

CHAT ROOMS ON NEWSPAPER AND MAGAZINE WEBSITE

A COMMISSION PAPER FOR PRESSBOF'S CONSIDERATION

1. This short paper deals with the issue of the PCC's jurisdiction over "chat rooms" on newspaper and magazine websites.
2. Two important policies need to be considered here in conjunction:
 - the first is the preamble to the Code which makes clear that "editors and publishers must ensure that the Code is observed rigorously not only by their staff but also by *anyone who contributes to their publications*";
 - the second is the PCC's jurisdiction – extended in November 1997 – over on-line versions of British newspapers and magazines, even if these are different from the hard copy of the publication concerned.
3. The PCC receives relatively few complaints about newspaper websites, and most of them – because of the nature of the medium – are very easily resolveable. Last year, however, we received a complaint from The Mayor of London about allegedly discriminatory remarks on the website of the Evening Standard. That complaint – which the Commission placed on hold while it was investigated by the Commission for Racial Equality – raised important issues which it is right for the PCC, and Pressbof, to consider.
4. The first issue is that under a strict interpretation of the Code, in conjunction with the 1997 policy about on-line publications, editors are of course responsible – both under the Code, as well as presumably at law – for the content of newspaper chat rooms.
5. The second issue, however, is that it is of course completely impractical for newspapers constantly to vet the content of busy chat rooms which are in effect under the control of users not editors, especially where they are

discussing controversial subjects that generate large amounts of “chat”. That said, it seems clear that most newspapers do have some form of internal check – perhaps looking at chat rooms every hour or so – to put a stop to discussions which might contain illegal or offensive comment. This varies from paper to paper.

6. The question – which cannot be ducked in view of this complaint, and the inevitability that there will be increasing numbers of complaints of this genre in the future – is whether, and if so how, the PCC should deal with the matter where comments in chat rooms raise issues under the Code.
7. In considering the question, we need also to be mindful of the position of OFCOM which has yet to clarify its own powers in relation to internet regulation. If this is an area where the PCC and the industry decline any responsibility, then it is not inconceivable that OFCOM may at some point seek to extend its jurisdiction in this area: that would, of course, be statutory control of editorial content through the back door of newspaper and magazine websites. For the PCC, there is also the question of practicalities. This is a highly technical area which would make the investigation of most complaints – even leaving aside the issue of editorial responsibility and control – incredibly complex.
8. Accordingly, the Commission would be grateful for some guidance on this matter. One suggestion we have is to look at the model of financial journalism and see whether some form of “Best Practice” advisory note on the subject could be issued. This would require consultation across the industry about internal procedures for monitoring websites, and for the Commission then to cull the best practice from them to issue as industry guidance, urging those publications without any such controls to put them in place. In considering complaints, the Commission could then limit itself to a judgement about whether or not the newspaper or magazine concerned had appropriate safeguards in place. The PCC would only then censure an editor, on the back of a properly made out complaint, if the controls on the website concerned did not live up to industry best practice. If Pressbof

agrees, this would obviously be a useful way of underlining the flexibility of self-regulation in dealing with complex issues, and in raising standards.

9. The Commission would be grateful for guidance, and looks forward to receiving any views.

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