



From the Director

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Dear Mr Bishton

Thank you very much for coming to the meeting at the PCC last week to discuss the proposed Guidance Note on online journalism.

As promised, I am attaching a revised version of the note, which takes account of the helpful comments that were made. We have tried to include only those where there was a consensus across the three meetings, so some of the suggestions that arose may be missing. The note is now due to be considered by the Code Committee, PressBoF and the PCC. I will write to you again when it has been finalised.

Once again, I am most grateful to you for your help.

With kind regards.

Yours sincerely

A rectangular box with a thin black border, used to redact the signature of Tim Toulmin.

Tim Toulmin

Enc.

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DRAFT

The Code of Practice and online journalism

Since 1998 the Code of Practice has made clear that its provisions extend to both printed and online versions of publications. This includes information that has appeared exclusively on a newspaper or magazine's website: its jurisdiction is not confined only to what appears in print but duplicated online, but extends to the editorial content of sites that are branded as the online version of the paper. This Guidance Note sets out the Commission's approach to online material, including audio-visual services.

What the Code covers

Not all information on a newspaper's website is covered by the Code. As with print publications, complaints about matters of taste and decency, competitions, legal matters and adverts are not accepted. Those which are unduly delayed or made by third parties will not normally be investigated unless there is a compelling reason for the Commission to do so. Complaints about bias, fairness and balance in reporting do not generally fall under the Code.

A website will carry more user-generated material than a printed version. But whereas complaints about letters pages in print publications may be accepted – as they are subject to the editorial process – the position with regard to user-generated content online is somewhat different. Much of the user-generated material on a website will not be solicited or edited. Third party blogs, the content of other websites to which there may be a link from the publication's site, chatrooms and any other material that is not generated by a journalist who works for a media outlet that subscribes to the Code will usually fall outside the scope of the Code. The test here is who is responsible for the material, and what type of information it is. If it is editorial information to which an objection could be made under the Code, **and** is commissioned, used or generated by a journalist or editor who works for a publication that subscribes to the Code, it is likely to fall within the Commission's jurisdiction.

Resolution and adjudication

Complaints about exclusively online editorial material are relatively scarce. This may be because the online environment is naturally self-regulatory, with potential complainants being able swiftly to reply to perceived mistakes, and problems resolved quickly. As with any complaint about a newspaper or magazine, the Commission would urge complainants to approach the website editor in the first instance to give them the opportunity to resolve the matter directly.

When the Commission does receive complaints about online material that falls within the Code, its approach is to try to resolve them amicably. As with print publications, this might involve private apologies, amending records, publication of an apology or

clarification, undertakings, opportunities to reply or follow-up pieces. The appropriate form of resolution is the subject of dialogue between the editor, Commission and complainant.

The Commission will take any offer of amends into account when considering whether any further action is required, but if the complaint is nonetheless upheld, the Commission would expect its ruling to be published with 'due prominence' online. There can of course be no precise formula for what constitutes 'due prominence'. This will vary from case to case depending on the nature of the breach of the Code and where and for how long the original information appeared. As with adjudications in print versions of publications, it may therefore make sense for the prominence of an online adjudication to be discussed with the Commission in advance of publication. This is not a requirement of the Code however. Best practice would then be to archive the adjudication.

There may be occasions where there is only a light element of editorial involvement in material that is published. It would only be fair for the Commission's response to be proportionate to the degree of editorial involvement in the publication of any information that breached the Code. As a matter of common sense, for the Commission to become engaged the following conditions would have to apply:

- there would have to be some degree of editorial involvement in the publication of the material;
- the complaint would have to be made by someone directly affected by the item, rather than someone with general observations and objections;
- it would have to fall under the Code (the clauses concerning accuracy, privacy, news gathering and so on, or the preamble); and
- it would have to be made within two months of the item being published or transmitted.

Audio-visual material

Some websites offer news videos and audio services (AV material) on demand. The Code applies to these, but again only if they contain editorial information which is generated or commissioned by a publication which subscribes to the Code. The same principles outlined above apply – objections to taste and decency, to adverts or competitions and complaints from third parties or about third party websites are not matters for the Commission. Neither is user-generated audio-visual information over which there is no editorial control.

But where a complaint which falls under the Code is made within two months of transmission, and by someone affected by the material, the Commission will investigate the matter in the normal way. There will be a variety of common-sense resolutions to such complaints which may not necessarily involve corrections and apologies appearing in moving images or sound. For instance, a correction to an inaccurate audio-visual news item might involve a written online correction, with questions about prominence decided on a case by case basis by the editor concerned, following discussions with the

Commission if necessary. It may be appropriate – or mutually desirable – in some circumstances for any correction or resolution to a complaint to be in an audio-visual format. But it should not be assumed that all complaints about AV material have to be resolved by such means.

For instance, some websites use audio-visual news services commissioned by the editor but generated by third parties such as news agencies or broadcasters. This is a situation analogous to the use of agency copy in a print edition: an error may be someone else's fault, but the disseminator of the information is ultimately responsible for what is published. It would therefore fall to the disseminator to take steps to remedy any breach of the Code. However, the most straightforward resolution in such a case, where all parties accept that there has been a breach of the Code, may be for the editor to offer a written remedy as outlined in paragraph 4 (above).

It follows from the above that if the Commission upholds a complaint against audio-visual material, the publication with due prominence of its adjudication may involve either a written ruling or one in an audio-visual format, depending on what is proportionate to the complaint and appropriate in the particular circumstances.

General

This guidance is not intended to be prescriptive but to indicate how the Commission approaches complaints about online material, including audio-visual material. The Commission takes a common sense approach to the investigation and resolution of complaints, and it considers that – to a large extent – custom and practice will dictate the most appropriate means of remedying complaints about AV material. With such services constantly evolving, the Commission anticipates that this guidance may have to change to accommodate developments in technology. The ability of the regulatory framework to respond swiftly to such innovations is one of the hallmarks of a flexible system of light-touch regulation such as that overseen by the PCC.