

## SECTION 7: PRIVACY

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## 7.1 INTRODUCTION

The BBC respects privacy and does not infringe it without good reason, wherever in the world it is operating. The Human Rights Act 1998 gives protection to the privacy of individuals, and private information about them, but balances that with a broadcaster's right to freedom of expression. In regulation, the Ofcom Broadcasting Code states "*Any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.*"<sup>1</sup>

(See Section 18 The Law: 18.5)

Meeting these ethical, regulatory and legal obligations in our output requires consideration of the balance between privacy and our right to broadcast information in the public interest. We must be able to demonstrate why an infringement of privacy is justified.

(See Section 7 Privacy: 7.1 - The Public Interest)

An infringement is considered in two stages, requiring justifications for both the *gathering* and the *broadcasting* of material where there is a legitimate expectation of privacy.

### ***Legitimate Expectations of Privacy***

An individual's legitimate expectation of privacy is qualified by location and the nature of the information and behaviour, and the extent to which the information is already in the public domain. People in the public eye may, in some circumstances, have a lower legitimate expectation of privacy.

**Location:** People in public places or in semi-public places cannot expect the same degree of privacy as in their own homes or other sensitive locations. (A semi-public place is somewhere which, though private property, gives the public general access, such as an airport, station or shopping mall.)

However, location must be considered in conjunction with the activity. There may be circumstances where people can reasonably expect privacy even in a

<sup>1</sup> Rule 8.1, Ofcom Broadcasting Code

public or semi-public space, particularly when the activity or information being revealed is inherently private. For example, there may be a greater expectation of privacy when someone is in a public or semi-public place but receiving medical treatment.

There may also be occasions when someone in a location not usually open to the public is engaged in an activity where they have a low expectation of privacy, for example a sales pitch or giving public information. We do not, though, normally reveal information which discloses the precise location of a person's home or family without their consent, unless it is editorially justified.

Behaviour: There is less entitlement to privacy where an individual's behaviour is criminal or seriously anti-social.

### ***The Public Interest***

Private behaviour, information, correspondence and conversation should not be brought into the public domain unless there is a public interest that outweighs the expectation of privacy. There is no single definition of public interest. It includes but is not confined to:

- exposing or detecting crime
- exposing significantly anti-social behaviour
- exposing corruption or injustice
- disclosing significant incompetence or negligence
- protecting people's health and safety
- preventing people from being misled by some statement or action of an individual or organisation
- disclosing information that assists people to better comprehend or make decisions on matters of public importance.

There is also a public interest in freedom of expression itself.

When considering what is in the public interest we also need to take account of information already in the public domain or about to become available to the public.

When using the public interest to justify an intrusion, consideration should be given to proportionality; the greater the intrusion, the greater the public interest required to justify it.

### ***Data Protection***

The Data Protection Act protects individuals' privacy by regulating how personal information is collected, used and retained. The BBC's obligations under the Act are reflected, as appropriate, in this section of the Editorial Guidelines and

other guidelines as notified by the BBC (including applicable data security guidelines and the Data Protection Handbook).

(See Section 18 The Law: 18.11)

## 7.2 PRINCIPLES

7.2.1 The BBC must balance the public interest in freedom of expression with the legitimate expectation of privacy by individuals. Any infringement of a legitimate expectation of privacy in the gathering of material, including secret recording and doorstepping, must be justifiable as proportionate in the particular circumstances of the case.

7.2.2 We must balance the public interest in the full and accurate reporting of stories involving human suffering and distress with an individual's privacy and respect for their human dignity.

7.2.3 We must justify intrusions into an individual's private life without consent by demonstrating that the intrusion is outweighed by the public interest.

7.2.4 We normally only report the private legal behaviour of public figures where broader public issues are raised either by the behaviour itself or by the consequences of its becoming widely known. The fact of publication by other media may not justify the BBC reporting it.

7.2.5 When gathering personal information from contributors, audiences and other members of the public, we must be clear about how we intend to use it. It must be handled in accordance with the guidelines issued by Information Policy and Compliance.

## 7.3 MANDATORY REFERRALS

*(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)*

### ***Referrals to Director Editorial Policy and Standards***

7.3.1 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.

(See 7.4.11)

7.3.2 The use of unattended recording equipment on private property without the consent of the owner, occupier or agent must be referred to Director Editorial Policy and Standards. Programme Legal Advice must also be consulted.

(See 7.4.15)

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7.3.3 Any proposal to feature people in live broadcasts for comedy or entertainment purposes, whether in person or on the phone, without their knowledge must be referred to Director Editorial Policy and Standards.

(See 7.4.20)

7.3.4 The broadcast without consent of any recording, including a telephone call, originally made for note-taking purposes must be approved by Director Editorial Policy and Standards.

(See 7.4.23)

7.3.5 Any proposal to doorstep an individual or organisation, whether in person or on the phone, where we have not previously tried to make an appointment for an interview ('Doorstepping Without Prior Approach'), must be approved by Director Editorial Policy and Standards. This does not apply to daily newsgathering.

(See 7.4.32)

***Referrals to Editorial Policy***

7.3.6 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.

(See 7.4.11)

7.3.7 Any proposal to broadcast secret recordings made by others must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independents, by the commissioning editor. If the BBC would not have considered it justifiable to gather the material under similar circumstances, approval will also be required from Director Editorial Policy and Standards.

(See 7.4.21)

7.3.8 Proposals to embed a live webcam feed from an event sponsor on a BBC website or platform must be referred to Editorial Policy and a senior editorial figure or, for independents, the commissioning editor.

(See 7.4.28)

7.3.9 Any request for a contributor's personal information from the police must be referred to Editorial Policy and Programme Legal Advice before responding.

(See 7.4.50)

***Other Referrals***

7.3.10 Any deception required to obtain secretly recorded material (beyond the concealing of recording equipment) must be referred to the relevant senior editorial figure or, for independents, to the commissioning editor.

(See 7.4.11)

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7.3.11 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.

(See 7.4.12)

7.3.12 Any proposal to put a third party's webcam feed on a BBC site or platform must be referred to a senior editorial figure, or for independents to the commissioning editor, who may also consult Editorial Policy.

(See 7.4.28)

7.3.13 Any proposal to doorstep, whether in person or on the phone, where we have tried to make an appointment for an interview with the individual or organisation concerned ('Doorstepping With Prior Approach') must be approved by a senior editorial figure or, for independents, by the commissioning editor.

(See 7.4.31)

7.3.14 Any proposal to doorstep, whether in person or on the phone, for comedy and entertainment purposes must be approved in advance by a senior editorial figure or, for independents, by the commissioning editor.

(See 7.4.33)

7.3.15 Any proposal to collect personal information on a BBC publicly funded website which might be disclosed to third parties, including BBC Worldwide, must be referred to a senior editorial figure, or for independents to the commissioning editor, who may wish to consult Information Policy and Compliance and BBC Fair Trading.

(See 7.4.48)

## 7.4 PRACTICES

### Privacy and Consent

(See Section 6 Fairness, Contributors and Consent)

7.4.1 When contributors give informed consent to take part in our output, they can be assumed to have waived their expectations of privacy in relation to their contribution, subject to any agreed conditions placed on their participation.

(See Guidance online: Privacy and Factual Entertainment)

7.4.2 We should operate openly wherever we are unless we have approval for secret recording. This is particularly important when our audio-visual equipment is not very obvious as in the case of small video cameras, mobile phone cameras or fixed webcams. We may need to use notices to make people aware that we are recording and to allow them to avoid us.

(See Section 7 Privacy: 7.4.26)

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7.4.3 When filming openly in public and semi-public places, we do not normally obtain express consent from individuals who are incidentally caught on camera as part of the general scene, unless they are engaged in an activity where they have a legitimate expectation of privacy that is not outweighed by a public interest in showing them.

However, if an individual or organisation asks us to stop filming or recording (whether live or recorded) because of a concern about privacy, we should normally do so, unless it is editorially justified to continue.

7.4.4 In potentially sensitive places, for example ambulances, hospitals, schools and prisons, we should normally obtain two separate consents, one for gathering the material and the other for broadcasting it, unless it is justified not to obtain such consents.

(See Guidance online: Medical Emergencies)

7.4.5 We normally obtain consent before recording on private property. However, recording without prior permission may be justified in places where the public has general access, for example a shopping mall, railway station or airport, or where we have reason to believe our recording will aid the exposure of illegal or anti-social behaviour. When recording without prior consent on private or semi-public property, if the owner, legal occupier or person acting with their authority asks us to stop, we should normally do so unless it is editorially justified to continue.

We normally leave private property when asked to do so by the legal occupier. We should be aware of the law of trespass. Accessing private property without consent can constitute a civil wrong, but is not usually a police matter. Seek advice from Programme Legal Advice if you do not know how to proceed.

(See Section 7 Privacy: 7.4.37)

### ***Children and Vulnerable People***

7.4.6 We should pay particular attention to the expectations of privacy of people under 16 and those who are vulnerable. When children are to be featured in our output in a way that would infringe a legitimate expectation of privacy, we should normally gain their informed consent (wherever possible) and the informed consent of a parent, legal guardian or other person of 18 or over acting in loco parentis. Featuring vulnerable people may also require the informed consent of a responsible person of 18 or over.

(See Section 9 Children and Young People as Contributors: 9.4.12 - 9.4.23)

### ***Third Parties***

7.4.7 The privacy of an individual may be infringed by content that reveals private personal information about them, even if they are not contributing to the programme or directly included in it. When such information is not already in the public domain (or was placed there only by the intrusive actions of others), the relevant individuals will normally need to give informed consent to its

inclusion in our output, unless there is a public interest that outweighs their expectations of privacy.

See Section 6 Fairness, Contributors and Consent: 6.4.1– 6.4.9

### ***Material from Social Media***

7.4.8 Although material, especially pictures and videos, on third party social media and other websites where the public have ready access may be considered to have been placed in the public domain, re-use by the BBC will usually bring it to a much wider audience. We should consider the impact of our re-use, particularly when in connection with tragic or distressing events. There are also copyright considerations.

(See Guidance online: Pictures from Social Media)

### **Secret Recording**

7.4.9 The following techniques are considered secret recording for the purposes of the BBC's Editorial Guidelines:

- 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
- 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.

(See Guidance online: Secret Recording and Secret Recording Forms)

(See Section 8 Reporting Crime and Anti-Social Behaviour: 8.4.3 - 8.4.7 and 8.4.40 - 8.4.47)

### **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.**

(See Section 8 Reporting Crime and Anti-Social Behaviour: 8.4.40 - 8.4.47)

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.**

(See Section 13 Re-use and Reversioning: 13.4.6 - 13.4.12)

(See Guidance online: Secret Recording and Secret Recording Forms)

### ***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.

(See Guidance online: Privacy and Factual Entertainment)

***Secret Recording for Comedy and Entertainment Output***

7.4.17 Secretly recorded material should not expose people to hurtful ridicule or otherwise exploit them. If people realise they are being recorded secretly and ask us to stop, we must do so. We must also destroy any recordings of them if asked to do so.

7.4.18 Following gathering of the recordings, people who feature prominently must give their consent before the material is broadcast, or their identities must be appropriately obscured. If the recording might cause embarrassment to other recognisable individuals who have been caught on camera but have not given consent, their identities must also be disguised.

(See Guidance online: Privacy and Factual Entertainment)

7.4.19 Anyone secretly recorded on the phone for comedy or entertainment purposes must give their consent before the call is broadcast.

7.4.20 **Any proposal to feature people in a live broadcast without their knowledge, whether in person or on the phone, must be approved by Director Editorial Policy and Standards.**

***Secret Recordings from Outside Sources***

7.4.21 When we are offered secret recordings made by others, we should consider whether, under similar circumstances, the BBC would have considered it justifiable to carry out the recording. If it would not have been considered justifiable to gather the material, it should not normally be broadcast. **Any proposal to use secret recordings made by others must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independents, by the commissioning editor.** If the BBC would not have considered it justifiable to gather the material under similar circumstances, approval will also be required from Director Editorial Policy and Standards. Approval will only be given if there is a public interest in broadcasting it, outweighing how it was obtained.

***Electronic Note-taking***

7.4.22 It is often helpful to record conversations for note-taking purposes. We should normally do so openly and with the consent of the other party.

However, where it would not be possible to do so openly and it is editorially justified, we may record our conversations secretly in both audio and video (for example, by using small cameras or telephone recording equipment) without obtaining consent or approval for secret recording. The intention of such recordings must be for note-taking and research, not for broadcast. Editorial justifications include, for example, ensuring accuracy in our reporting, integrity in our programme making, and enabling us to gather evidence to defend the BBC against possible legal action or complaints.

Where it is practicable to do so, recording a conversation without consent should be discussed in advance with a line manager.

(See Section 3 Accuracy: 3.4.10)

7.4.23 We do not normally broadcast any recordings, including telephone calls, originally made for note-taking purposes. **Any proposal to broadcast, without consent, recordings originally made for note-taking purposes must be approved by Director Editorial Policy and Standards. Permission to broadcast material gathered in this way will only be granted in exceptional circumstances.**

### **Webcams**

7.4.24 The BBC should only operate a webcam for a clear editorial reason. It should be removed when that purpose has been achieved. Webcams should not be installed to capture close-up images of private areas such as houses, gardens or offices without the written permission of the owner. If written permission is not obtained, any plan to install such a webcam should be considered as a proposal for secret recording.

(See Section 7 Privacy: Secret Recording)

The Data Protection Act 1998 and the Information Commissioner's Code of Practice on CCTV restrict the use of webcams in some circumstances. Further advice is available from the Information Policy and Compliance (IPC) department.

(See Section 18 The Law: 18.11)

(See Guidance online: Links and Feeds)

### ***Webcams in Studios***

7.4.25 Where webcams are installed in BBC studios, the programme producer should warn guests in advance that a studio webcam will be in operation. This is particularly important for radio guests who may not expect to be in vision. If radio guests refuse to be on a webcam feed then we should normally respect their wishes. Visitors and staff should also be made aware of studio-operated webcams.

The producer should be able to cut or mask the live feed from the camera to the website immediately. The same policy applies to feeds from non-BBC studios where we are recording interviews. More detailed guidelines covering the use of webcams on BBC premises are available from Information Security.

### ***Webcams in Public and Semi-public Spaces***

7.4.26 When the BBC installs a webcam in a public or semi-public place (which gives the public general access) and individuals are likely to be identifiable, for example because the webcam transmits a sufficiently high level of detail, we should take reasonable steps to warn members of the public that the webcam

is being operated by the BBC within a defined area. At a live event, outside broadcast or similar, this may be done by notices outside the venue and a line of information on any posters or tickets. If the webcam is in a public space, like a street or a park, a clear warning notice should be placed near the webcam.

There is no need to warn people that they may be on camera if individuals are not identifiable from the webcam output.

### **CCTV, Third Party Webcams and Other Material from Outside Sources**

7.4.27 Recordings and live feeds provided by others may pose issues of privacy, as well as concerns about accuracy, anonymity, offence, defamation, contempt of court or data protection. Such content includes closed circuit television (CCTV), material from webcams and recordings provided by the emergency services (including 999 calls), Customs and Excise, or other public authorities, organisations or individuals.

We should take care when using such material if we do not have an established relationship with the outside source. In all cases we should research its origins and consider relevant privacy issues (including whether it should be assessed as secret recording) before we decide to broadcast it.

(See Section 3 Accuracy: 3.4.5 - 3.4.6, Section 6 Fairness, Contributors and Consent: 6.4.10 - 6.4.12 and Section 18 The Law)

7.4.28 **Any proposal to put a third party's webcam feed on a BBC website or platform must be referred to a senior editorial figure, or for independents to the commissioning editor, who may also consult Editorial Policy.** We should aim to maintain editorial control of any webcam which transmits live to a BBC site. This will protect our editorial independence and reduce the risk of intrusive, harmful, offensive or unduly promotional images appearing on our site.

Where this is not practicable, the risk of allowing a third party's live output to appear on a BBC site must be assessed carefully before we proceed. We should take account of the source of the webcam, the shot, the subject matter and the format. For example, taking a feed from a civic body, or a static shot of a city skyline, may be acceptable with appropriate safeguards. **However, it is unlikely we would embed a live video stream feed from an event sponsor; any such proposal must be referred to Editorial Policy.**

7.4.29 The BBC should retain editorial responsibility for monitoring the output of a webcam or feed, regardless of who owns it. The level of monitoring should be appropriate for the content of the camera. A producer should normally be in a position to cut the feed from a live webcam if it becomes necessary. However, it is usually acceptable to transmit pictures from traffic webcams, even when the pictures are not monitored by us, provided we are satisfied that the police, or other responsible authority, are monitoring the pictures to an appropriate standard.

(See Guidance online: Links and Feeds)

## Doorstepping

7.4.30 Doorstepping is when we confront and record, or attempt to record, an interview with someone for broadcast, or announce that a phone call is being recorded for broadcast, when that person is not expecting to be interviewed for broadcast because we have not made an arrangement with them to do so. It often involves an infringement of privacy and should normally be a last resort.

Doorstepping can be in person or on the phone or intercom, etc. It can take place on public or private property. It can be for news and factual programmes as well as comedy and entertainment.

Doorstepping does not include vox pops. Additionally, the guidelines on doorstepping that follow are not intended to prevent the legitimate gathering of material for the daily news agenda, research purposes or for comedy and entertainment output.

### ***Doorstepping for News and Factual Programmes With Prior Approach***

7.4.31 **Any proposal to doorstep, whether in person or on the phone, where we have tried to make an appointment for an interview with the individual or organisation concerned must be approved by a senior editorial figure or, for independents, by the commissioning editor.**

Approval will normally only be given when there is evidence of crime or significant wrongdoing and for one, or more, of the following reasons:

- the subject of a doorstep has failed to respond to repeated requests for interview in connection with the wrongdoing alleged
- a request for an interview has been repeatedly refused without good reason and substantial allegations of wrongdoing have been avoided
- there is a history of failure to respond to interview requests or refusal to be interviewed.

(See Section 6 Fairness, Contributors and Consent: 6.4.25 - 6.4.27)

Proposals for doorstepping should be proportionate to any wrongdoing. Consideration should be given to the safety of production staff and the risk of



infringing the privacy of third parties who are insufficiently responsible for any wrongdoing, such as family members or junior employees.

### ***Doorstepping for Factual Programmes Without Prior Approach***

**7.4.32 Any proposal to doorstep an individual or organisation, whether in person or on the phone, where we have not previously tried to make an appointment for an interview, must be approved by Director Editorial Policy and Standards. This does not apply to daily newsgathering.**

Approval will normally only be given if:

- there is clear evidence of crime or significant wrongdoing, and
- it has not been possible to request an interview, or
- there is good reason to believe that an investigation will be frustrated or allegations avoided (for example, because those under investigation might become out of contact) if a prior approach is made.

(See Section 6 Fairness, Contributors and Consent: 6.4.25 - 6.4.27)

### ***Doorstepping for Comedy and Entertainment Programmes***

**7.4.33 Any proposal to doorstep, whether in person or on the phone, for comedy and entertainment purposes must be approved in advance by a senior editorial figure or, for independents, by the commissioning editor.** People who are doorstepped must give their consent before the material is broadcast unless their identity is disguised.

(See Section 6 Fairness, Contributors and Consent: 6.4.10 - 6.4.12 and 6.4.18 - 6.4.20)

### ***Doorstepping for Daily Newsgathering***

7.4.34 When public figures and other people are in the news, they can expect to be the subject of media attention. We may ask them questions and record their answers for broadcast, without prior arrangement, as they come and go from buildings, airports and so on.

7.4.35 However, we should be aware that when media representatives congregate in large numbers to cover a news story, the resulting media scrum can become intimidating or unreasonably intrusive. Sometimes, it will be appropriate to make pooling arrangements with other media organisations. At other times, we may judge it proper to withdraw.

### ***Doorstepping and Research***

7.4.36 The BBC's guidelines on doorstepping are not intended to prevent researchers, who are not recording for broadcast, from making cold calls to people, either by phone or in person (including, when appropriate, at their home), or approaching people opportunistically, for example when conducting vox pops.

## Tag-Along Raids

7.4.37 A tag-along raid is when we accompany police, customs, immigration, environmental health officers or other public authorities on operational duties. We should only go on tag-along raids when there is a public interest and after careful consideration of editorial and legal issues including privacy, consent and trespass.

When we go on a tag-along raid on private property we should normally:

- ensure people understand we are recording for the BBC
- obtain consent from the legal occupier and stop recording if asked to do so
- leave immediately if asked to do so by the owner, legal occupier or person acting with their authority.

Exceptions may include where we have reason to believe illegal or anti-social behaviour is being exposed, or another public interest will justify our continued recording or presence.

(See Section 7 Privacy: 7.4.5 and Section 6 Fairness, Contributors and Consent: 6.4.13 - 6.4.16)

## Reporting Death, Suffering and Distress

7.4.38 We must always balance the public interest in full and accurate reporting against the need to be compassionate and to avoid any unjustified infringement of privacy when we report accidents, disasters, disturbances, violence against individuals or war.

We will always need to consider carefully the editorial justification for portraying graphic material of human suffering and distress. When crews arriving at the scene of a disaster or emergency are under pressures that make it difficult to judge whether recording is an unjustified breach of privacy, they will often record as much material as possible. However, in such a situation, even more care must be taken to assess any privacy implications prior to broadcast. The demands of live output and speed in the use of pictures should not override consideration of the privacy of those suffering or in distress.

(See Section 5 Harm and Offence: 5.4.1 - 5.4.4 and 5.4.27 - 5.4.31)

(See Guidance online: Medical Emergencies)

7.4.39 There are very few circumstances in which it is justified to broadcast the moment of death. It is always important to respect the privacy and dignity of the dead. We should never show them gratuitously. We should also avoid the gratuitous use of close-ups of faces and serious injuries of those who are dead, suffering or in distress.

(See Section 11 War, Terror and Emergencies: 11.4.7)

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7.4.40 In the immediate aftermath of an event involving death, suffering or distress, the use of more graphic material is normally justified to provide a reasonable account of the full horror, although an evocative script is equally important in conveying the reality of tragedy and providing context for the material. However, as the story unfolds it may become more difficult to justify the continued use of such graphic material. Then when it comes to considering the story in a contemporary historical context or, for example, marking its anniversary, it may become editorially justified to use the material again.

(See Section 5 Harm and Offence: 5.4.27 - 5.4.31 and Section 7 Privacy: 7.4.44)

We also need to consider the cumulative effect of the continued or repeated use of graphic material on our continuous news channels.

7.4.41 We should normally request interviews with people who are injured or grieving following an accident or disaster by approaching them through friends, relatives or advisers. We should not:

- put them under pressure to provide interviews.
- harass them with repeated phone calls, emails, text messages or knocks at the door
- stay on their property if asked to leave
- normally follow them if they move on.

(See Section 6 Fairness, Contributors and Consent: 6.4.5 - 6.4.8)

7.4.42 However, it is important that we do not inadvertently censor our reporting. For example, public expressions of grief and the extent to which it is regarded as an intrusion into someone's private life to show them, vary around the world. There are two key considerations when judging what to broadcast: the people we record, and our audience. Graphic scenes of grief are unlikely to offend or distress those victims and relatives who consented to our recording them, but they may upset or anger some of our audience. When introducing scenes of extreme distress or suffering, a few brief words explaining the circumstances in which they were gathered may help to prevent misunderstandings and unnecessary offence.

(See Section 5 Harm and Offence: 5.4.1 - 5.4.3)

7.4.43 We should normally only record at private funerals with the consent of the family. There must be a strong public interest if we decide to proceed against requests for privacy.

### ***Revisiting Past Events***

7.4.44 We must consider how to minimise any possible distress to surviving victims and relatives when we intend to examine past events which involved suffering and trauma. This applies even if the events or material to be used were once in the public domain. The way we achieve this will depend on, for



example, the scale and location of the original incident and the time that has elapsed since it occurred. But so far as is reasonably practicable, surviving victims or the immediate families of the dead people who are to feature in the programme should normally be notified of our plans. We should proceed against any reasonable objections of those concerned only if they are outweighed by the public interest.

(See Section 13 Re-use and Reversioning: 13.4.6 - 13.4.8 and Section 7 Privacy: 7.4.40)

## **Personal Information**

7.4.45 People trust the BBC and we must be transparent with them. We should make it clear to people how we intend to use their personal information even if it is simply an IP address, email address or a phone number. Personal information is collected, for example, when people visit our websites, enter competitions, register with an interactive community or become part of a database of contributors. We must handle personal data in accordance with the guidelines issued by Information Policy and Compliance.

(See Section 18 The Law: 18.11)

### ***Contributors' Details***

7.4.46 Production departments often gather personal information about contributors and potential contributors via their websites before storing it in databases. This information should not normally be accessible to other departments outside the production area which has collected it. Any proposal to make an exception should be referred to Information Policy and Compliance (IPC).

7.4.47 Contributors' personal details, comments or other personal information should not normally be given to third parties without the consent of the contributor. If consent cannot be obtained, this should be referred to a senior editorial figure, or for independents to the commissioning editor, who may wish to consult Information Policy and Compliance. If we have consent, a contract should require the third party to use the information only for the use agreed between the contributor and the BBC.

**7.4.48 Any proposal to collect personal information on a BBC publicly funded website which might be disclosed to third parties, including BBC Worldwide, must be referred to a senior editorial figure, or for independents to the commissioning editor, who may wish to consult Information Policy and Compliance and BBC Fair Trading.**

(See Section 18 The Law: 18.11)

7.4.49 We should take particular care when collecting personal information from children. This may require verifiable 'parental consent'<sup>2</sup>.

(See Section 9 Children and Young People as Contributors: 9.4.4 - 9.4.10)

(See Guidance online: Interacting with Children and Young People Online)

**7.4.50 Any request for a contributor's personal information from the police must be referred to Editorial Policy and Programme Legal Advice before responding.**

(See Section 13 Re-use and Reversioning: 13.4.24 - 13.4.27)

### **Cookies**

7.4.51 Cookies record information about a user's preferences on their computers or other devices. When we place cookies on users' devices, we must be transparent with them about their options to accept or reject them. Further advice can be obtained from Information Policy and Compliance.

Where third parties supply programming code which contains cookies to the BBC, advice must be sought from IPC before the code may be used.

### ***Sending Emails and Viral Marketing***

7.4.52 We should not send emails to people unless they have agreed to receive them (i.e. we should not send 'spam').

If personal information is going to be used for promotion, marketing, research or any other secondary purpose, our users must "opt in". For example, we should not send promotional emails about our output when people have originally given us their email address in order to enter a competition.

However, in some instances, we may wish to offer audiences the opportunity to email BBC online content to a friend.

(See Section 18 The Law: 18.11)

7.4.53 When sending emails to a list of subscribers, we should take care to ensure that the email addresses of the subscribers are not visible to others on the list.

7.4.54 Viral marketing can be an effective way of promoting BBC content online, especially where this is by personal recommendation. But, particularly when running a marketing campaign, we should take care that:

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<sup>2</sup> See Section 9 Children and Young People as Contributors: Parental Consent

- users have given their explicit consent to be sent marketing messages from the BBC or their agents
- marketeers working, or distributing BBC content, on interactive spaces (such as social networking sites, blogs or message boards) are not pretending to be ordinary members of the public. This should not prevent 'mystery content' from being distributed, provided there is a 'reveal' when its origins are made clear to those who have received it
- the content should be suitable for viral treatment, bearing in mind that we are very unlikely to be able to control who receives it once it has been released.

(See Section 5 Harm and Offence: 5.4.1)

### ***Missing People***

7.4.55 The BBC may sometimes help to trace missing people by broadcasting details provided by relatives and friends. However, we should take editorial responsibility for the content of the message and be aware that not every missing person wishes to be found. It may be appropriate to hold back information the missing person might regard as private, embarrassing or distressing.

(See Guidance online: Missing People)