

A REPORTER'S GUIDE TO MEDIA LAW



June 2011

Starting Point

- How do we get the story into the paper?

Constrained by:

- Privacy
- Libel
- Copyright
- PCC Code

- Where necessary, please liaise with lawyers before or during the story

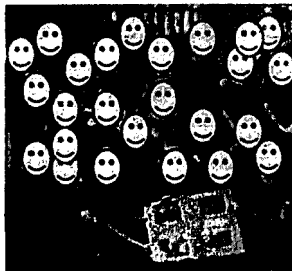
Top Tips

- Make sure everything you write is supported by the facts and reliable sources.
- If relying on third party material – make your own basic checks to verify the story.
- Make sure any criticism is fair and accurate.
- Watch your use of language.
- Consider whether to print and/or seek comments from the other side.
- Make sure headlines and straplines are accurate.
- Read the PCC code.

Privacy

Have we gone too far?

How do we deal with kids' privacy?



Privacy

".. Where the law is not breached, as I said earlier, the private conduct of adults is essentially no one else's business."

- Mosley [110, 113] Eady J

"It's clear from Strasbourg jurisprudence that anything sexual – anything concerned with personal relationships – attracts protection under Article 8."

- Eady interview with Joshua Rozenburg

Innuendo Meaning

"There's been much excited chatter as to why dashing poetry-scribing minister Lord Gowrie left the cabinet so suddenly. What expensive habit can he not support on an income of £33,000? I'm sure Gowrie himself would snort at suggestions that he was born with a silver spoon round his neck".

Document Management

If a source offers you leaked documents:

- try and avoid accepting the original.
 - If it is a hard copy - photocopy and hand back original.
 - If it is in digital format, save a copy onto your own personal computer system – do not place on company computer or equipment as this will "infect" our system.
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- The purpose of these rules is to avoid court order of delivery up of the leaked documents against the TMGL computer systems
 - It is important to work off a copy, not the original so we can write back, if challenged, and state that "we are not in possession of any document, classified or otherwise in relation to this matter." So nothing needs to be returned!
 - It may be sensible to then destroy this copy prior to publication.
 - It is imperative that if you are involved in this type of story – you work with the in house legal team.

PCC Code

PRESS COMPLAINTS COMMISSION

- www.pcc.org.uk



1. Accuracy
2. Opportunity to reply
3. Privacy
4. Harassment
5. Intrusion into grief or shock
6. Children
7. Children in sex cases
8. Hospitals
9. Reporting of Crime
10. Clandestine devices and subterfuge
11. Victims of sexual assault
12. Discrimination
13. Financial journalism
14. Confidential sources
15. Witness payments in criminal trials
16. Payment to criminals

Bribery Act

What are we allowed to do?

- General corporate entertaining is acceptable if done in good faith and not with the intention of making someone act improperly or to gain an unfair advantage.
- Bona fide general corporate entertaining and promotional activity is unlikely to be considered bribery.
- Reasonable and proportionate hospitality and promotional activity is unlikely to be a bribe provided it is not given with the intention of influencing the recipient of the hospitality to act "improperly". For example:
 - tickets to sporting events e.g. an invitation to clients to Wimbledon, Twickenham or the Grand Prix as part of a public relations exercise for the purpose of cementing good relations or enhancing industry knowledge. This may include reasonable travel expenses, even for overseas clients.
- promotional activity to improve the image of an organisation or its products or services.

Bribery Act

What are we not allowed to do?

- Lavish or extraordinary hospitality or gifts could be caught and seen as evidence of improper conduct.
- Disproportionate travel, for example, inviting an entourage made up of members of the family of key people on a “business trip”.
- Make inappropriate payments to get business (in cash or in kind), including political donations, donations to charities, facilitation payments – for example “customs clearance fees” or “transport taxes”.

Damages

- **Arkel v Pressdram**

A's solicitors demanded apology and costs and said:

“his attitude to damages will be governed by the nature of your reply.”

Private Eye responded:

“We note Mr A's attitude to damages will be governed by the nature of our reply. We would be grateful if you would inform us what his attitude to damages would be were he to learn that the nature of our reply is as follows: F... Off”.

Lord Cottesloe Apology (DT 23 April '94)

Our obituary of Lord Cottesloe, published yesterday contained very serious errors because wrong material, which did not relate to Lord Cottesloe or his family, was inadvertently incorporated. In offering our most sincere apologies to Lady Cottesloe and all members of the family we are particularly mindful of the gross and deeply hurtful mis-statement published yesterday that Lord Cottesloe's daughter and his second wife, who is Lord Cottesloe's surviving widow, both died from gunshot wounds sustained in accidents in the gunroom of Meiklour House.

We are well aware, and are most contrite in acknowledging that no such accidents ever occurred, that Lord Cottesloe did not have a daughter named Caroline, nor did he have an estate in Perthshire or Wiltshire, and that Lady Cottesloe, Lord Cottesloe's second wife, has in fact, survived him.

In setting the records straight, we repeat our apologies for these grievous errors.

ANY QUESTIONS?