The Chartered Institute of Journalists' submission to the

DCMS call for views on the General Data Protection Regulation (GDPR) derogations

The Chartered Institute of Journalists (CIoJ) is the world's oldest professional association of journalists and operates under a Charter granted in 1890 by HM Queen Victoria.

We represent staff and freelance journalists across all sectors of the media including local and national newspapers, periodicals, broadcasting and electronic publishing.

The CIoJ welcomes the opportunity to submit views on the General Data Protection Regulations.

Our response is in relation to Theme 11 – Freedom of Expression in the Media.

It is our contention that the proposals, as contained in the GDPR, do not contain sufficient protections for journalists. In the current DPA there are provisions under section 32 to protect journalists who regularly have to process personal data during the course of their duties.

The new regulations do not provide any such protection save for a passing mention, in Article 85, that member states "shall by law reconcile the right to the protection of personal data pursuant to this Regulation with the right to freedom of expression including processing for journalistic processes".

We would urge the inclusion of a safeguard for journalists who have to regularly collate, process and store data during the natural course of their work.

We would, therefore, support the full and existing protection of the journalist exemption.

Evidence

We feel the case for freedom of expression and journalism probably doesn't need expanding in argument here. Not least because it has been well established in principle over many years.

However, we would highlight that the UK currently sits number 40 in the World Press Freedom Index. This is a drop of two places on the UK's 2016 position. This fall directly reflects the subliminal erosion of press freedoms in the UK over the past few years.

These include:

- Section 40 of the Crime and Courts Act, which seeks to impose exemplary costs on publications which have not signed up to a government regulator.
- Mis-use of RIPA by police forces in order to gain access to journalistic material.
- The introduction of the Investigatory Powers Act – or snoopers' charter – which allows applications for confidential journalistic or journalist source data to be approved by a Judicial Commissioner. Journalists have no rights to be informed about the applications for access to their information and everything will be conducted in secret with no public scrutiny at all, and absolutely no due process of legal representation.
- The proposed Espionage Bill, which contains provisions for any person, including journalists, who receive leaked sensitive information (protected under the official secrets act) to be liable for prosecution.

If protections for journalists are not included in the General Data Protection Regulations then it will be a further erosion of press freedoms in the UK.

One of the fundamental tenets of a democracy is a free and vibrant press. The UK holds itself to be one of the world's leading democracies. That position will be further undermined if protections for journalists are not maintained in the GDPR.