

**Submission by The Press Standards Board of Finance Ltd (PressBoF)
to the Select Committee on Culture, Media and Sport, February 2007**

PressBoF

1.1 PressBoF was established by the newspaper and magazine publishing industry in 1990 to co-ordinate the industry's actions on self regulation following the Government's acceptance of the report of the Committee on Privacy and Related Matters.

1.2 It is responsible for funding the Press Complaints Commission, appointing its Chairman and providing a ready means of liaison between the PCC and the industry.

1.3 The PressBoF directors, of whom there are ten, are nominated by the industry's trade associations – the Newspaper Publishers Association, the Newspaper Society, the Periodical Publishers Association, the Scottish Daily Newspaper Society and the Scottish Newspaper Publishers Association.

Independence of the PCC

2.1 It is important to underline that although the industry funds self regulation (over £24M since 1991), mainly through a system of circulation based registration fees, the PCC operates independent of industry influence and at arm's length.

2.2 The PCC has 17 members, with a clear majority of lay members (10) over press members (7). With the exception of the Chairman, its members are appointed by the Appointments Commission which comprises the PCC Chairman, three independent members and the PressBoF Chairman. The latter is the only member connected with the industry.

Code of Practice

3.1 The foundation of self regulation is based on industry support at all levels for the Code of Practice. It is drawn up and maintained by editors serving on the Code Committee and is then approved by PressBoF following consultation with the industry through the trade associations before being ratified by the PCC. It is therefore accepted as the industry's own Code enforced by an independent PCC. A PressBoF recommendation that the Code should be written into contracts of employment for editors and their staff is believed to have been widely implemented.

3.2 The commitment of the industry to the Code and the efficiency and effectiveness of the PCC in dealing with reader complaints are generally recognised as having been major contributors to raising journalistic standards.

3.3 PressBoF and the industry readily understand that if the public and Parliament are to retain confidence in self regulation the Code must be perceived as being effective. The Code has in fact been updated and clarified on many occasions since its introduction 16 years ago. It is now reviewed annually by the Code Committee who invite suggested amendments from the public and other interested parties. The Code therefore is seen as a live document constantly evolving in light of circumstances.

Privacy

4.1 The Code is explicit on such matters as privacy and harassment subject only to where a public interest defence can be demonstrated.

4.2 Instances where an individual, such as Goodman, consciously engages in activities which not only breach the Code but contravene the law are unequivocally wrong. However, it would be unreasonable to suggest that where the criminal law has failed to deter such misconduct a voluntary code of practice should be criticised in such circumstances.

4.3 PressBoF fully supports Sir Christopher Meyer's critical comments regarding the case and the various steps being taken by the PCC to reassure the public that lessons have been learned from this episode.

Unauthorised Disclosure of Personal Information

5.1 While PressBoF readily accepts that journalists must comply with the Data Protection Act, it would seriously question the case for greater penalties for breach of the legislation based on the Information Commissioner's reports "What price privacy?" and "What price privacy now?" The circumstantial evidence gathered in 2002 did not necessarily establish any breach of either the law or the Code, or indeed consider whether there may have been a public interest defence. The fear is that custodial sentences would have a chilling effect on investigative journalism.

5.2 Both the Code Committee and the PCC have indicated to the Information Commissioner their willingness to assist in industry wide initiatives – a separate submission about which you have already received - to raise awareness of the issues raised in his reports.

Regulation of Online News

6.1 In January PressBoF announced that following industry-wide consultation it had agreed to extend the remit of the PCC to include editorial audio-visual material on newspaper and magazine websites.

The extension was agreed recognizing that "on-line versions" of newspapers and magazines have moved on from the internet replication of material that

already existed in a printed version of the publication to routinely carrying material not available in print form.

An accompanying Guidance Note explained that the PCC's remit should be seen as covering editorial material on newspaper and magazine titles websites where it meets two key requirements:

1. that the editor of the newspaper or magazine is responsible for it and could reasonably have been expected both to exercise editorial control over it and apply the terms of the Code.
2. that it was not pre-edited to conform to the on-line or off-line standards of another media regulatory body.

At the time of the announcement, Tim Bowdler, Chairman of PressBoF, commented "It is extremely important that self regulation should evolve in a carefully considered manner to take account of the developing ways in which our publications, in print and on-line, communicate with readers".

Sir Christopher Meyer added: "The range and quality of digital editorial material offered by newspapers and magazines have expanded at a dizzying pace over the last couple of years. These developments will only accelerate. What the industry has done in announcing this extension of the PCC's remit is to underline its confidence in the system of common-sense regulation that we operate, and to demonstrate to the public that editorial information in the digital age – regardless of the format in which it is delivered – will be subject to high professional standards overseen by the Commission".

General Comment

7.1 PressBoF recognizes that the independence and effectiveness of the PCC in addressing the complaints and concerns of the public are paramount in maintaining confidence in self regulation. It is a measure of its success that through raising awareness of its role and actively seeking more public involvement with and scrutiny of its work, the Commission is widely seen to be achieving its objectives. While it is PressBoF's belief that self regulation is a successful model enjoying wide support, it fully realizes that there is no room for complacency and that we need to work ever harder to maintain and improve the public's confidence in self regulation.