

***Research Ethics supplementary guide: for Reference by
Researchers undertaking Journalism and Media Production
Projects***

This guide must be consulted by researchers, students and their supervisors in advance of undertaking journalism or broadcast-based research. The BU online ethics approval system will include an opportunity to declare that this document has been consulted. Please use this facility to register that due ethical consideration has been given.

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Introduction to the Guide

All students undertaking Journalism and Media projects at Bournemouth University must consider the ethical aspects of their practice. This guide supports that obligation. Ethical elements of practice form a major part of journalism courses and the curriculum includes discussion of recent developments and debates in the media and journalism industries. Academic teaching underlines and discusses guidance and points students towards codes of practice relevant to journalism and related production projects. Media projects, too, are undertaken with students' asked to reflect on ethical matters. Media and Journalism projects pose some particular ethical challenges – around informed consent for instance and where it is helpful to elaborate on normal academic guidance. Professional body accreditation, for instance by NCTJ (National Council for the Training of Journalists) ensures that ethics training is embedded in courses – and courses validated as such. Staff supporting and supervising projects are able to use their professional experience and understanding of ethical concerns to ensure research is undertaken with relevant ethical matters duly considered and discussed.

Professional body guidance

Ethical matters should be considered in proper detail and context to support the particular areas of work done in journalism and media projects. To assist in this this document provides exemplary guidance drawn directly from professional practice and from the main professional bodies.

This guide is a simple collation of guidance drawn from professional body protocols. It is presented as a supplement to the *BU Ethical Code of Practice* and designed as a reference point enabling Bournemouth University researchers undertaking journalism practice under the auspices of academic research to cross-refer their activity against approved professional guidelines. This allows BU to be confident that investigative-research activity and its dissemination has undergone ethical review and reflection and that processes for approval of journalistic-broadcast based academic work are given with due consideration of the appropriate professional body guidance.

The document collates practice guidance from

- Press Complaints Commission's ethics guide,
- OFCOM's Broadcasting Code and the
- BBC's Editorial Guidelines with special attention paid to informed consent (Excerpts).
- NUJ Code of Conduct

Using the Guidance

It should be noted that the guidance here is taken from non-university institutional contexts and from specific bodies focussed on their own practices and observances/obligations. There is no direct 'fit' between professional-body or industry

concerns and the ethical issues facing academic researchers. Nevertheless there are cross-overs and shared concerns. Notably, informed consent and attendant practices and matters linked to recording and filming stand as a useful point of reference for journalist-academic researchers. This guide must be consulted by researchers, students and their supervisors in advance of undertaking any journalism or production research where such issues are of concern. ***The BU online ethics approval system will include an opportunity to declare that this document has been consulted. A number of the protocols refer to “Public Interest” as a matter for judgement and justification. Where such judgements are being made then the responsible academic tutor should be consulted to discuss and approve the specific course of action being decided.*** This is in line with current practice on BU projects – where tutors stand as functional “editors” in terms of authorisation and review.

THE editors' CODE from Press Complaints Commission

See full code at: [PCC Code of Practice](#)

All members of the press have a duty to maintain the highest professional standards. The Code, which includes this preamble and the public interest exceptions below, sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.

It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists, in printed and online versions of publications.

Editors should co-operate swiftly with the Press Complaints Commission in the resolution of complaints. Any publication judged to have breached the Code must publish the adjudication in full and with due prominence agreed by the Commission's Director, including headline reference to the PCC.

Accuracy

i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.

ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Commission, prominence should be agreed with the PCC in advance.

iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

iv) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

Opportunity to reply

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

Privacy

i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.

ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.

iii) It is unacceptable to photograph individuals in private places without their consent.

Note - Private places are public or private property where there is a reasonable expectation of privacy.

Harassment

i) Journalists must not engage in intimidation, harassment or persistent pursuit.

ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

Intrusion into grief or shock

i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.

*ii) When reporting suicide, care should be taken to avoid excessive detail about the method used.

Children

i) Young people should be free to complete their time at school without unnecessary intrusion.

ii) A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.

iii) Pupils must not be approached or photographed at school without the permission of the school authorities.

iv) Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.

v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

Children in sex cases

1. The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.

2. In any press report of a case involving a sexual offence against a child -

i) The child must not be identified.

ii) The adult may be identified.

iii) The word "incest" must not be used where a child victim might be identified.

iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

Hospitals

i) Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.

ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

Reporting of Crime

(i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.

(ii) Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

Clandestine devices and subterfuge

i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held private information without consent.

ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

Victims of sexual assault

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

Discrimination

i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.

ii) Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

Financial journalism

i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.

ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.

iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

Witness payments in criminal trials

i) No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.

This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.

*ii) Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.

*iii) Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

Payment to criminals

i) Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates – who may include family, friends and colleagues.

ii) Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.

The public interest

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:

i) Detecting or exposing crime or serious impropriety.

ii) Protecting public health and safety.

iii) Preventing the public from being misled by an action or statement of an individual or organisation.

2. There is a public interest in freedom of expression itself.

3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully that they reasonably believed that publication, or journalistic activity undertaken with a view to publication, would be in the public interest and how, and with whom, that was established at the time.

4. The PCC will consider the extent to which material is already in the public domain, or will become so.

5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

OfCom Broadcasting Code

Excerpts from OfCom Broadcasting Code regarding Informed Consent

See full code at: [OfCom Broadcasting Code](#)

Practices to be followed (7.2 to 7.14 below)

Dealing fairly with contributors and obtaining informed consent

7.2 Broadcasters and programme makers should normally be fair in their dealings with potential contributors to programmes unless, exceptionally, it is justified to do otherwise.

7.3 Where a person is invited to make a contribution to a programme (except when the subject matter is trivial or their participation minor) they should normally, at an appropriate stage:

- be told the nature and purpose of the programme, what the programme is about and be given a clear explanation of why they were asked to contribute and when (if known) and where it is likely to be first broadcast;
- be told what kind of contribution they are expected to make, for example live, pre-recorded, interview, discussion, edited, unedited, etc.;
- be informed about the areas of questioning and, wherever possible, the nature of other likely contributions;
- be made aware of any significant changes to the programme as it develops which might reasonably affect their original consent to participate, and which might cause material unfairness;
- be told the nature of their contractual rights and obligations and those of the programme maker and broadcaster in relation to their contribution; and
- be given clear information, if offered an opportunity to preview the programme, about whether they will be able to effect any changes to it.

Taking these measures is likely to result in the consent that is given being 'informed consent' (referred to in this section and the rest of the Code as "consent").

It may be fair to withhold all or some of this information where it is justified in the public interest or under other provisions of this section of the Code.

If a contributor is under sixteen, consent should normally be obtained from a parent or guardian, or other person of eighteen or over in loco parentis. In particular, persons under sixteen should not be asked for views on matters likely to be beyond their capacity to answer properly without such consent.

7.5 In the case of persons over sixteen who are not in a position to give consent, a person of eighteen or over with primary responsibility for their care should, normally give it on their behalf. In particular, persons not in a position to give consent should not be asked for views on matters likely to be beyond their capacity to answer properly without such consent.

7.6 When a programme is edited, contributions should be represented fairly.

7.7 Guarantees given to contributors, for example relating to the content of a programme, confidentiality or anonymity, should normally be honoured.

7.8 Broadcasters should ensure that the re-use of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create unfairness. This applies both to material obtained from others and the broadcaster's own material. Before broadcasting a factual programme, including programmes examining past events, broadcasters should take reasonable care to satisfy themselves that:

- material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation; and
- anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute.

7.10 Programmes – such as dramas and factually-based dramas – should not portray facts, events, individuals or organisations in a way which is unfair to an individual or organisation. If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

7.12 Where a person approached to contribute to a programme chooses to make no comment or refuses to appear in a broadcast, the broadcast should make clear that the individual concerned has chosen not to appear and should give their explanation if it would be unfair not to do so.

7.13 Where it is appropriate to represent the views of a person or organisation that is not participating in the programme, this must be done in a fair manner.

BBC Editorial Guidance

Excerpts regarding consent and contribution

See full guidance at [BBC Editorial Guidelines](#)

SECTION 6: FAIRNESS, CONTRIBUTORS and CONSENT

6.1 Introduction

6.2 Principles

6.3 Mandatory Referrals

6.4 Practices

Contributors and Informed Consent

Anonymity

Contributors, Access Agreements and Editorial

Independence

Deception

Intimidation and Humiliation

Right of Reply

Refusals to Take Part

Portrayal of Real People in Drama

Safety and Welfare of Contributors

6.1 INTRODUCTION (BBC)

The BBC strives to be fair to all – fair to those our output is about, fair to contributors, and fair to our audiences. BBC content should be based on respect, openness and straight dealing. We also have an obligation under the Ofcom Broadcasting Code to “avoid unjust or unfair treatment of individuals or organisations in programmes”.¹ Much of this section concerns the process of recruiting those who participate in or are otherwise involved in our content, and it should be considered alongside Section 7: Privacy – Privacy and Consent.

However, material inaccuracies in the way people are referred to, or featured, may risk causing unfairness. This applies not just to factual output (for example when representing the views of, and information about, others), but also to drama portraying real people or organisations. Consequently, this section of the Guidelines should also be read in conjunction with Section 3: Accuracy.

6.2 PRINCIPLES (BBC)

6.2.1 We will be open, honest, straightforward and fair in our dealings with contributors and audiences unless there is a clear public interest in doing otherwise, or we need to consider important issues such as legal matters, safety, or confidentiality.

6.2.2 Individuals should normally be appropriately informed about the planned nature and context of their contributions when they are asked to take part in BBC content and give their consent, unless there is an editorial justification for proceeding without their consent.

6.2.3 When our output contains allegations of wrongdoing, iniquity or incompetence or lays out a strong and damaging critique of an individual or organisation, those criticised should normally have a right of reply, unless there is an editorial justification to proceed without it.

6.3 MANDATORY REFERRALS (BBC)

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

6.3.1 Any proposal to broadcast a serious allegation resulting from our own journalism without giving those concerned an opportunity to reply must be referred to a senior editorial figure or, for independents, to the commissioning editor. Referral must also be made to Director Editorial Policy and Standards. (See 6.4.27)

6.3.2 The portrayal of a real person in a significant way in a drama against the wishes of the individual portrayed or their surviving near relatives must be referred to Director Editorial Policy and Standards.

(See 6.4.29)

Referrals to Editorial Policy

6.3.3 Any proposal to deceive a contributor to news or factual output must be referred to a senior editorial figure or, for independents, to the commissioning editor. Editorial Policy or, in the most serious cases, Director Editorial Policy and Standards, must also be consulted.

(See 6.4.17)

6.3.4 Any proposal to create a website which appears to have no connection with the BBC must be referred to a senior editorial figure and Editorial Policy.

(See 6.4.21)

Other Referrals

6.3.5 Any proposal to deceive a contributor for comedy and entertainment purposes, whether or not they are in the public eye, must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Editorial Policy.

(See 6.4.20)

6.3.6 Any proposal to use a tourist visa to avoid visa restrictions when working for the BBC in that country, or any other proposal to enter a country illegally, must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Director Editorial Policy and Standards.

6.3.7 Any access, filming or recording agreement must be referred to a senior editorial figure, or for independents to the commissioning editor, who may also consult Editorial Policy particularly when the proposed wording compromises the BBC's editorial independence or has the potential to cede editorial control to a contributor or contributing organisation.

(See 6.4.15)

6.3.8 Any request from output areas outside BBC News for interviews with, or exclusive appearances by, members of the Royal Family must be discussed with the BBC's Royal Liaison Officer.

(See 6.4.15)

6.3.9 Anyone actively intervening to steer the course of an online discussion for a BBC purpose, without revealing their link to the BBC, must be acting in the public interest and must refer to a senior editorial figure or, for independents to the commissioning editor. In the most serious cases, referral must also be made to Director Editorial Policy and Standards.

(See 6.4.22)

6.4 PRACTICES: Contributors and Informed Consent

6.4.1 We should treat our contributors honestly and with respect. Our commitment to fairness is normally achieved by ensuring that people provide 'informed consent' before they participate. 'Informed consent' means that contributors should be in possession of the knowledge that is necessary for a reasoned decision to take part in our content.

(See Section 3 Accuracy: 3.4.7 - 3.4.8)

Before they participate, contributors should normally know:

- why they are being asked to contribute to BBC content and where it will first appear
- the context of the content
- the nature of their involvement.

The more significant their contribution, the more detail we should provide. However, we should normally expect to explain the following:

- The kind of contribution they are expected to make. We should tell them in advance about the range of views being represented in the specific content to which they are contributing and, wherever possible, the names of other likely contributors

Whether their contribution will be live or recorded and/or edited. When recorded, we should not guarantee it will be broadcast

- We can only give a broad outline of question areas because the direction the interview takes will be dependent on what is said

- The final content will be a fair and truthful representation of what they say

and do

- Their contribution may be used by other BBC outlets including reproduction and archiving online

(See Section 13 Re-use and Reversioning: 13.4.6 - 13.4.12)

- We do not normally allow a preview of BBC content. However, when a preview is considered for editorial, ethical or legal reasons, we must be clear about the terms under which it is offered. It is normally best to do this in writing in advance. We should make it clear that we are not surrendering editorial control and that any changes made as a result will generally only relate to the correction of agreed factual inaccuracies or for reasonable concerns about the welfare of children, personal safety, or national security (See Section 6 Fairness, Contributors and Consent: 6.4.13 - 6.4.16)

- Their contractual rights and obligations and those of the BBC in relation to their contribution. For example, we expect contributors to be honest, straightforward and truthful.

We should not make any commitment to a contributor that we cannot keep. Third party websites may reproduce our content globally without our knowledge or consent, so no guarantee can be given that a contribution will not be seen in particular countries.

(See Section 6 Fairness, Contributors and Consent: 6.4.10 - 6.4.12)

(See Guidance online: Informed Consent)

6.4.2 People recorded committing or admitting to an offence, or behaving or admitting to behaving in an anti-social manner will not normally be asked for consent. We would also

normally reveal their identity although there are circumstances when it is important not to do so.

(See Section 7 Privacy: 7.1 Legitimate Expectations of Privacy and Section 6 Fairness, Contributors and Consent: 6.4.17 - 6.4.23)

6.4.3 There may be occasions when people are discussed, referred to or appear in material without their knowledge or consent. They may be public figures or private individuals and the material may include photographs, video and correspondence in which they feature. We should be fair and accurate in our portrayal of these people and, where appropriate, respect their legitimate expectations of privacy.

(See Section 7: Privacy: 7.1 Legitimate Expectations of Privacy and Section 7 Privacy: 7.4.7)

6.4.4 We should normally make contributors aware of significant changes to a programme or other content as it develops and prior to transmission, if such changes might reasonably be considered to have affected their original decision to participate, had it been known at the time. Depending on specific circumstances, such changes might include programme titles (for example, where they alter audience perception of the content or contributors), other

significant contributors, significant changes to broadcast or publication date, or anything that materially alters the context in which the contribution will appear.

(See Section 6 Fairness, Contributors and Consent: 6.4.9)

Obtaining Consent

6.4.5 We obtain informed consent from our contributors in a variety of ways depending on the circumstances of their contribution. Wherever practicable we should obtain consent in a form capable of proof.

In many cases contributors will give their consent by simply agreeing to be recorded for radio or television or to contribute online. For example, this will usually apply to those who are interviewed at short notice for any of our services, including people in the news and people who take part in “vox pops”.

It is clearly impractical to obtain written consent for time sensitive contributions, including those to local radio, continuous news and other news outlets. Occasionally there may also be circumstances in which contributors give their verbal consent at the start of a project and their continued consent is implicit through their ongoing involvement in the making of the programme.

(See Guidance Online: Informed Consent)

6.4.6 We should not normally rely on third parties to gain consent from a responsible adult although it may sometimes be sensible to approach a potential contributor via a third party in the first instance, for example when dealing with vulnerable people, the bereaved or in other sensitive circumstances.

(See Section 7 Privacy: 7.4.41)

6.4.7 For more significant contributions, we may sometimes ask participants to sign a contract which formalises the terms of their dealings with us, and includes a declaration of personal information which may bring the BBC into disrepute, for example, criminal convictions, or which may involve possible conflicts of interest.

(See Section 3 Accuracy: 3.4.7 - 3.4.8)

6.4.8 Young people and vulnerable adults may not always be in a position to give informed consent, for example, people with learning difficulties or forms of dementia, the bereaved, and people who are sick or terminally ill. In such cases, someone over 18 with primary responsibility for their care should normally give consent on their behalf, unless it is editorially justified to proceed without it. In particular, we should avoid asking someone who is unable to give their own consent for views on matters likely to be beyond their capacity to

answer properly without the consent of an adult with primary responsibility for their care.

(See Section 9 Children and Young People as Contributors: 9.4.12 - 9.4.23)

(See Guidance online: Medical Emergencies)

Withdrawal of Consent

6.4.9 Occasionally people who have willingly contributed to our output try to withdraw their consent prior to broadcast. Generally no one has the right in such circumstances to prevent their contribution being used, but we should listen carefully to any reasonable objections. There may be exceptions, for example where we have contractual obligations or perhaps where there have been significant changes to the context in which their contribution is to be used.

(See Section 6 Fairness, Contributors and Consent: 6.4.4)

Anonymity

6.4.10 Sometimes information the public should know is only available through sources or contributors on an 'off-the-record' or anonymous basis. When we grant a contributor or source anonymity as a condition of their participation, we must clearly agree the extent of anonymity we will provide. It may be sufficient to ensure that the contributor or source is not readily recognisable to the general public, or they may wish to be rendered unidentifiable

even to close friends and family. We should keep accurate notes of conversations with sources and contributors about anonymity. A recording is preferable where possible.

(See Section 3 Accuracy: 3.4.10)

6.4.11 We must ensure when we promise anonymity that we are in a position to

honour it, taking account of the implications of any possible court order demanding the disclosure of our unbroadcast material. When anonymity is essential, no document, computer file, or other record should identify a contributor or source. This includes notebooks and administrative paperwork as well as video and audio material.

6.4.12 Effective obscuring of identity may require more than just anonymity of a face. Other distinctive features, including hair, clothing and voice may need to be taken into account. Blurring rather than pixilation, which can be reversed, is the best way of ensuring anonymity in pictures. When disguising a voice, using a 'voice-over' by another person is usually better than technically induced distortion, which can be reversed, but audiences should be told what they are hearing. To avoid any risk of 'jigsaw identification' (that is, revealing several pieces of information in words or images that can be pieced together to identify the individual), our promises of anonymity may also need to include, for example, considering the way a contributor or source is described, blurring car number plates, editing out certain pieces of information (whether spoken by the contributor or others) and taking care not to reveal the location of a contributor's home. Note that, in some circumstances, avoiding the 'jigsaw effect' may require taking account of information already in the public domain. We may need to disguise the identity of international contributors to meet our obligations of anonymity or if their safety may be compromised. Third party websites may reproduce our content globally without our knowledge or consent.

(See Guidance online: Anonymity)

Contributors, Access Agreements and Editorial Independence

6.4.13 Contributors sometimes try to impose conditions on us before agreeing to take part. We must not surrender editorial control. Any contractual agreement with a contributor, their agent, or a production company must allow us to ask questions our audience would reasonably expect and tell a fair and accurate story.

If a contributor refuses to give an interview unless questions are rigidly agreed in advance or certain subjects avoided, we must consider carefully whether it is appropriate to proceed at all. If we decide to do so we should make clear on air the conditions under which the interview was obtained.

Access Agreements and Indemnity Forms

6.4.14 Many organisations, ranging from police forces, military organisations and the Royal Household via hospitals and schools to department stores and leisure parks, require the BBC to enter into written agreements in return for facilitating access to their premises or staff. This can be a useful way of formalising the terms under which consent for access or other contributions is granted.

However, it is important to ensure the terms under which access is granted do not compromise the BBC's editorial control or otherwise undermine our editorial integrity. Editorial control requires the BBC, or independents working for the BBC, to retain the right to record material as freely as possible, as well as to edit accurately, impartially and fairly. If unacceptable conditions are imposed we should withdraw from the project.

(See Guidance online: Access Agreements and Indemnity Forms)

6.4.15 Any access, filming or recording agreement must be referred to a senior editorial figure, or for independents to the commissioning editor, who may also consult Editorial Policy particularly when the proposed wording compromises the BBC's editorial independence or has the potential to cede editorial control to a contributor or contributing organisation. Any request from output areas outside BBC News for interviews with, or exclusive appearances by, members of the Royal Family must be discussed with the BBC's Royal Liaison Officer.

When access agreements cover other areas, including rights, re-use and facility fees, Legal and Business Affairs should be consulted. (See Section 13 Re-use and Reversioning: 13.4.6 - 13.4.12)

6.4.16 Indemnity forms are the legal agreements by which an organisation providing a facility to the BBC clarifies liability if something goes wrong – either during recording or as a result of the broadcast. They may be stand-alone documents or an indemnity clause within a broader Access Agreement. Programme Legal Advice should be consulted before agreeing an indemnity clause.

The BBC has agreed a standard indemnity form with the Association of Chief Police Officers. Copies are available in electronic form on the BBC Editorial Guidelines website. Content producers who are presented with indemnity forms by police forces in England and Wales may sign them only if their wording precisely matches the standard form.

(See Section 7 Privacy: 7.4.37)

(See Guidance online: Access Agreements and Indemnity Forms)

Deception

News and Factual Output

6.4.17 In news and factual output, where there is a clear public interest², it may occasionally be acceptable for us not to reveal the full purpose of the output to a contributor. Such deception is only likely to be acceptable when the material could not be obtained by any other means. It should be the minimum necessary and in proportion to the subject matter. Any proposal to deceive a contributor to news or factual output must be

referred to a senior editorial figure or, for independents, to the commissioning editor. Editorial Policy, or in the most serious cases Director Editorial Policy and Standards, must also be consulted. (See Section 8 Reporting Crime and Anti-Social Behaviour: 8.4.15 - 8.4.19 and 8.4.40 - 8.4.47)

Comedy and Entertainment Output

6.4.18 If deception is to be used for comedy or entertainment purposes, such as a humorous 'wind-up', the material should normally be pre-recorded and consent must be gained prior to broadcast from any member of the public or the organisation to be featured identifiably. If they are not identifiable, consent will not normally be required prior to broadcast unless the material was secretly recorded or is likely to result in unjustified public ridicule or personal distress. The deception should not be designed to humiliate and we should take care not to distress or embarrass those involved. We may need to consult with friends or family to assess the risks in advance of recording.

(See Section 5 Harm and Offence: 5.4.32 and Section 7 Privacy: 7.4.17 - 7.4.20)

6.4.19 Deceptions for comedy or entertainment purposes involving those in the public eye will not normally require consent prior to broadcast unless the material was secretly recorded or is likely to result in unjustified public ridicule or personal distress.

6.4.20 Any proposal to deceive a contributor for comedy and entertainment purposes, whether or not they are in the public eye, must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Editorial Policy.

Online

6.4.21 On rare occasions, where strictly proportionate and editorially justifiable, it may be appropriate for the BBC to operate a website which appears to have no connection with the BBC. For example, we might do this as part of an extended online game where clues are hidden on third party sites for players from BBC Online to discover. In such cases, we must ensure that non-participants who come across such a site can find out its real purpose quickly and easily. In the case of websites created for an investigation, we must ensure that there is no significant detriment to those who discover the website but are not the subject of the investigation. Any proposal to create a website which appears to have no connection with the BBC must be referred to a senior editorial figure and Editorial Policy.

6.4.22 Anyone actively intervening to steer the course of an online discussion for a BBC purpose, without revealing their link to the BBC, must be acting in the public interest³ and must refer to a senior editorial figure or, for independents, to the commissioning editor. In the most serious cases, referral must also be made to Director Editorial Policy and

Standards.

Working Abroad

6.4.23 We should normally be open about our intentions when entering countries to work. Any proposal to use a tourist visa to avoid visa restrictions when working for the BBC in that country, or any other proposal to enter a country illegally, must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Director Editorial Policy and Standards. When use of a tourist visa in this way, or any other illegal entry of a country, is approved, Newsgathering and the Head of the relevant World Service region should also be informed. It may also be advisable to contact Programme Legal

Advice before travelling. (See Section 18 The Law: 18.3.1)

Intimidation and Humiliation

6.4.24 We must treat our contributors and potential contributors with respect. We must not be unduly intimidatory, humiliating, intrusive or aggressive to contributors, either to obtain their consent or during their participation in our output.

(See Section 5 Harm and Offence: 5.4.32, and Section 6 Fairness, Contributors and Consent:

6.4.20)

Right of Reply

6.4.25 When our output makes allegations of wrongdoing, iniquity or incompetence or lays out a strong and damaging critique of an individual or institution the presumption is that those criticised should be given a “right of reply”, that is, given a fair opportunity to respond to the allegations. We must ensure we have a record of any request for a response including

dates, times, the name of the person approached and the key elements of the exchange. We should normally describe the allegations in sufficient detail to enable an informed response, and set a fair and appropriate deadline by which to respond.

6.4.26 Any parts of the response relevant to the allegations broadcast should be reflected fairly and accurately and should normally be broadcast in the same programme, or published at the same time, as the allegation. There may be occasions when this is inappropriate (for legal or overriding ethical reasons) in which case a senior editorial figure, or commissioning editor for independents, should be consulted. It may then be appropriate to consider whether an alternative opportunity should be offered for a reply at a subsequent date.

(See Guidance online: Right of Reply)

(See Section 7 Privacy: 7.4.30 - 7.4.32)

6.4.27 In very rare circumstances where we propose to broadcast a serious allegation without giving those concerned an opportunity to reply, the proposal must be referred to a senior editorial figure or, for independents, to the commissioning editor. Referral must also be made to Director Editorial Policy and Standards. The allegation must be in the public interest⁴ and there must be strong reasons for believing it to be true. Our reasons for deciding to make the information public without requesting a response from the individuals or organisations concerned may include possible interference with witnesses or other legal reasons.

(See Section 3 Accuracy: 3.4.13)

Refusals to Take Part

6.4.28 Anyone has the right to refuse to contribute to our output and it is not always necessary to mention their refusal. However, the refusal of an individual or an organisation

to make a contribution should not be allowed to act as a veto on the appearance of other contributors holding different views, or on the output itself.

When our audience might reasonably expect to hear counter arguments or where an individual, viewpoint or organisation is not represented it may be appropriate to explain the absence, particularly if it would be unfair to the missing contributor not to do so. This should be done in terms that are fair. We should consider whether we can represent the missing contributor's views based on what we already know.

(See Section 7 Privacy: 7.4.30 - 7.4.32 and Section 4 Impartiality: 4.4.5 - 4.4.15)

Portrayal of Real People in Drama

6.4.29 Whenever appropriate, and where their role is significant, real people portrayed in a drama or their surviving near relatives should be notified in advance and, where possible, their co-operation secured. There is fewer requirements to secure co-operation when dealing with people in the public eye, particularly if the portrayal is primarily of public aspects of their life. Any proposal to go ahead against the wishes of the individual portrayed or their surviving near relatives must be referred to Director Editorial Policy and Standards for approval before a commitment is made to the production. Unless dealing with people in the public eye and the public aspects of their lives, approval will only be given when it can be shown that the following three criteria are met:

- The portrayal is fair
- The portrayal is based on a substantial and well-sourced body of evidence whenever practicable.
- There is a clear public interest⁵.

4 See Section 7 Privacy: 7.1 The Public Interest

5 See Section 7 Privacy: 7.1 The Public Interest

6.4.30 When drama realistically portrays living people in contemporary situations, particularly a controversial or sensitive event, we should ensure it does not unduly distort the known facts and thus become unfair.

(See Section 3 Accuracy: 3.4.19 and Section 7 Privacy: 7.4.7)

Safety and Welfare of Contributors

6.4.31 We should not ask contributors to expose themselves to significant health and safety risks while taking part in our output unless we have completed a BBC risk assessment form and conducted rigorous fitness and psychological checks as appropriate. We must ensure that our contributors recognise and accept all the identified risks in writing.

6.4.32 We must ensure we do not encourage contributors to put themselves at risk when using recording equipment, including small cameras and mobile phones, to gather material.

6.4.33 We may need to take practical steps to protect international contributors or sources from repercussions within their own countries, arising from their participation in our output. Third party websites may reproduce our content globally without our knowledge or consent.

(See Section 6 Fairness, Contributors and Consent: 6.4.10 - 6.4.12)

6.4.34 If any material is gathered, by us or by contributors, by recklessly or wilfully endangering anyone, the BBC may decide not to broadcast it and may take disciplinary action. Those responsible may also be liable to prosecution.

(See Section 11 War, Terror and Emergencies: 11.4.22)

7.4 PRACTICES

Privacy and Consent

(See Section 6 Fairness, Contributors and Consent)

7.4.1 When contributors give informed consent to take part in our output, they can be assumed to have waived their expectations of privacy in relation to their contribution, subject to any agreed conditions placed on their participation.

(See Guidance online: Privacy and Factual Entertainment)

7.4.2 We should operate openly wherever we are unless we have approval for secret recording. This is particularly important when our audio-visual equipment is not very obvious as in the case of small video cameras, mobile phone cameras or fixed webcams. We may need to use notices to make people aware that we are recording and to allow them to avoid us.

(See Section 7 Privacy: 7.4.26)

7.4.3 When filming openly in public and semi-public places, we do not normally obtain express consent from individuals who are incidentally caught on camera as part of the general scene, unless they are engaged in an activity where they have a legitimate expectation of privacy that is not outweighed by a public interest in showing them.

However, if an individual or organisation asks us to stop filming or recording (whether live or recorded) because of a concern about privacy, we should normally do so, unless it is editorially justified to continue.

7.4.4 In potentially sensitive places, for example ambulances, hospitals, schools and prisons, we should normally obtain two separate consents, one for gathering the material and the other for broadcasting it, unless it is justified not to obtain such consents.

(See Guidance online: Medical Emergencies)

7.4.5 We normally obtain consent before recording on private property. However, recording without prior permission may be justified in places where the public has general

access, for example a shopping mall, railway station or airport, or where we have reason to believe our recording will aid the exposure of illegal or anti-social behaviour. When recording without prior consent on private or semi-public property, if the owner, legal occupier or person acting with their authority asks us to stop, we should normally do so unless it is editorially justified to continue.

We normally leave private property when asked to do so by the legal occupier. We should be aware of the law of trespass. Accessing private property without consent can constitute a civil wrong, but is not usually a police matter. Seek advice from Programme Legal Advice if you do not know how to proceed.(See Section 7 Privacy: 7.4.37)

Children and Vulnerable People

7.4.6 We should pay particular attention to the expectations of privacy of people under 16 and those who are vulnerable. When children are to be featured in our output in a way that would infringe a legitimate expectation of privacy, we should normally gain their informed consent (wherever possible) and the informed consent of a parent, legal guardian or other person of 18 or over acting in loco parentis. Featuring vulnerable people may also require the informed consent of a responsible person of 18 or over.

(See Section 9 Children and Young People as Contributors: 9.4.12 - 9.4.23)

Third Parties

7.4.7 The privacy of an individual may be infringed by content that reveals private personal information about them, even if they are not contributing to the programme or directly included in it. When such information is not already in the public domain (or was placed there only by the intrusive actions of others), the relevant individuals will normally need to give informed consent to its inclusion in our output, unless there is a public interest that outweighs their expectations of privacy.

See Section 6 Fairness, Contributors and Consent: 6.4.1 - 6.4.9

Material from Social Media

7.4.8 Although material, especially pictures and videos, on third party social media and other websites where the public have ready access may be considered to have been placed in the public domain, re-use by the BBC will usually bring it to a much wider audience. We should consider the impact of our re-use, particularly when in connection with tragic or distressing events. There are also copyright considerations.

(See Guidance online: Pictures from Social Media)

Secret Recording

7.4.9 The following techniques are considered secret recording for the purposes of the BBC's Editorial Guidelines:

- the use of hidden cameras or microphones

- the general use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones, when people are unaware they are being recorded

- the deliberate use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones, either to conceal the equipment from targeted individuals or to give the impression of recording for purposes other than broadcasting, for example a holiday video

- recording telephone calls for possible broadcast without asking permission

- deliberately continuing a recording when the other party thinks that it has come to an end, or starting it before the other party thinks it has begun.

7.4.10 Normally, the BBC will use secret recording only for the following purposes:

- as an investigative tool where:

- o there is clear existing prima facie evidence of behaviour, or intention to carry out behaviour, that it is in the public interest to reveal, and

- o the recording is necessary to prove the behaviour, and

- o there is no viable, alternative means of gathering the evidence that proves the behaviour.

- to obtain material outside the UK where a country's laws make the normal and responsible gathering of material extraordinarily difficult or impossible

- as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question

- for comedy and entertainment output where the secret recordings, and any deception involved, are an integral part of the programme.

(See Guidance online: Secret Recording and Secret Recording Forms)

(See Section 8 Reporting Crime and Anti-Social Behaviour: 8.4.3 - 8.4.7 and 8.4.40 - 8.4.47)

Approval of Secret Recording

(The following guidelines on Approval apply to any proposal to secretly record, whether for news, factual or comedy and entertainment purposes.)

7.4.11 Any proposal to carry out secret recording must be referred to

Editorial Policy prior to approval by the relevant senior editorial figure in the division or, for independents, by the commissioning editor. The gathering and broadcast of secretly

recorded material is always a two stage process, requiring a justification for any intrusion at each stage. So, the decision to gather is always taken separately from the decision to transmit. A record must be kept of the approval process, even if the request is turned down or the material gathered isn't broadcast. Each division is responsible for maintaining its own secret recording records to enable the BBC to monitor and review its use across all output.

Any deception required to obtain secretly recorded material (beyond the concealing of recording equipment) should be the minimum necessary and proportionate to the subject matter and must be referred to the relevant senior editorial figure or, for independents, to the commissioning editor.

(See Section 8 Reporting Crime and Anti-Social Behaviour: 8.4.40 - 8.4.47)

When proposing to carry out secret recording outside the UK, we should be

aware that the laws relating to privacy vary around the world. Any proposal to similar laws in the relevant country must be referred to Director Editorial Policy and Standards. Programme Legal Advice may also be consulted.

7.4.12 The re-use of secretly recorded material must be referred before broadcast to a senior editorial figure or, for independents, to the commissioning editor. A record must be kept of the decision.

(See Section 13 Re-use and Reversioning: 13.4.6 - 13.4.12)

(See Guidance online: Secret Recording and Secret Recording Forms)

Secret Recording for News and Factual Output

7.4.13 Secret recording must be justified by a clear public interest. It is a valuable tool for the BBC because it enables the capture of evidence or behaviour that our audiences would not otherwise see or hear. However, secret recording should normally be a method of last resort. The intrusion in the gathering and transmission of secret recording must be proportionate to the public interest it serves. Where there is a higher legitimate expectation of privacy, the BBC requires a higher public interest test to be achieved before recording secretly. Such situations include, but are not limited

to:

- Secret recording in a private place where the public do not have access
- Secret recording of medical treatments
- Secret recording of identifiable people in grief or under extremes of

stress both in public and semi-public places.

7.4.14 We must not go on "fishing expeditions", i.e. secret recording on private property in search of crime or anti-social behaviour by identifiable individuals, or a group, when there is no clear prima facie evidence against them of that behaviour.

7.4.15 We must never use unattended recording equipment on private property without consent of the owner, occupier or agent unless for the purpose of gaining evidence of serious crime. Any proposal to do this must be referred to Director Editorial Policy and Standards. Programme Legal Advice must also be consulted.

7.4.16 Secret recording may be used as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question. In such cases, although there may be no evidence against known individuals, there should normally be a prima facie indication that the behaviour to be researched exists in general. The results of the research should be edited to provide a fair and accurate representation of the research. Consent should normally be obtained retrospectively from individuals or organisations to be included in our content, or their identities should be appropriately obscured. Any proposal in these circumstances to identify individuals or organisations without their consent should be referred to Editorial Policy.

(See Guidance online: Privacy and Factual Entertainment)

Secret Recording for Comedy and Entertainment Output

7.4.17 Secretly recorded material should not expose people to hurtful ridicule or otherwise exploit them. If people realise they are being recorded secretly and ask us to stop, we must do so. We must also destroy any recordings of them if asked to do so.

7.4.18 Following gathering of the recordings, people who feature prominently must give their consent before the material is broadcast, or their identities must be appropriately obscured. If the recording might cause embarrassment to other recognisable individuals who have been caught on camera but have not given consent, their identities must also be disguised.

(See Guidance online: Privacy and Factual Entertainment)

7.4.19 Anyone secretly recorded on the phone for comedy or entertainment purposes must give their consent before the call is broadcast.

7.4.20 Any proposal to feature people in a live broadcast without their knowledge, whether in person or on the phone, must be approved by Director Editorial Policy and Standards.

Secret Recordings from Outside Sources

7.4.21 When we are offered secret recordings made by others, we should consider whether, under similar circumstances, the BBC would have considered it justifiable to carry out the recording. If it would not have been considered justifiable to gather the material, it should not normally be broadcast. Any proposal to use secret recordings made by others must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independents, by the commissioning editor. If the BBC would not have considered it justifiable to gather the material under similar circumstances, approval will also be required from Director Editorial Policy and Standards. Approval will only be given if there is a public interest in broadcasting it, outweighing how it was obtained.

Electronic Note-taking

7.4.22 It is often helpful to record conversations for note-taking purposes. We should normally do so openly and with the consent of the other party. However, where it would not be possible to do so openly and it is editorially justified, we may record our conversations secretly in both audio and video (for example, by using small cameras or telephone recording equipment) without obtaining consent or approval for secret recording. The intention of such recordings must be for note-taking and research, not for broadcast. Editorial justifications include, for example, ensuring accuracy in our reporting, integrity in our programme making, and enabling us to gather evidence to defend the BBC against possible legal action or complaints. Where it is practicable to do so, recording a conversation without consent should be discussed in advance with a line manager.

(See Section 3 Accuracy: 3.4.10)

7.4.23 We do not normally broadcast any recordings, including telephone calls, originally made for note-taking purposes. Any proposal to broadcast, without consent, recordings originally made for note-taking purposes must be approved by Director Editorial Policy and Standards. Permission to broadcast material gathered in this way will only be granted in exceptional circumstances.

Reporting Death, Suffering and Distress

7.4.38 We must always balance the public interest in full and accurate reporting against the need to be compassionate and to avoid any unjustified infringement of privacy when we report accidents, disasters, disturbances, violence against individuals or war. We will always need to consider carefully the editorial justification for portraying graphic material of human suffering and distress. When crews arriving at the scene of a disaster or emergency are under pressures that make it difficult to judge whether recording is an unjustified breach of privacy, they will often record as much material as possible. However, in such a situation, even more care must be taken to assess any privacy implications prior to broadcast. The demands of live output and speed in the use of pictures should not override consideration of the privacy of those suffering or in distress.

(See Section 5 Harm and Offence: 5.4.1 - 5.4.4 and 5.4.27 - 5.4.31)

(See Guidance online: Medical Emergencies)

7.4.39 There are very few circumstances in which it is justified to broadcast the moment of death. It is always important to respect the privacy and dignity of the dead. We should never show them gratuitously. We should also avoid the gratuitous use of close-ups of faces and serious injuries of those who are dead, suffering or in distress.

(See Section 11 War, Terror and Emergencies: 11.4.7)

7.4.40 In the immediate aftermath of an event involving death, suffering or distress, the use of more graphic material is normally justified to provide a reasonable account of the full horror, although an evocative script is equally important in conveying the reality of tragedy and providing context for the material. However, as the story unfolds it may become more

difficult to justify the continued use of such graphic material. Then when it comes to considering the story in a contemporary historical context or, for example, marking its

anniversary, it may become editorially justified to use the material again. (See Section 5 Harm and Offence: 5.4.27 - 5.4.31 and Section 7 Privacy: 7.4.44)

We also need to consider the cumulative effect of the continued or repeated use of graphic material on our continuous news channels.

7.4.41 We should normally request interviews with people who are injured or grieving following an accident or disaster by approaching them through friends, relatives or advisers. We should not:

- put them under pressure to provide interviews
- harass them with repeated phone calls, emails, text messages or knocks at the door
- stay on their property if asked to leave
- normally follow them if they move on.

(See Section 6 Fairness, Contributors and Consent: 6.4.5 - 6.4.8)

7.4.42 However, it is important that we do not inadvertently censor our reporting. For example, public expressions of grief and the extent to which it is regarded as an intrusion into someone's private life to show them, vary around the world. There are two key considerations when judging what to broadcast:

the people we record, and our audience. Graphic scenes of grief are unlikely to offend or distress those victims and relatives who consented to our recording

them, but they may upset or anger some of our audience. When introducing scenes of extreme distress or suffering, a few brief words explaining the circumstances in which they were gathered may help to prevent misunderstandings and unnecessary offence.

(See Section 5 Harm and Offence: 5.4.1 - 5.4.3)

7.4.43 We should normally only record at private funerals with the consent of the family. There must be a strong public interest if we decide to proceed against requests for privacy.

Revisiting Past Events

7.4.44 We must consider how to minimise any possible distress to surviving victims and relatives when we intend to examine past events which involved suffering and trauma. This applies even if the events or material to be used were once in the public domain. The way we achieve this will depend on, for example, the scale and location of the original incident and the time that has elapsed since it occurred. But so far as is reasonably practicable, surviving victims or the immediate families of the dead people who are to feature in the programme should normally be notified of our plans. We should proceed against any reasonable objections of those concerned only if they are outweighed by the public interest.

(See Section 13 Re-use and Reversioning: 13.4.6 - 13.4.8 and Section 7 Privacy: 7.4.40)

Personal Information

7.4.45 People trust the BBC and we must be transparent with them. We should make it clear to people how we intend to use their personal information even if it is simply an IP address, email address or a phone number. Personal information is collected, for example, when people visit our websites, enter competitions, register with an interactive community or become part of a database of contributors. We must handle personal data in accordance with the guidelines issued by Information Policy and Compliance.

(See Section 18 The Law: 18.11)

Contributors' Details

7.4.46 Production departments often gather personal information about contributors and potential contributors via their websites before storing it in databases. This information should not normally be accessible to other departments outside the production area which has collected it. Any proposal to make an exception should be referred to Information Policy and Compliance (IPC).

7.4.47 Contributors' personal details, comments or other personal information should not normally be given to third parties without the consent of the contributor. If consent cannot be obtained, this should be referred to a senior editorial figure, or for independents to the commissioning editor, who may wish to consult Information Policy and Compliance. If we have consent, a contract should require the third party to use the information only for the use agreed between the contributor and the BBC.

7.4.48 Any proposal to collect personal information on a BBC publicly funded website which might be disclosed to third parties, including BBC Worldwide, must be referred to a senior editorial figure, or for independents to the commissioning editor, who may wish to consult Information Policy and Compliance and BBC Fair Trading.

(See Section 18 The Law: 18.11)

7.4.49 We should take particular care when collecting personal information from children. This may require verifiable 'parental consent'

7.4.50 Any request for a contributor's personal information from the police must be referred to Editorial Policy and Programme Legal Advice before responding.

(See Section 9 Children and Young People as Contributors: 9.4.4 - 9.4.10)

(See Guidance online: Interacting with Children and Young People Online)

Informed Consent for Children and Young People

9.4.12 When featuring children and young people in our output we must obtain

their informed consent, wherever possible, and respect any refusal to take part (unless there is a public interest⁴ that outweighs their expectations of privacy).

(See Section 6 Fairness, Contributors and Consent: 6.4.1 - 6.4.8 and Section 7 Privacy: 7.1)

In addition to the usual considerations for obtaining informed consent from the child/young person and, when necessary, any other person giving consent for their involvement, we must:

- ensure they understand the nature of the output
- ensure that any reasonably foreseeable consequences of the child's

participation, such as the possibility of bullying, are made clear • not give them any inducement to secure consent (although the payment of expenses is acceptable as long as they are reasonable and legitimate).

9.4.13 In law, performances by under-16s (and some 16-year-olds still in fulltime education) should normally be licensed by the Local Education Authority. Children taking part in a performance must also, at all times during the engagement, be in the care of their parent, the child's legal guardian or a licensed chaperone.

(See Guidance online: Working with Children and Young People)

Parental Consent

9.4.14 'Parental consent' means the informed consent of a parent, legal guardian, or other person aged 18 or over acting in loco parentis, such as a Head Teacher.

In addition to the informed consent of the child or young person themselves, we should normally seek 'parental consent' before interviewing anyone under the age of 16, or otherwise involving them in our output. An exception may be when recording vox pops with children on non-sensitive subjects, where it is not controversial for children to hold and express their views. However, the younger and more vulnerable the child, and the more sensitive the subject matter, the more likely it is that 'parental consent' is essential.

'Parental consent' should normally be obtained if children are asked for views on matters likely to be beyond their capacity to answer properly.

(See Section 6 Fairness, Contributors and Consent: 6.4.1 - 6.4.8)

9.4.15 In deciding whether a child can give consent, the stage of development and degree of understanding as well as their age should be taken into account. If a young person is 16 or 17 it may still be appropriate to seek 'parental consent' in some cases, depending on the circumstances of the young person and the nature of the programme and contribution, for example when the content is exceptionally sensitive or where the contributor could be considered vulnerable. Advice is available from Editorial Policy.

9.4.16 Where 'parental consent' is required and parents are estranged or divorced, we will normally obtain the consent of the parent to whom a residence order has been granted, depending on the particular circumstances of the case. We should consider the extent of the other parent's involvement with the child or young person and, where we are not seeking their consent, listen to any reasonable objections they may have. Advice is available from Editorial Policy.

9.4.17 Any proposal to continue with the contribution of a child or young person after a refusal of 'parental consent' must be referred to a senior editorial figure or, for independents, to the commissioning editor. Editorial Policy should also be consulted. Proceeding without 'parental consent' is normally only editorially justified on the basis of a clear public interest⁵ or the freedom of the child or young person to express themselves, including their right to speak out.

9.4.18 When we ask children for personal information online we need to consider the standard of proof of 'parental consent' that is appropriate, taking account of the sensitivity of the subject matter and the age of the child. Options include:

- simply prompting a child to ask for 'parental consent'
- using a clickable check box to confirm that 'parental consent' has been obtained before allowing a child to proceed
- requiring verifiable 'parental consent', such as a signed letter

Advice on the appropriate standard of proof to use is available from Editorial Policy.

(See Guidance online: Interacting with Children and Young People Online)

9.4.19 When we invite children to interact with us using technology that costs money, such as the telephone or text message, we must make clear on-air or online that they must obtain the consent of a parent or bill payer before contacting us.

(See Section 9 Children and Young People as Contributors: 9.4.11 and Section 7 Privacy:

7.4.45 - 7.4.50)

The Impact of a Contribution

9.4.20 Even when we have secured 'parental consent', we must consider carefully the impact and possible consequences of any material which involves a child, both during the production process and once the material has been broadcast. This applies both when we have approached the child to contribute and when they have approached us, including with user generated content. Children are often eager to contribute to our output but many lack the judgement necessary to assess the longer-term impact it may have on their lives. When featuring anti-social, harmful or illegal activity amongst children, such as illegal drug use,

abuse, eating disorders, and bullying, we should consider consulting experts about the best way of approaching interviews and minimising distress.

We normally aim to work with children in the presence of those responsible for their supervision, although circumstances may vary. Nevertheless, when sensitive issues are being discussed with a child or young person, it is often advisable to have someone there who is familiar to them and who can help safeguard their interests, such as a relative, family friend, or teacher (See Guidance online: Working with Children and Young People)

9.4.21 We should ensure children and young people are given a voice but we must also be alert to occasions when children exaggerate, try to please or report gossip or hearsay as fact. Criminal or anti-social behaviour should not go unchallenged.

(See Section 8 Reporting Crime and Anti-Social Behaviour: 8.4.15 - 8.4.21)

9.4.22 When considering whether or not to identify children and young people involved in anti-social or criminal behaviour, we should take due account of their interests. Consideration should be given to the age of the child or young person, the nature or seriousness of the behaviour and the possible consequences of identification. We should not normally identify children when featuring such behaviour to illustrate a practice, unless there is a clear editorial justification. Always seek advice from a senior editorial figure, or for independents the commissioning editor, if you are unsure how to proceed.

(See Section 8 Reporting Crime and Anti-Social Behaviour: 8.4.32 and Section 6 Fairness, Contributors and Consent: 6.4.2)

There may also be legal reasons for not identifying a child or young person. If in doubt, consult Programme Legal Advice. Advice on the identification of a child or young person with an Anti-Social Behaviour Order (ASBO) or involved in court proceedings is available from Programme Legal Advice.

(See Section 18 the Law: 18.9)

9.4.23 The decision to involve, feature or identify children whose parents are engaged in anti-social or criminal activity should only be made if the welfare of the child will not be harmed and if it is clearly editorially justified. This is particularly important when children may be at risk because, for example, they are living with an alcoholic parent, or being forced to work as couriers of illegal drugs.

(See Section 7)

NUJ Code of Conduct

See full code at: [NUJ Code of Conduct](#)

The NUJ's Code of Conduct has set out the main principles of British and Irish journalism since 1936. The code is part of the rules and all journalists joining the union must sign that they will strive to adhere to it.

Members of the National Union of Journalists are expected to abide by the following professional principles:

A journalist:

1. At all times upholds and defends the principle of media freedom, the right of freedom of expression and the right of the public to be informed
2. Strives to ensure that information disseminated is honestly conveyed, accurate and fair
3. Does her/his utmost to correct harmful inaccuracies
4. Differentiates between fact and opinion
5. Obtains material by honest, straightforward and open means, with the exception of investigations that are both overwhelmingly in the public interest and which involve evidence that cannot be obtained by straightforward means
6. Does nothing to intrude into anybody's private life, grief or distress unless justified by overriding consideration of the public interest
7. Protects the identity of sources who supply information in confidence and material gathered in the course of her/his work
8. Resists threats or any other inducements to influence, distort or suppress information and takes no unfair personal advantage of information gained in the course of her/his duties before the information is public knowledge
9. Produces no material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation
10. Does not by way of statement, voice or appearance endorse by advertisement any commercial product or service save for the promotion of her/his own work or of the medium by which she/he is employed
11. A journalist shall normally seek the consent of an appropriate adult when interviewing or photographing a child for a story about her/his welfare
12. Avoids plagiarism

The NUJ believes a journalist has the right to refuse an assignment or be identified as the author of editorial that would break the letter or spirit of the code. The NUJ will fully support any journalist disciplined for asserting her/his right to act according to the code