, social or scientific research in the public interest.

In all cases, the material gathered should be a fair and accurate representation of what has happened. There is also an obligation on the journalist to seek retrospective consent and, in some cases obscure some identities.

Secret recording could include:

- the use of hidden cameras and microphones
- long lens audio-video equipment
- small video cameras
- mobile phone cameras
- concealed radio microphones
- phone calls
- continuing to record after the interview is over.

If you are intending to carry out secret recording, make sure your line manager has approved it. Your news organisation will have a procedure. Ensure you comply. It will probably involve:

- senior editorial approval and signed document
- a clear declaration as to why the action is in the public interest
- a statement as to how the material is to be used
- an accurate log of what has taken place
- a log of what is to be broadcast and what will not be broadcast
- an honest declaration of any deception that was required to gather the material.

That final point is extremely important. Journalists are increasingly coming under pressure not to use editing or newsgathering techniques that could be seen as misleading.

Also remember, if you intend to use any material gathered secretly in the future --- such a review of the year or referring to a story when following up the item --- you will probably have to revisit the whole process, but legal advice will need to be taken.

You will need to be certain all you propose to do is in the public interest, particularly in:

- a private place where the public does not have access
- where people are receiving medical treatment
- in cases of grief and extreme stress.

It is never justified to go on so-called fishing expeditions where secret recording is carried out on private property in search of crime or anti-social behaviour. Similarly, you should never leave recording equipment on private property with the intention of gaining evidence of serious crime unless you have first got senior editorial sign off and can justify your actions in terms of public interest.

Increasingly, we are receiving content submitted by others. There is often no way to establish whether the material was recorded secretly or not. However, we should apply the same editorial rules to the use of this material as we would to material gathered ourselves. Electronic note taking

Many reporters now use electronic equipment as part of their note taking. Some use recorders instead of notebooks, believing it to be a better way of ensuring accuracy in their reporting. It needs to be made clear at all times that such electronic note taking is for research and not for broadcast. If you find you have stumbled upon a significant newsworthy clip that is clearly in the public interest to broadcast or publish, then you must refer up in order to obtain senior editorial approval. The chances are it won't be given, particularly if there was a firm undertaking given to the interviewee that the material would not be broadcast. Door-stepping

Sometimes a reporter is forced to track an interviewee down in an attempt to record an interview. This is often referred to as door-stepping. Door-stepping members of the general public needs careful thought. Is it really necessary? What purpose does it serve? What information is likely to be gathered that is not available through other, more conventional, channels. A journalist has a duty to continue to question their own motives and the value of what they are doing.

However, if the general public can expect a certain amount of protection from door-stepping, public figures, particularly politicians, fall into a different category. They expect questions being thrown at them without prior arrangement and should expect the answers to be published.

If you are convinced the story you are chasing is in the public interest, you might want to door-step because the person involved has failed to respond to repeated interview requests, has repeatedly refused an interview, or has a history of failing to respond to interview requests. But don't forget, they have a right to refuse and you don't have a right to mislead in order to get what you want or to pressurise someone into giving you the quote you feel you need. Tag along raids

A tag along raid is when a journalist accompanies officials carrying out their work in order to cover a story that is in the public interest. This could include tagging along with police, customs, immigration or environmental health officers or other public authorities on operational duties. But you have to be absolutely certain that there is a clear public interest, because this touches on many issues such as privacy, consent and trespass.

If you do tag along in an official raid on private property you must make it clear who you are reporting for and where the material will be used, seek consent from the occupier of the property being raided, and be prepared to leave immediately if consent is refused, unless it has been agreed with your senior editorial figures that there is a clear public interest in the raid being covered. Reporting suffering & distress

The media's relationship with the public during times of suffering and distress is totally unpredictable. There have been many times in my career as a newspaper, radio and TV reporter when I have been sent out to the home of someone who has lost a loved one through criminal activity, an accident or a bombing. In my experience there are three reactions.

The first is when you arrive at the door and knock and nobody answers, although you can see lights on and hear voices. You know people are in and you know they don't want to be disturbed. However, you also know that your news editor is expecting an interview and a picture of the person who has died.

What do you do? Do you keep knocking until they answer, or give up and head back to the office, respecting their grief and their decision to hide from you? Your news editor will either be totally supportive or will give you a hard time for not getting the interview and picture.

The second reaction is that they open the door and set the dogs on you or give you a mouthful of abuse.

The third is that they invite you in, put the kettle on, make a cup of tea, show you all their family photographs and let you take some home.

You never know which reaction you will get. It is important that the reporter is sensitive to the suffering people are going through.

Intruding in public grief can hardly be in the public interest. However here is the contradiction. The media often get pilloried for covering grief, but people buy newspapers expecting to see pictures of those who have died through tragic circumstances. We can't win, but we can be professional and ensure that all we do is in the public interest. Graphic material

We always need to consider carefully the editorial justification for portraying graphic material of human suffering and distress.

There are almost no circumstances in which it is justified to show executions and very few circumstances in which it is justified to broadcast other scenes in which people are being killed. We should also avoid the gratuitous use of close ups of faces and serious injuries or other violent material.

We must also be global in our news values. If we have editorial rules that state that we don't publish details of someone who has been killed until the family has been notified, then that rule has to be applied globally.

Those in the west who apply such rules to domestic coverage need to ensure that they are consistent when dealing with tragedies in far-flung countries. A family of a dead person, who can clearly be identified, but who is the victim of a killing thousands of miles away, are entitled to the same editorial standards we apply when the incident is on our door step.

The passage of time is an important factor when it comes to making difficult judgements about the broadcasting of graphic material. In the immediate aftermath of an event the use of more graphic material is normally justified to provide a reasonable illustration of the full horror, although a good script is equally important in conveying the reality of tragedy.

However, as the story unfolds it may become more difficult to justify its continued use. When it comes to marking the anniversary of an event or when considering it in a contemporary historical context, it may again be editorially justified to re-use it.

One healthy rule is that we must not add to a person's suffering and grief. We should not put them under any pressure in order to obtain an interview. We must not harass them with repeated phone calls, emails, text messages or

calls at their door, we must not ignore their pleas for us to leave, and we should not follow them if they are trying to avoid/escape us.

Graphic scenes of grief are unlikely to offend or distress those victims and relatives who consented to our recording them, but we need to remember that the images could upset or anger members of the audience. It helps if we set out the context for the images people are about to see in order to prepare them and to help prevent any misunderstandings.

Funerals

Funerals, except in the case of public figures, are usually considered a private affair. We should not attend without the consent of the family. Even in the case of people in the public eye, such as politicians, entertainers and sports personalities, we should also respect a family's wish to have a private funeral. In such cases there is usually a public event where the media is invited and often a private event for family only. Revisiting past events

Responsible media organisations will frequently return to past events in order to put current events in context. As a result, news producers need to ensure they do all they can to minimise any possible distress to the surviving victims and relatives. This is particularly important when covering suffering and trauma.

This also applies even when material being published or broadcast was previously in the public domain. Where possible, surviving victims or the immediate families of the dead people who are to feature in the programme should be notified in advance. Library material

All news organisations use library material to cover news. This will include the reuse of scenes of suffering, distress and trauma. We have a duty to ensure that the repeated use of such material, particularly where it features people who can be identified and are still alive, is editorially justified.

We should never use such material as background wallpaper material or to illustrate a general theme. At all times we must be sensitive to the impact such material is likely to have on those who suffered the first time round. Missing people

The media is often called on to help trace people by broadcasting details of missing people which has been provided by relatives and friends. Journalists must take editorial responsibility for the content of the message. We must not give over our journalism to the control of others. It could be that information the family is keen to release could be embarrassing and distressing. It could be that the information is infringing the missing person's privacy. We must always take editorial responsibility and consider whether the missing person would want the information published if they are found. We should also respect the fact that not every missing person wishes to be found. Personal information

A journalist has a responsibility to be totally open and transparent with people about how they intend to use their personal information. This includes details such as telephone numbers and email addresses. We must never pass these on for others to use without obtaining the owners consent. Exercises

- A famous rock star is recovering in a clinic after seeking treatment for drug misuse. A fan, camped outside the clinic, takes a picture of the star vomiting behind a bush in the clinic grounds and sends it to your news organisation. The image is extremely clear and, on the face of it appears genuine. What do you do?

- Is an individual's right to privacy qualified by their behaviour. Are people who are involved in crime or anti-social behaviour less entitled to privacy? If so, why?

- You have been given a tip off that illegal dog fighting is taking place at disused warehouse on the outskirts of town. You go there late one night and set up webcams to record events. Two days later you find that you have secretly recorded a bloody event and the images of those involved are clear and distinguishable. How do you proceed?

- At two in the morning we learn that there has been a peace deal in a lengthy armed conflict and that troops will be returning to their homes. The families of those troops will not yet be aware of that news. We decide to phone relatives of those involved in the fighting to share the news. We realise that if we tell them we are recording the material we could lose the spontaneity of their response. We decide to record first and ask permission later. The material is electric. Is this allowed and should we use it?

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This site has used the BBC's Editorial Guidelines as the basis for these short modules on values and ethics. We sought and were given permission to quote from the guidelines and to develop the themes to the extent that they are no longer an accurate reflection of the BBC's stance. These guidelines contain a mix of regional experiences and sensitivities which have been used to develop the guidelines and give them local relevance. These pages are not endorsed by the BBC. MHM would like to thank the BBC for allowing us to use its material.