

RJT 18

Lee Taylor

From: Richard Thomas
Sent: 21 September 2006 20:26
To: David Smith; Mick Gorrill; Lee Taylor; Philip Taylor; Robert Parker
Cc: james.ford
Subject: WPP - Committee of Editors

I had an interesting and intelligent meeting with Ian Beales, Secretary of the Editors Code of Practice Committee today. We were both open and frank about the issues. I ran through our evidence, concerns and proposals. In terms of Editors and PCC, our report was looking for "firm action" in the name of enlightened self-interest and effective self-regulation. Such action included:

- Louder condemnation of unacceptable practices;
- Better awareness of section 55 – a plain language warning for journalists.
- Suitable amendments to the Code - within weeks as they claim is possible.

I added that support for the prison sentence would be welcome, but I did not expect that!! In turn, he was quite rude about the DCA paper, saying it adopted an "all or nothing" approach, without exploring other options.

The main concern amongst editors is the "chilling effect" of tougher sentences on journalism. Although I expressed some scepticism, he asserted that it was likely many of the 300+ journalists on our list would be able to show – or at least argue - a public interest justification. He said there is too much uncertainty about public interest. He questioned why the existing unlimited fines were not sufficient deterrent. He did not accept the Identity Card Act analogy, pointing out that the prison term was only applicable to providers of information, not obtainers.

I responded by saying that we did not wish to jail any journalist and that we fully supported the public interest and other defences. Only we and the DPP could prosecute and we would not do so if an arguable PI defence were raised. I accepted that more guidance on public interest considerations would help and said (in line with our Fol guidance) it may well go wider than their own existing guidance. In any event, our main targets are the blaggers and none of them (to my knowledge) had even raised the PI defence in cases we had secured convictions. But we were proposing the prison sentence to raise the profile of the offence and indeed to have a chilling effect - but only on unacceptable journalism which fell below ethical standards. We would be delighted if every journalist about to pay an investigator thought long and hard before doing so.

The Committee is due to meet on 12 October. He indicated that better section 55 guidance was achievable and suggested it could be a joint production. He hinted - but made no commitment – that changes to the Code could be made. I tabled a suggestion – see below – which I had drafted in the style, and using some of the language, of the existing Code, but without commitment to the precise wording. I said that something on these lines would be a welcome improvement to their self-regulatory Code. He saw merit. We both understood that we could not make any deals, we both recognised that a good improvement to the Code might reduce the case for increasing the penalties. I said I would welcome such improvement but could not abandon my call for increased penalties, not least because journalists are only one group involved. His main difficulty is that there is not much incentive to improve the Code unless the threat of increased penalties disappears at the same time. That is a matter of strategy for them.

We agreed to keep in touch and I indicated that we could include their response after our end-September deadline as long as it came soon after the meeting.

<p>Suggested addition to clause 3 of the Editors' Code of Practice</p>

25/09/2006

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It is unacceptable, without their consent, to obtain information about any individual's private life by payment to a third party or by impersonation or subterfuge. It is unacceptable to pay any intermediary for such information which was, or must have been, obtained by such means.

NB The entirety of Section 3 does not apply where it can be demonstrated that the activity was justified as being in the public interest. The public interest includes, but it is not confined to:

- detecting or exposing crime or serious impropriety;
- protecting public health and safety
- preventing the public from being misled by an action or statement of an individual or organisation.

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

Richard

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25/09/2006

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