

Client name: BBC

Project name: Editorial Standards Modules

Project number: 10275

### Privacy

Secret Recording for consumer research

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### Purpose of this document

This is a script. We'd like you to review, in particular:

- the scope of the learning objectives covered
- · the accuracy of the content
- any queries we may have added.

Please note that the comments in the `notes field' of each screen are where Epic has suggested additional text or raised points for clarification. When the comment refers to text in the script, we have highlighted it in yellow.

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BodyText	Secret recording may be used as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question.			
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Title	Your mission		İ
Initial Audio Transcript			
Initial Text	In this module, you won't undertake a task, but will instead have the		
	opportunity to view a masterclass	on secret recording for th	e
	purposes of social, consumer or sc	ientific research.	
BodyText	This type of secret recording is useful when programme makers are attempting to capture evidence of a practice or set of behaviours, rather than expose individuals or organisations involved in wrongdoing.  Bridget Boseley was the Executive Producer of the investigative holiday programme, <b>The Secret Tourist</b> , made by Outline Productions for the BBC.		
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- the general use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones, when people are unaware they are being recorded
- the deliberate use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones, either to conceal the equipment from targeted individuals or to give the impression of recording for purposes other than broadcasting, for example a holiday video
- recording telephone calls for possible broadcast without asking permission
- deliberately continuing a recording when the other party thinks that it has come to an end, or starting it before the other party thinks it has begun.

7.4.10 Normally, the BBC will use secret recording only for the following purposes:

as an investigative tool where:

- there is clear existing prima facie evidence of behaviour, or intention to carry out behaviour, that it is in the public interest to reveal, and
- · the recording is necessary to prove the behaviour, and
- there is no viable, alternative means of gathering the evidence that proves the behaviour.
- to obtain material outside the UK where a country's laws make the normal and responsible gathering of material extraordinarily difficult or impossible
- as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question
- for comedy and entertainment output where the secret recordings, and any deception involved, are an integral part of the programme.

#### Approval of Secret Recording

(The following guidelines on Approval apply to any proposal to secretly record, whether for news, factual or comedy and entertainment purposes.)

7.4.11 Any proposal to carry out secret recording must be

referred to Editorial Policy prior to approval by the relevant senior editorial figure in the division or, for independents, by the commissioning editor.

The gathering and broadcast of secretly recorded material is always a two-stage process, requiring a justification for any intrusion at each stage. So, the decision to gather is always taken separately from the decision to transmit.

A record must be kept of the approval process, even if the request is turned down or the material gathered isn't broadcast. Each division is responsible for maintaining its own secret recording records to enable the BBC to monitor and review its use across all output.

Any deception required to obtain secretly recorded material (beyond the concealing of recording equipment) should be the minimum necessary and proportionate to the subject matter and must be referred to the relevant senior editorial figure or, for independents, to the commissioning editor.

When proposing to carry out secret recording outside the UK, we should be aware that the laws relating to privacy vary around the world. Any proposal to gather material illegally outside the UK by disregarding privacy or other similar laws in the relevant country must be referred to Director Editorial Policy and Standards. Programme Legal Advice may also be consulted.

7.4.12 The re-use of secretly recorded material must be referred before broadcast to a senior editorial figure or, for independents, to the commissioning editor. A record must be kept of the decision.

### Secret Recording for News and Factual Output

7.4.13 Secret recording must be justified by a clear public interest. It is a valuable tool for the BBC because it enables the capture of evidence or behaviour that our audiences would not otherwise see or hear. However, secret recording should normally be a method of last resort.

The intrusion in the gathering and transmission of secret recording must be proportionate to the public interest it serves. Where there is a higher legitimate expectation of privacy, the BBC requires a higher public interest test to be achieved before recording secretly. Such situations include, but are not limited to:

- Secret recording in a private place where the public do not have access
- · Secret recording of medical treatments
- Secret recording of identifiable people in grief or under extremes of stress both in public and semi-public places.

7.4.14 We must not go on "fishing expeditions", i.e. secret recording on private property in search of crime or anti-social behaviour by identifiable individuals, or a group, when there is no clear prima facie evidence against them of that behaviour.

7.4.15 We must never use unattended recording equipment on private property without consent of the owner, occupier or agent unless for the purpose of gaining evidence of serious crime. Any proposal to do this must be referred to Director Editorial Policy and Standards. Programme Legal Advice must also be consulted.

7.4.16 Secret recording may be used as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question. In such cases, although there may be no evidence against known individuals, there should normally be a prima facie indication that the behaviour to be researched exists in general. The results of the research should be edited to provide a fair and accurate representation of the research. Consent should normally be obtained retrospectively from individuals or organisations to be included in our content, or their identities should be appropriately obscured. Any proposal in these circumstances to identify individuals or organisations without their consent should be referred to Editorial Policy.

Notes

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Title	Behind the scenes			
Media Type	Video	· · · · · · · · · · · · · · · · · · ·		
Initial Text	Listen to Bridget Boseley discuss th of, secret recording for consumer, s particular in relation to <b>The Secret</b>	scientific or soci Tourist.	al research,	
Initial Flash Instruction	Select both headings to view the available clips, choose each thumbnall to play the clips.			
Initial Text-Only Instruction		er Sulfan	Mark 1	
	Video clip thumbnails are shown with each heading. Select each thumbnail to reveal a flash video player then select the play button to start the video. A transcript of the dialogue can be accessed by selecting the Show transcript link.			
Screenreader Instruction				
Initial Graphic Description		Filename		5_s05_t 010
Initial Graphic Alt Text	The BBC Academy logo.		electric de la company	
Tab One Title	The Programme			
Tab One Video 1 Title	The Secret Tourist Investigation			
Tab One Video 1 Thumbnail Description	Thumbnail of first frame of video	Filename	m35_s05 10_1	_t30_0
Tab One Video 1 Thumbnail Graphic Alt Text	Still of Bridget about to respond to	a question.		
Tab One Video 1 Video Description		Filename	m35_s05 10_1.flv	_t30_0
Tab One Video 1 Video Text-Only Scene Setter	Bridget Boseley discusses The Secr	et Tourist inves	tiga <b>t</b> ion.	
Tab One Video 1 Video Transcript	Bridget Boseley: For the Secret Tourist, we looked in potentially dangerous. Activities the something that a lot of people do o were doing the research into this p lot of accidents and in some cases that we carne across was particular old girl from Wales who went on he boyfriend, who were both sixteen, their age, which they should have to crashed at high speed and she was emotion of that story, and it was so had on her family, provided us with off point to investigate the hiring of Cyprus.	at everybody do n holiday. We b articular activity fatalities. One p ly tragic. It invo bliday with her fi hired a jet bike. been, and unfor tragically killed b powerful and t n a case study a	nes and jet be ecame awar that there articular casolved a sixte amily. Her a They werer tunately, the . I think that the effect thind a sort of	ikes is to as we was a se study en year nd her of asked the at it's jumping
	off point to investigate the hiring of			

	Transition sequence. Shots of lady on jet bike.
	<b>PRESENTER:</b> Holidays are the perfect time to try something a little more adventurous. But there's no avoiding the fact that adrenalin sports come with risks attached.
	Bridget Boseley: We took fifteen operators at random down a certain coast in Cyprus and we tested them all against the rules and regulations that exist, that they're supposed to abide by, and the results there were pretty damning, really. I think fourteen out of the fifteen were not adhering to every letter of the law, and some of these are quite serious. This is not giving people safety briefings; it's not giving them adequate life jackets; it's not monitoring them properly when they're out on the water. But one of the most shocking findings that I think we discovered was about hiring to underage children.
	Clip from programme:  JET-SKI OPERATOR: Hello Everybody. Yes please, what can I do for you?  WOMAN: My sister wants to take out a jet-ski.
	JET-SKI OPERATOR: Who? GIRL: Me
	JET-SKI OPERATOR: Only you?
	WOMAN: Yeah, I'm not going
	JET-SKI OPERATOR: How old are you?
	GIRL: Fifteen. JET-SKI OPERATOR: Oh my God!
	Bridget Boseley: So, how we decided to test that was to send a fifteen year old girl under cover. She was accompanied by her mother and a member of the production team who was doing the covert filming. And we sent her to five operators at random to try to hire a jet bike. Each time they asked her her age and she told them she was only fifteen. Each time, for one reason or another, they let her hire the bike.
	Clip from programme: JET-SKI OPERATOR: You want to be 18 for today? Is she happy with that?
	PRESENTER: They actually encourage Bethany to forge the official
	paperwork.  JET-SKI OPERATOR: The only thing we can do is that she lies when
	we ask her to sign the declaration form. There's a place where they
	ask you your age and she lies and she puts 18.
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questions each time.			
Clip from programme:			
PRESENTER: Our undercover survey was beginning to paint a			
depressing picture about the safety of jet-bike hire. However, there was one exception.			
MOMAN. Can I have a go on your jet hike please?			
WOMAN: Can I have a go on your jet bike, please?  JET-SKI OPERATOR: Who's going to go, just one, just you on your			
own?			
WOMAN: Just me, yeah			
JET-SKI OPERATOR: Alright, not a problem.			
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	WOMAN: Over 18? Yeah, I'm slightl PRESENTER: For the first time, I wa instructions and a bit of reassurance JET-SKI OPERATOR: If you're havi do this to me and I'll come get you. WOMAN: Great, brilliant. You'll be k JET-SKI OPERATOR: I always keep all the time.  Bridget Boseley: And the last thing, I think, that's ver you do this sort of covert filming is to prima facie evidence against one op film will need to be obscured in the 1	s given some in the sound of th	on me will you? erybody out there  remember when en't going in with erybody that you
Tab Two Video 2 Title	Being sure of your ground		
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Tab Two Video 2 Thumbnail Graphic Alt Text	Still of Bridget about to respond to a	question.	
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Tab Two Video 2 Video Text-Only Scene Setter Tab Two Video 2 Video Transcript	Bridget Boseley discusses the impor ground.  Bridget Boseley: I think before you embark on any se so sure of your ground, where you sillegal in many countries. My recomi discuss the content of your activity detail as possible. Make sure that yo form-filling-in's sake. That you reall implications of what it is you're doin legal advice, whether it's the BBC's advice, about what it is you're doing fully protected as you can be when a Presenting the findings	ecret filming, at stand legally. C mendation wou with editorial pour form-filling- y are thinking t ig. And, clearly in-house team	t all, you need to be overt filming is Id always be to olicy in as much in Is not just for chrough the , you have to take or your own legal that you are as
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	our case we did fifteen operators which was considered a big enough sample to illustrate jet-bike operators in Cyprus. So we therefore represented our findings as a fraction. It's important that you represent it in that way to give the audience an idea of exactly how many people were surveyed. Whereas if you did it as a percentage that wouldn't be clear.		
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Additional Data	BBC Editorial Guidelines 1.2.8 Privacy		
	We will respect privacy and will not infringe it without goo wherever in the world we are operating. Private behaviour information, correspondence and conversation will not be the public domain unless there is a public interest that our expectation of privacy.	r, brouah	t into
	Secret Recording		
	7.4.9 The following techniques are considered secret recon purposes of the BBC's Editorial Guidelines:	rding fo	r the

- the use of hidden cameras or microphones
- the general use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones, when people are unaware they are being recorded
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Notes	

Text and Graphic			
Screen ID	m35_s05_t25_015		
Skippable	N		
Next Screen ID	Last Screen In Branch Y/	'N	
Lavout	P		
Title	Summary		
Initial Audio Transcript	You've reached the end of this masterclass on secret recording for the purposes of social, consumer and scientific research.		
Initial Text			
BodyText			
	<ul> <li>These are the main points to remember:</li> <li>When preparing to use secret recording in order to capture social attitude or behaviour, you must ensure that you test of your participants against the same criteria.</li> </ul>		

	<ul> <li>As you have set out to capture a set of behaviou practices, rather than an individual against whor</li> </ul>		
	prima facie evidence, you must obscure the identities of everyone who has been secretly filmed in the final programme.		
	<ul> <li>It's important to represent the results of social surveys in a way that gives the audience an idea of exactly how many people were surveyed.</li> </ul>		
	Remember, difficult decisions should always be referred up. Some of the referrals are mandatory. Editorial Policy advice is available 24/7 internally on ext 02 81819 or externally on 020 800 81819.		
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Additional Data	BBC Editorial Guidelines 1.2.8 Privacy  We will respect privacy and will not infringe it without good reason, wherever in the world we are operating. Private behaviour, information, correspondence and conversation will not be brought into the public domain unless there is a public interest that outweighs the expectation of privacy.		
	Secret Recording		
	<b>7.4.9</b> The following techniques are considered secret recording for the purposes of the BBC's Editorial Guidelines:		
w.	<ul> <li>the use of hidden cameras or microphones</li> <li>the general use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones, when people are unaware they are being recorded</li> </ul>		
	<ul> <li>the deliberate use of audio-video equipment including long</li> </ul>		

lenses, small video cameras, mobile phone cameras, webcams and radio microphones, either to conceal the equipment from targeted individuals or to give the impression of recording for purposes other than broadcasting, for example a holiday video

- recording telephone calls for possible broadcast without asking permission
- deliberately continuing a recording when the other party thinks that it has come to an end, or starting it before the other party thinks it has begun.

**7.4.10** Normally, the BBC will use secret recording only for the following purposes:

as an investigative tool where:

- there is clear existing prima facie evidence of behaviour, or intention to carry out behaviour, that it is in the public interest to reveal, and
- · the recording is necessary to prove the behaviour, and
- there is no viable, alternative means of gathering the evidence that proves the behaviour.
- to obtain material outside the UK where a country's laws make the normal and responsible gathering of material extraordinarily difficult or impossible
- as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question
- for comedy and entertainment output where the secret recordings, and any deception involved, are an integral part of the programme.

Approval of Secret Recording

(The following guidelines on Approval apply to any proposal to secretly record, whether for news, factual or comedy and entertainment purposes.)

**7.4.11** Any proposal to carry out secret recording must be referred to Editorial Policy prior to approval by the relevant senior editorial figure in the division or, for independents, by the commissioning editor.

The gathering and broadcast of secretly recorded material is always a two-stage process, requiring a justification for any intrusion at each stage. So, the decision to gather is always taken separately

from the decision to transmit.

A record must be kept of the approval process, even if the request is turned down or the material gathered isn't broadcast. Each division is responsible for maintaining its own secret recording records to enable the BBC to monitor and review its use across all output.

Any deception required to obtain secretly recorded material (beyond the concealing of recording equipment) should be the minimum necessary and proportionate to the subject matter and must be referred to the relevant senior editorial figure or, for independents, to the commissioning editor.

When proposing to carry out secret recording outside the UK, we should be aware that the laws relating to privacy vary around the world. Any proposal to gather material illegally outside the UK by disregarding privacy or other similar laws in the relevant country must be referred to Director Editorial Policy and Standards. Programme Legal Advice may also be consulted.

**7.4.12** The re-use of secretly recorded material must be referred before broadcast to a senior editorial figure or, for independents, to the commissioning editor. A record must be kept of the decision.

#### Secret Recording for News and Factual Output

**7.4.13** Secret recording must be justified by a clear public interest. It is a valuable tool for the BBC because it enables the capture of evidence or behaviour that our audiences would not otherwise see or hear. However, secret recording should normally be a method of last resort.

The intrusion in the gathering and transmission of secret recording must be proportionate to the public interest it serves. Where there is a higher legitimate expectation of privacy, the BBC requires a higher public interest test to be achieved before recording secretly. Such situations include, but are not limited to:

- Secret recording in a private place where the public do not have access
- · Secret recording of medical treatments
- Secret recording of identifiable people in grief or under extremes of stress both in public and semi-public places.
- **7.4.14** We must not go on "fishing expeditions", i.e. secret recording on private property in search of crime or anti-social behaviour by identifiable individuals, or a group, when there is no clear prima facie evidence against them of that behaviour.
- **7.4.15** We must never use unattended recording equipment on private property without consent of the owner, occupier or agent

unless for the purpose of gaining evidence of serious crime. Any proposal to do this must be referred to Director Editorial Policy and Standards. Programme Legal Advice must also be consulted.

7.4.16 Secret recording may be used as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question. In such cases, although there may be no evidence against known individuals, there should normally be a prima facie indication that the behaviour to be researched exists in general. The results of the research should be edited to provide a fair and accurate representation of the research. Consent should normally be obtained retrospectively from individuals or organisations to be included in our content, or their identities should be appropriately obscured. Any proposal in these circumstances to identify individuals or organisations without their consent should be referred to Editorial Policy.

Notes