

Lee 1 (hard copy)

THE PRESS STANDARDS BOARD OF FINANCE LIMITED

Mr Lee

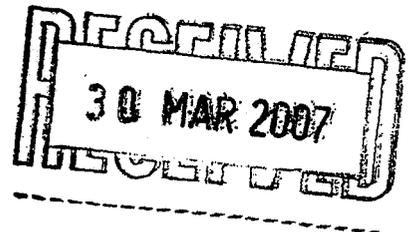
Editors' Code of Practice Committee

RJT 31

CHAIRMAN: LESLIE HINTON

SECRETARY: IAN BEALES
PO BOX 235
SEGNERSHOUSE GL18 3UF

Richard Thomas, Esq.,
Information Commissioner,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire SK9 5AF
27 March 2007



Dear Richard,

The Code Committee has now considered your proposed amendment. The Committee felt there were two main problems with your suggested wording. First, it makes the obtaining of any private information – not just protected data - an automatic breach. Second, it makes the act of payment to a third party a critical test. The current test is whether a failure to *respect private life* (including digital communications) constitutes an intrusion. If it does, it is unacceptable, whether or not payment is involved. The Committee felt the issue of intrusion, rather than payment, should be the critical factor.

That being the case, the Committee decided against adopting your suggestion. However, it did agree two changes that addressed the points you raised, and which I felt we should run past you for your comments.

The proposed changes are in Clause 10, which covers Clandestine Devices and Subterfuge. Both sub-clauses would be amended to state (*changes in bold italic*):

- i). The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorized removal of documents, or photographs; **or by accessing digitally-held private information without consent.**
- ii). Engaging in misrepresentation or subterfuge, **including by agents or intermediaries**, can generally be justified only in the public interest, and then only when the material cannot be obtained by other means.

This states explicitly that accessing digitally held private information without consent is unacceptable unless in the public interest. It also reinforces the preamble's reference to non-journalists being included within the scope of the Code, by reference to agents and intermediaries (who, of course, may be paid or unpaid).

I would naturally welcome your thoughts on this. I have emailed this letter for speed, but a copy is also sent by post. I would be very happy to hear from you by email, or discuss the changes with you by phone if you thought that helpful.

Yours sincerely,

Ian Beales

Secretary, Editors' Code of Practice Committee

.....
The Code Committee works under the aegis of the Press Standards Board of Finance Ltd., a company limited by guarantee, registered in England and Wales No 2554323. The Code is ratified by the Press Complaints Commission, which is charged with enforcing it.