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Extracts from Paul Dacre's speech at Society of Editor's Conference,
November 9th 2008

".....About 18 months ago, I, Les Hinton of News International and Murdoch MacLennan of the Telegraph, had dinner with the Prime Minister, Gordon Brown. On the agenda was our deep concern that the newspaper industry was facing a number of very serious threats to its freedoms....."

.....The fourth issue we raised with Gordon Brown was a truly frightening amendment to the Data Protection Act, winding its way through Parliament, under which journalists faced being jailed for two years for illicitly obtaining personal information such as ex-directory telephone numbers or an individual's gas bills or medical records. This legislation would have made Britain the only country in the free world to jail journalists and could have had a considerable chilling effect on good journalism.

The Prime Minister – I don't think it is breaking confidences to reveal – was hugely sympathetic to the industry's case and promised to do what he could to help.

Over the coming months and battles ahead, Mr Brown was totally true to his word. Whatever our individual newspapers' views are of the Prime Minister – and the Mail is pretty tough on him - we should, as an industry, acknowledge that, to date, he has been a great friend of press freedom.....

.....And lastly, what of Section 55 of the Data Protection Act with its proposed two year jail sentences for journalists? Again, under the brokerage of Number 10, there were meetings with Jack Straw and his officials.

The Information Commissioner, Richard Thomas, a tenacious and principled fighter whom I have come to admire, and who may even be here tonight, was determined that the jail threat should stay as a deterrent. The industry argued that there were already adequate deterrents in the form of unlimited fines that could be imposed by the courts on those who offended the DPA.

Although there had undoubtedly been abuses, particularly by so-called inquiry agents paid for by newspapers, (and incidentally, such bodies as insurance companies and law firms), no journalist had so far been prosecuted and jail sentences were therefore utterly disproportionate. Most worrying, we argued, the threat of prison would have a hugely damaging effect on legitimate investigative journalism.

We were very much mounting a rear-guard action as the legislation had already had its Second Reading in the Commons. The lobbying on both sides was fast and furious. The Society of Editors Executive Director,

Bob Satchwell, was also very active and deserves the industry's gratitude. Late in the day, the Conservatives in the Lords came out against the jail sentences.

And at the eleventh hour, with days to go before the issue was to be voted upon in the Lords, two compromises were reached. It was agreed that the Data Protection Act should be amended so that journalists would have the right to seek out protected information if they had a "reasonable belief" that their actions were in the public interest.

And, more pertinently, the Act was amended so that the jailing clause cannot now be implemented unless the Secretary of State seeks approval from Parliament to activate it.....

....The industry has been warned. We must make sure our house in order. Under the auspices of PressBoF, we have produced a guidance note on DPA that has been sent to every paper in Britain. Now it is up to all of us to ensure that our journalists are complying with the Act. At Associated, we are holding seminars on the subject and have written compliance with the Act into our employment contracts.

At the Editors' Code Committee, we are considering whether the current provisions of the Code on data protection and our Guidance Notes, as well as the wording in the Editor's Codebook, can be strengthened. Our problem, of course, is that the Code cannot sit above the law."

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