

EDITORS' CODE OF PRACTICE COMMITTEE

c/o News Media Association, 292 Vauxhall Bridge Road, London SW1V 1AE

Lord Evans
Chair, Committee on Standards in Public Life
Room GC.07
1 Horse Guards Road
London SW1A 2HQ

November 26, 2018

Dear Lord Evans,
Following Lord Bew's letter to Matt Tee of IPSO, the Editors' Code of Practice Committee has considered the issues raised in your report *Intimidation in Public Life* but I have to report that it did not conclude that the Code should be amended.

The committee acknowledged that online intimidation is a disturbing aspect of public life but agreed that the media regulated by IPSO should not be held responsible for the activities of unregulated individuals acting as online trolls.

The Editors' Code already provides protection to individuals in a range of circumstances, including accuracy, privacy, harassment and discrimination.

The relevant clauses say:

1. Accuracy

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.

iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

v) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

2. *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. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.

iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

3. *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 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.

12. Discrimination

i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability.

ii) Details of an individual's race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

The Editors' Code seeks to balance both the rights of the individual and the public's right to know. It states that it should be interpreted "neither so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it infringes the fundamental right to freedom of expression – such as to inform, to be partisan, to challenge, shock, be satirical and to entertain – or prevents publication in the public interest."

Freedom of expression and a free Press is essential to society. It is in the interests of everyone that the Press is free to campaign, scrutinise and criticise those exercising the power of the state.

Editors exercise discretion for their own editorial content and use of language - and they are open to criticism and are called to account by their readers and those in public life. But they cannot be responsible for the actions of others – those who are possibly prompted to undertake online intimidation by stories that conform to the Editors' Code in every respect. We have seen that online political trolling by extremist activists can be inspired by the statements of many people in public life, however mildly expressed. It would not be in the interests of society or freedom of expression if editors therefore had to avoid dealing with the important issues of our time because of the actions of these online trolls.

Your report also recommended that news organisations should only consider stories from freelance journalists that meet the standards of the Editors' Code, or the Editorial Guidelines of Impress, as appropriate, and ensure that freelance journalists are aware of this policy. I am pleased to point out that this is already the case. The Code states in its Preamble that editors "should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists."

The Editors' Code of Practice is under continuous review and has evolved over time to remain relevant to changes in society. The Editors' Code of Practice Committee is therefore happy to consider suggested changes and at some point you may wish to put forward a possible wording for a new clause and perhaps examples of the articles that you feel would then be in breach of the Code.

I would also be happy to meet you on behalf of the Editors' Code of Practice Committee if you wish to discuss these matters further.

Yours sincerely,



Jonathan Grun

Secretary

Editors' Code of Practice Committee

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