

# Editors' Code of Practice Committee

CHAIRMAN: PAUL DACRE

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PRESS INFORMATION

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## Editors' Code changes approved

Three revisions to the Editors' Code of Practice, to which the British Press subscribes voluntarily and which is enforced by the Press Complaints Commission, are announced today.

The changes have been ratified by the PCC and take effect from 19 October, 2009. They cover:

- **Privacy** – Clause 3 has been amended to make clear that the PCC will take into account relevant previous disclosures made by the complainant.
- **Harassment** – Clause 4 will require journalists in situations where harassment could become an issue to identify themselves if requested to do so.
- **The Public Interest** exceptions will include journalistic activity where editors can demonstrate a *reasonable belief* that they were acting in the public interest at the time.

Code Committee Secretary Ian Beales said: "These amendments are intended to strengthen and clarify the Code, for the benefit of both complainants and the press, by incorporating elements that largely reflect embedded PCC jurisprudence or existing industry best practice.

"For example, when considering complaints of alleged intrusions into privacy, the PCC has traditionally had regard for any relevant previous disclosures by the complainant. That has now been codified.

"Also, it would be unusual for journalists in pursuit of a story not to identify themselves to the person they wanted to interview or photograph – unless there was some public interest reason for not doing so. The Code now reflects that.

"Similarly with the public interest exceptions: currently, editors must demonstrate how their action actually served the public interest. But that doesn't allow for publication or investigative activity that genuinely appeared to be in the public interest, even where none actually emerged. Increasingly in the courts – and especially under Data Protection law – the test is whether there was a *reasonable belief* that the action was in the public interest.

"In reality the PCC would also be likely to take into consideration, under the spirit of the Code, whether the action would have seemed reasonable. So now, having taken legal advice, we have modified the Code to reflect that. It means editors must convince the PCC that they had good reasons to believe their action was in the public interest. It is a stiff test – shallow or spurious reasons won't do – but a fair one."

*For actual changes, please see following page/*

### Note for editors:

The Code Committee members are: Chairman: Paul Dacre; Neil Benson, Trinity Mirror Regional Newspapers; Adrian Faber, Express and Star, Wolverhampton; Jonathan Grun, Press Association; Douglas Melloy, Rotherham and South Yorkshire Advertiser; Ian Murray, Southern Evening Echo; David Pollington, The Sunday Post; Alan Rusbridger, The Guardian; June Smith-Sheppard, Pick Me Up magazine; Hannah Walker, South London Press; Harriet Wilson, Conde-Nast Publications; and John Witherow, Sunday Times.

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## *The Code changes in full, October 2009*

*Amendments are highlighted*

### **3 \*Privacy**

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual's private life without consent. **Account will be taken of the complainant's own public disclosures of information.**
- iii) It is unacceptable to photograph individuals in private places without their consent.

Note - Private places are public or private property where there is a reasonable expectation of privacy.

### **4 \*Harassment**

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them. **If requested, they must identify themselves and whom they represent.**
- iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

### **THE PUBLIC INTEREST**

*There may be exceptions to the clauses marked\* where they can be demonstrated to be in the public interest*

1. The public interest includes, but is not confined to:

- i) Detecting or exposing crime or serious impropriety.
- ii) Protecting public health and safety.
- iii) Preventing the public from being misled by an action or statement of an individual or organisation.

2. There is a public interest in freedom of expression itself.

3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully **how the public interest was served that they reasonably believed that publication, or journalistic activity undertaken with a view to publication, would be in the public interest.**

4. The PCC will consider the extent to which material is already in the public domain, or will become so.

5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

*The current full Code can be viewed at the Editors' Code Committee website:  
[www.editorscode.org.uk](http://www.editorscode.org.uk)*