

Text of a speech by Baroness Buscombe given in Vienna to mark the formal institution of the Austrian Press Council

It is a pleasure to be here to mark the formal institution of the Austrian Press Council. The hard work that has gone into this achievement is not to be underestimated and I commend all of those who have been involved in the many debates and discussions that have, I am quite sure, taken place in the weeks, months and years leading up to this historic day. I am delighted that Austria once again has a Press Council to oversee a system of self-regulation.

It is very apt then that the first theme of my speech today, is to remember that self-regulatory Press Councils have truly stood the test of time. They have endured in spite of the many challenges they have faced. Of course they have had difficult moments, as you here in Austria will know only too well but the important point is that they have firmly established themselves as the best (and possibly only viable way) to ensure media standards. In the United Kingdom, the Press Complaints Commission was established exactly 20 years ago at a time when the threat of statutory regulation was strong. I truly believe we have shown ourselves to be effective, adaptable and relevant and that is why we have stood the test of time.

The plain fact is that, in democratic countries, the press must not be excessively shackled by the state. On the other hand, individuals who are wronged by the press must have access to redress. Newspapers and magazines cannot labour under the misapprehension that freedom can exist without responsibility and accountability. In the quest to find the best way to balance these important concepts, self-regulatory Press Councils present themselves as the answer time and time again.

That is not to say that we can take the existence of bodies like the PCC or the Austrian Press Council for granted. I feel sure that you would not do so and I can assure you that neither do we. We must constantly be aware of the demands that inevitably face any organisation which seeks independently to enforce a single set of standards across a vast and varied industry. When you consider how dramatically the newspaper and magazine industry has changed in the last decade, it is unsurprising how many new pressures and challenges have presented themselves.

In the UK, the Press Complaints Commission has evolved in response to - and often to pre-empt - such pressures and challenges. We do not stand still. To give you just a few examples of our willingness and ability to change:

- In 2004 we increased the number of public members on our board of Commissioners. This meant that public members outnumbered our editorial members by 10 to 7, enhancing the PCC's independence from the newspaper industry.
- In 2007, following discussions with the newspaper and magazine industry, we formally extended our remit to cover audio-visual material on press websites. This showed our ability to be flexible and to keep up swiftly with advances in technology.
- Over the course of the last few years, we have developed a comprehensive system for communicating concerns about media harassment. In cases where an individual feels overwhelmed by journalistic interest, he or she can contact us and ask that we make clear that they do not wish to speak to the press. We will circulate a so-called desist notice, immediately, by email, to relevant industry executives.

- Last year, I commissioned an independent review of the PCC's governance. Responding to this review we have initiated an improved process for appointing board members, we have instituted a new audit committee, and we have committed to publication of more information about complaints on which we rule. These measures will make the PCC more transparent and more and accountable. This level of adaptability and flexibility goes a long to explaining why Press Councils work. Quite aside from the philosophical need to find a way to balance press freedom with responsibility, organisations like ours are designed to provide an effective public service. It is our voluntary nature and our independence that enables us constantly to evolve in a way that meets the needs of both the public and the journalistic community.

There is a place for the law of course - in areas such as libel or the granting of injunctions on occasion. But neither the courts nor governmental agencies could better the ability of the PCC to adapt to swiftly changing social norms, behaviour and technology.

Which brings me to my second theme; that we may now be at a point in time when independently-enforced self-regulation of the media is more relevant than ever before. It may, in fact, be a model across a range of industries. After all, the wonders of the internet mean that inflexible and bureaucratic forms of regulation are unsustainably cumbersome in many areas of work and business.

What people want in a hectic and complex world is a system of regulation that is fast:

- Our stated objective is to respond to a complaint within three working days, and deal with it as promptly as possible. We aim to complete complaints, on average, within 20 days, and conclude formal investigations, on average, within 50 days

People want a system that is free:

- The PCC charges complainants nothing and will seek to obtain a satisfactory resolution to their complaint. We receive our income from the newspaper and magazine industry and are not a burden on the tax-payer.

People want an organisation that will remedy concerns amicably:

- The PCC, unlike the courts, is all about conciliation, not confrontation. We resolve disputes in a non-adversarial way; we bring sides together and work out solutions that are acceptable to all.
People want an organisation that can move with the times:

- The Commission's non-statutory basis and non-bureaucratic way of working mean that we can deal with new challenges the moment they arise. We can make decisions about our remit and we can immediately get to grips with developments in the way mainstream or traditional media interact with online social networks such as Facebook or Twitter.

I believe the increasing relevance of self-regulation is particularly visible in the key field of the privacy of the individual. There is no more rapidly evolving area than this, especially online. The PCC is showing itself ideally suited both to dealing with specific complaints about alleged intrusions by the press; and to setting boundaries in relation to what behaviour by journalists is permissible and what is not. I believe we can also play an important role in promoting discourse among the public about how best they can protect their privacy in the online environment - particularly on social networking websites.

Twenty one per cent of the complaints we investigate relate to privacy issues and so PCC case law is developing all the time. We have made a number of key rulings about the way in which newspaper can - and cannot - use material that has originated on the internet. For instance, in a recent decision we said the following:

"It can be acceptable in some circumstances for the press to publish information taken from social networking websites, even when the material is originally intended for a small group of acquaintances and not publicly accessible. However, this will generally be only in cases where the public interest overrides the individual's right to privacy."

Newspapers and magazines have a lot to consider when they make decisions about the use of online material. The PCC plays a key role in newsroom decision-making through the Code it enforces, its rulings and the informal advice it provides.

The Wikileaks controversy has shown how difficult the challenge can be for mainstream media to handle potentially sensitive material obtained from the world wide web. But what it has also shown is that newspapers need to meet certain standards when they publish such diffuse information. One editor referred to the use of some of the Wikileaks cables as "making the case for journalism", which is to say the case for considered publication, for due editorial process.

This is, put broadly, the same case that exists for the self-imposed standards that lie at the heart of self-regulation more generally, with the intention that the public can have trust in a newspaper. The PCC should itself have a major role to play in that process: the voluntary submission by a publication to a press council constitutes a public acceptance of accountability, and a positive means of grasping and preserving public trust.

And the fact that the vast majority of newspapers 'buy in' to the system we administer means that they have a vested interest in abiding by the standards we set. In the final analysis trust is clearly an important commercial advantage.

I have focussed so far on the work of the Press Complaints Commission, for which I hope you will forgive me. I have also highlighted how the development of the internet has changed things for all of us, not least in bringing the world closer together. It is appropriate, therefore, that for the third part of my speech I talk about an international organisation - the Alliance of Independent Press Councils of Europe.

The Alliance is also a model. For, although we live in increasingly 'globalised' times, it is a paradox that regulation works best when it can be enforced by organisations small enough to respond quickly to complaints and react positively to change. The people who complain to us want human empathy, not faceless bureaucracy. The journalists and editors who come to us for advice and guidance want genuine understanding of local circumstances, not a call centre operative who lacks intimate knowledge of the UK media scene. Although the internet may allow problems to become global, the best solutions will often still be found at the local level.

That said, the standards and ethics being enforced by Press Councils across the world are often similar. And of course our core aims are often identical, which is why it remains so important that we learn from each others' experience and practice. An informal network like the Alliance of Independent Press Councils of Europe provides a tremendous forum for such sharing of expertise. Its annual meetings bring together self-regulatory bodies from well over 20 countries in Europe, not to mention other parts of the world.

If we can each improve the service we offer to complainants by learning from one another, then we should not hesitate to exchange ideas and information. When information is circulating more freely than ever, so responsibility for the appropriate and ethical reproduction of that information should be widely shared. The public, journalists, editors, publishers and regulators all have roles to play. And self-regulatory Press Councils provide the optimum outlet for all interested parties to find common ground when it comes to media standards.

As a final word let me say this: newspapers and magazines do make mistakes. Indeed, all industries do. That's why the public need protection and a system to offer them speedy and ideally cost free redress. This is why we need press councils to independently uphold agreed and binding self-regulatory Codes of Practice. We offer a public service. One that has stood the test of time and is well placed to adapt to future needs and developments. It has stood the test of time because it serves everybody; from those affected by a bereavement reported in their local paper to a celebrity being harassed by national picture agencies. Independently enforced self-regulation is a model suited to our times, to the newspaper and magazine industry, to the United Kingdom and to Austria.

ENDS

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