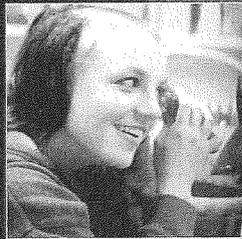
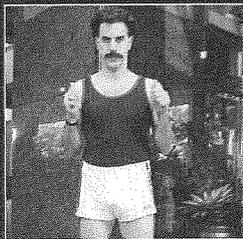
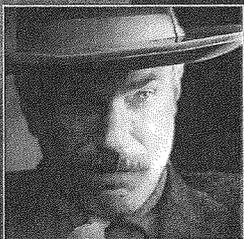


New Media special issue

MMedia Magazine

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The Press Complaints Commission

Moving with the Times

The recent press coverage of cases such as the McCanns and Shannon Matthews has thrown into sharp relief the problems of press regulation, particularly those related to privacy and children, and the relationship between print publications and the contents of their websites. Here **Sue Roberts** of the Press Complaints Commission discusses new guidelines for audio-visual content on news and magazines websites.

It is clearly not professional footage – the images are a little blurred and the camera jumps from time to time. After a short while, however, it becomes clear that this is video footage of a classroom, probably taken on a mobile phone. A typical classroom scene, perhaps? Let's hope not! Students wander around chatting and laughing – they are clearly not working. The picture pans to a teacher who appears oblivious to the goings on.

What, you may ask, has all this got to do with the Press Complaints Commission (PCC)? After all, isn't the PCC the independent regulator of newspapers and magazines?

The answer lies in the fact that, in 2007, the PCC's remit was extended to cover **audio-visual material on newspaper and magazine websites**. The Commission, therefore, is **not solely a regulator of the printed word**. In fact, the PCC's remit has covered online versions of print publications for a number of years now. The first online versions were pretty much clones of what was appearing in the paper copies; but clearly websites have moved on since then, and many newspaper sites now contain videos, podcasts, mobile phone footage and so on. All of this material, provided that

an editorial decision has been made to upload it, now falls within the PCC's sphere of responsibility. Of course this only relates to **online versions of existing print publications** – the PCC does not regulate the whole of the internet!

Intrusion – in the public interest?

The footage described in the opening paragraph of this article was shot by a student, who was seeking to explain poor results to her parents. Her parents, shocked by what they had seen, sent the video to their local newspaper which published it – without any editing – on its website. The school, however, was not happy, and lodged a complaint with the PCC. The complaint was that no permission had been given from the school, the students or their parents for publication of the images either in print or on the paper's website. The Code of Practice, which it is the PCC's job to administer, requires that 'young people should be free to complete their time at school without unnecessary intrusion'.

The newspaper's response to the complaint was that there was a **clear public interest** in knowing about the lack of supervision at the school given that it could have an **impact on student performance**. A student had taken the video,

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PCC makes first video ruling

Caitlin Fitzsimmons
MediaGuardian, Wednesday August 15 2007
Article history · Contact us

Advertiser
SECOND MAN ON MURDER CHARGE

Hamilton Advertiser uploaded the unedited footage on its website

A 16-year-old student at John Ogilvie High School in Hamilton, near Glasgow, used her mobile phone to film her fellow students dancing in class and playing games to explain her poor maths results to her parents.

The story appeared in the Scottish Sun and the Scottish Daily Mirror, which both ran stories about lax school discipline with an accompanying image.

The local paper, the Hamilton Advertiser, uploaded the unedited footage on its website as well as running the story in print.

not a reporter, and the newspaper did not believe it had intruded into the education of the 16-year-olds shown in the images. It agreed to remove the video from the website and offered to apologise to the students, but not to the school.

The PCC accepted that there was **considerable public interest** in presenting evidence in support of allegations that lax classroom discipline was affecting pupils' ability to do well. The Commission also concluded it was reasonable to use – at least in part – the information in the video. However, the students had not known they were to appear in the newspaper and on the website, yet they were

clearly identifiable. As far as the Commission was concerned, the newspaper should have **obscured their identity or it should have obtained consent for the pictures' use**. Since the newspaper had done neither, the PCC decided the **Code had been broken**.

Yobs on film – exposure or pixellation

In another complaint about a newspaper's website the PCC did not agree the rules had been broken. On this occasion, the site carried a video which had been uploaded onto YouTube and was headlined 'YOBBS ON FILM'. It showed youths, including the complainant's 15-year-

PRESS COMPLAINTS COMMISSION

MM

MARTIN MOORE BLOG

WEDNESDAY, AUGUST 14, 2008

The PCC holiday goes...

Causing barely a ripple in August's headline news, the Press Complaints Commission has just taken a bold new step into the unknown. It has made the availability of mobile phone video content on the web.

It has updated the complaints of Mr Lavin Gaddis, president of the PDA at John Ogilvie High School, about a mobile phone video taken of a disruptive maths class.

One of the students in the class, who wanted to show her parents how chaotic they had become, filmed it on her phone. When her parents saw the video they were so appalled they sent it to the *Daily Mirror*, which then published the footage on its website.

But despite being a bold step away from regulating print, this PCC ruling was remarkably straightforward. Clause 6 of the Code says that 'Young people should be free to complete their time at school without unnecessary intrusion' and that Pupils must not be approached or photographed at school without the permission of the school authorities. So it would have been strange if the Commission had ruled otherwise.

But it's not hard to imagine a more complex situation. Increase the age of the students slightly - make them, say, university level, and the same ruling does not apply. A group of 18-year-olds filmed causing trouble at college - can presumably be published without compunction. But can it? Do the students or the teacher have any protection? Does the public interest test apply even though the person collecting the content is not a journalist?

▼ **Library (14)**

- ▼ Daily Mirror.com great!
- Can newspapers get digital?
- Blog
- Add another to MyQueue (10/08/08)
- Blog
- Some Bland will be needed - from here on out!
- Mail to Britain - what's more appropriate?
- The British newspaper industry - writing
- Is Water the enemy, or the source of news?
- Do the press really do people in - or do they love us?
- Photographing the press
- Why did a world-class DJ die (10/08/08)?
- Exposure: PCC's relationship with journalists

► **Library (14)**

► **Blog (192)**

► **Blog (60)**

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

Clause 6: Children*

- i. Young people should be free to complete their time at school without unnecessary intrusion.
- ii. A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- iii. Pupils must not be approached or photographed at school without the permission of the school authorities.
- iv. Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.

v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

As will be clear, a very important part of the Code is the section which explains how there may be exceptions to the usual rules when the publication is acting in the public interest. Very often the PCC has to weigh the interests of a person's private life against the interests of freedom of speech and revealing matters which it is genuinely important for the public to know. Considering such an apparent conflict of freedoms is part of our democratic society.

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.
- 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.

User-generated content - outside PCC remit

People sometimes ask if the PCC regulates the blogs and chatrooms which have become part of the furniture of many newspaper websites. This user-generated material is often streamed live onto the site and changes rapidly through the day. It would be unworkable

for editors to apply their normal controls and if there has been no editorial input at all, the material is unlikely to fall within the PCC's remit. Some material, such as syndicated news broadcasts or radio programmes, are also used by editors on their sites and this is likely to have been controlled already by another regulatory body.

To sum up:

The PCC will expect all the material on newspaper and magazine websites to conform to the rules of the Code of Practice where it meets the following requirements:

- that the editor of the newspaper or magazine is responsible for it and could have been expected to exercise editorial control over it and apply the terms of the Code
- that it was not pre-edited to conform to the online or offline standards of another media regulatory body.

There is a wealth of information about the role of the PCC, the way it deals with complaints, new developments and hundreds of published outcomes of its investigations on its website www.pcc.org.uk. This includes an FAQs section which will be of particular interest to students.

Sue Roberts is the External Affairs Manager for the PCC

old son, throwing fire bombs at a freight train and setting it alight. However, the complainant said that the interests of the young people who appeared in the video outweighed any public interest in showing it and that the newspaper should have pixellated their faces.

Although the Code of Practice offers considerable protection in relation to people's privacy - especially the under-16s - there can be exceptions when publication is in the public interest. In this instance, the information in the video showed an anti-social or criminal act committed in a public place by individuals who were over the age of criminal responsibility. Moreover, the article had been put into the public view when it was uploaded onto YouTube. And who had put it on YouTube? The man's son. The newspaper had not interviewed or photographed the youths - this was information which the perpetrators of the crime had, for whatever reason, wanted to circulate publicly. Anti-social or

criminal behaviour is a proper subject for public scrutiny and the PCC would not generally wish to restrict the press from reporting on it. For all of these reasons the complaint was rejected.

The two examples discussed here involve the rules on privacy set out in Clause 3 (Privacy) and Clause 6 (Children) of the Code of Practice. But the 16 Clauses which form the Code cover issues such as accuracy, the way news is gathered and protection of a whole range of vulnerable people.

Clause 3: Privacy*

- i. Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications. Editors will be expected to justify intrusions into any individual's private life without consent.
- ii. It is unacceptable to photograph individuals in private places without their consent.

PRESS COMPLAINTS COMMISSION