Guidance on the Standards Code
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The Impress Standards Code (the Code) exists to support journalists and protect the public from unethical reporting and practices. It applies to all forms of news delivery, including print publications, news websites and social media. The Code reflects international best practice in the gathering and publishing of news content and is regularly updated to remain relevant in an ever-changing digital world.

The purpose of the Code is to help journalists create high-quality work in the public interest, balanced with respect for the rights and interests of everyone involved. It is not intended to restrict freedom of expression.

The Code sets out the minimum standards that Impress expects from regulated publishers and journalists when gathering and publishing news content. It is designed to be:

- **(a)**  a practical tool to help journalists do their job;
- **(b)**  a best practice resource for journalists working in the public interest and committed to producing socially responsible journalism;
- **(c)**  a guide for the public that details the standards and behaviour expected of journalists working in the public interest;
- **(d)**  the standard by which Impress regulates publishers and journalists who subscribe to its scheme.

This document also outlines Impress’s guidance on all the clauses in the Code, separated into chapters dealing with each relevant section.

The guidance is intended to provide general advice to all publishers and journalists working with edited news content and to help them understand and implement the Code. Some sections also include notes which provide additional practical tips and examples.

The guidance is also intended to advise news consumers on the Code requirements that Impress expects publishers and journalists to uphold.
The Code and its guidance apply to any individual or organisation gathering information and publishing news-related content.

For clarity, we will refer to publishers and journalists throughout the Code and its guidance.

- Journalists: applies to anybody acting in a journalistic capacity
- Publishers: applies to anybody acting under a publisher’s authority

Publishers and journalists include, but are not limited to:

- Publishers
- Editors
- Journalists
- Reporters
- Citizen journalists
- Bloggers
- Photojournalists
- Content creators
- Freelancers

The Code and its guidance are sometimes complemented by other resources that go beyond the minimum required standards. These additional resources are intended to help journalists work towards best practice. Some of these resources are provided by Impress (such as its best practice guidance), while others are published by third-party organisations. Third-party resources are not a binding part of the Code, and are not enforceable by Impress. The Code always takes precedence if there is any conflict between third-party resources and the Code and its guidance.

Some issues covered in the Impress Standards Code are also subject to civil and criminal law. It is important to note that this guidance does not constitute legal advice. Journalists and publishers should always seek independent legal advice regarding their compliance with the law. Journalists and publishers may also access legal information in media law texts such as McNae’s Essential Law for Journalists.
Journalism plays a crucial role in society. From entertainment to exposé, it has the power to change lives. Every day, journalists report significant events, scrutinise policies, highlight controversies, expose wrongdoing and challenge injustice. Such power comes with responsibility.

Impress aims to ensure that journalists behave responsibly and meet expected standards, while protecting their role to investigate and report freely.

The Code seeks to balance the rights of the public, journalists and publishers.

Freedom of expression is a protected right under Article 10 of the European Convention on Human Rights, scheduled to the Human Rights Act 1998 (see Schedule 1 of the Act). Article 10 (2) allows for restrictions on freedom of expression that are necessary and proportionate to protect legitimate goals, including national security, public safety, the administration of justice, preventing disorder or crime, protecting information received in confidence and the reputation and rights of others. This means freedom of expression must be balanced against other fundamental rights, including the right to respect for private and family life (Article 8) and the prohibition of discrimination (Article 14).

The concept of ‘press freedom’, encapsulated in the right to freedom of expression, is not absolute. An expression can be lawfully restricted on the grounds set out in para 2 of Article 10.

The Code is distinct from the law, and publishers are responsible for ensuring that they comply with the law.

The scope of journalism is broad and includes publishing content on the publisher’s website and official social media accounts. The Code applies to all content written, recorded, filmed or otherwise created by journalists or publishers producing edited news-related material and normally working under the editorial control of a publisher. The Code also applies to ‘newsgathering activities’, which may relate to the Code’s harassment or privacy clauses.
Scope & Remit

vii. It also extends to all audio-visual material, photographs, animations and headlines produced for journalism. It may also include third-party content and user-generated content (UGC), including comments under news stories. This is particularly relevant when a publisher endorses third-party content or uses it as source material for a story.

vii. Journalists and publishers should be aware of the legal risks they may face when publishing. This includes sourcing and publishing content from online or social media sources and UGC. For example, a publisher will not only risk breaching Clause 1 of the Code if they do not verify the accuracy and reliability of a source; they may also face a defamation claim if an individual’s or organisation’s reputation is damaged. Publishers should be familiar with issues around copyright and data protection, such as The Information Commissioner’s Age-Appropriate Design Code concerning the use of children’s data.

User-Generated Content (UGC)

UGC is any material on a news website that is voluntarily contributed by members of the public (as opposed to editorial staff) who use the site. It may include, but is not limited to:

- Letters to the editor
- Comments featured below articles
- Reviews and testimonials
- Any images, videos or voice recordings which are uploaded, viewed, shared and exchanged in digital spaces under the publisher’s control
A public interest justification may outweigh some clauses of the Code. This means that a public interest defence can justify a publisher’s failure to observe a clause. Some clauses attract an exceptional public interest justification. In these cases, the publisher must demonstrate a particularly compelling reason for failing to follow a requirement of the Code. Whether a clause attracts a public interest justification, an exceptional public interest justification, or no public interest qualification, is identified in the Code and guidance.

Sometimes, news publishers may want to re-publish or refer to information in the public domain that breaches the Code. This may be a factor in determining whether a particular report or article is in the public interest. However, just because something is in the public domain does not necessarily justify the publication or re-publication of certain material. Publishers are ultimately responsible for all the content they publish.

The Code is not intended to restrict the publishing of direct or reported speech, even if the content may otherwise breach the Code. For instance, a publisher may decide to publish a quote from a politician where its content is discriminatory and engages Clause 4, or is inaccurate, engaging Clause 1. If the quote is a fair representation of what was said and is clearly attributed, this would not normally represent a breach of the Code.

The Code should be followed not only to the letter but also in the full spirit of this guidance.

Impress aims to ensure that journalists behave responsibly, while protecting their role to investigate and report freely.
In certain circumstances, there may be a public interest justification for a particular newsgathering method or content publication that might otherwise breach the Code. The clauses where public interest exceptions may apply are clearly signposted.

A public interest means the public has a legitimate stake in, and/or a right to know about a story because of its importance to society. Such interests include, but are not limited to:

(a) the revelation or discussion of matters such as serious incompetence or unethical behaviour that affects the public;
(b) putting the record straight where an individual or organisation has misled the public on a matter of public importance;
(c) revealing that a person or organisation may be failing to comply with any legal obligation they have;
(d) the proper administration of government and the judiciary;
(e) open, fair and effective justice;
(f) public health and safety;
(g) national security;
(h) the prevention and detection of crime; and
(i) the discussion or analysis of artistic or cultural works.
Public Interest

When a publisher considers publishing a story or acting in a way that they believe may breach the Code, they are responsible for showing that they are doing so in the public interest. At the time the decision to breach the Code is made, the publisher should record this and establish why they believe that:

(a) the action is in the public interest;
(b) they could not have achieved the same result using measures that are compliant with the Code;
(c) the action is likely to achieve the desired outcome; and
(d) any likely harm caused by the action does not outweigh the public interest in the action.
Guidance on the Public Interest

There is a difference between journalism in the public interest and journalism that simply interests the public.

To have an interest in something can mean that you are curious about it or that you have a stake in it. When we talk about journalism in the ‘public interest’, we use the latter rather than the former meaning of the word.

A lot of journalism satisfies our natural interest or curiosity about what is happening in the world. Information can be trivial, helpful or harmless entertainment. However, just because something is ‘interesting’ does not necessarily mean that publishing it is in the public interest.

We have an ‘interest’ or stake in issues that concern us as members of a particular community or society. For instance, if you hold shares in a company, you have an interest in that company. Similarly, if you live in a certain town, you have an interest in the way your council is run. If you are a citizen of a particular country, you have an interest in the way your country is governed. These issues may not always be exciting, but you have a stake in them. This is the second meaning of ‘interest’ behind the phrase ‘public interest’.

Some journalism may appear to be a breach of the Code. For example, journalists and publishers might intrude into someone’s private life. They might use secret listening and recording devices or engage in deception to establish the facts of a story. This kind of activity would typically breach the Code because of the potential harm it might cause. However, if a publisher can demonstrate that they were acting in the public interest, their actions might be justified. Some clauses in the Code are subject to a possible public interest qualification.

The public interest may be used to justify content or activities that would otherwise breach the Code when the benefits to society outweigh the potential harm caused by the publisher.

The Code provides illustrative examples of specific matters that may engage the public interest. We have an interest in detecting crime and protecting public safety. Journalistic activities that pursue these objectives may be in the public interest despite having the potential to cause some harm.
Some types of public interest journalism inform public debate, encourage participation in democracy and allow us to hold the state to account. The state includes the central government, Parliament, local authorities, the courts, the police and other bodies carrying out public functions.

There may also be a public interest in matters relating to private bodies, such as companies, banks, trade unions, charities and sports clubs. As stakeholders in society and the economy, we have an interest in how they are managed. Moreover, many public functions are ‘contracted out’ to private companies, for example the provision of care homes, social housing, or event security. Where private bodies are carrying out public functions in this way, there is heightened public interest in their operations.

However, there is not necessarily a public interest in journalism merely because it relates to a public figure or a well-known personality. Public figures such as politicians, senior civil servants or religious leaders may expect to come under scrutiny from news publishers. However, public figures, including celebrities, also have a right to a private life (see Clause 7: Privacy). Articles or journalistic activities that invade people’s privacy or harm their reputations are not justified just because they are public or well-known figures.

The Code states that there may be a public interest in ‘putting the record straight where an individual or organisation has misled the public on a matter of public importance’. This means that publishers can investigate an individual or organisation if they believe they are or may be misleading the public. For example, if a water company released incomplete information about its safety record, or an influential religious leader falsely purported to practise ‘family values’. However, it does not mean reporting on it is allowed under the Code in all instances. Publishers must clearly demonstrate how the public interest justifies any potential breach of the Code on a case-by-case basis.

The Code refers to misleading the public ‘on a matter of public importance’. This means that the matter must be relevant to the public interest. For example, it may be in the public interest to reveal that a high-profile celebrity had misled the public regarding their illegal drug use. This is because of the importance of drug use as a public health issue and the influence celebrities can have as role models. However, having an inaccurate impression about, for example, the health status of a celebrity or the state of their marriage may not be considered a matter of public importance.
Ordinary members of the public may also find themselves subject to media attention. Whether there is a public interest in publishing private information about them will depend not only on the status of the person concerned but also on the significance of the information revealed by publication.

The Code also refers to analysing and discussing artistic or cultural works. Such analysis or discussion will not generally breach the Code. However, it may do so if the reviewer, for example, refers to private facts about an artist or author as a means of better understanding their work. The Code clarifies that such references are an aspect of public interest journalism and must be balanced against the individual’s rights to privacy and possible risks to their reputation.

The public interest includes the discussion or analysis of artistic or cultural works.
**Contemporaneous notetaking**

- The Code recommends that journalists make a timely note or keep an audit trail of their activities leading up to publishing a news story. This is not a strict requirement, but it is good practice. It helps journalists accurately record the public interest rationale for behaviour that may breach the Code. It also encourages journalists to think carefully about whether a given action is justified in the public interest. Notes should be kept for a minimum of 12 months for disclosure to Impress upon request.

- The Code recommends that where a publisher believes there is a public interest justification for an action or publication of a news story that would otherwise breach the Code, they should make a note at the time explaining the rationale. The Code provides a list of factors that should be established and recorded in the note under Public Interest 0.1.2 and 0.1.3 above.

- Journalists should not intrude upon the privacy of individuals in the hope that one of these intrusions might reveal important information. Publishers must demonstrate a clear and compelling link between the intrusion and the public interest in the information obtained.

- The Code uses the term ‘contemporaneous’ when advising on when to make notes. It does not mean that journalists must make notes simultaneously to their activity. It means that they should make a note as soon as is practicable after an event or interview. This note may take the form of a private note, diary entry or an email to a colleague or editor. Depending on the circumstances, it may be a brief paragraph or longer. The note should be clearly dated.

- A failure to make a timely note is not in itself something that could form a complaint against a publication. However, such a failure may make it harder for a publisher to evidence any public interest justification in response to an alleged breach of the Code.
Accuracy

1. Publishers must take reasonable steps to ensure accuracy.

2. Publishers must distinguish clearly between statements of fact and opinion.

3. Whilst free to be partisan, publishers must not misrepresent or distort the facts.

4. Publishers must correct any significant inaccuracy with prominence equal to the original article at the earliest opportunity.
Clause 1.1

1.1.1 The Code does not create an absolute duty to publish only indisputably true facts. Instead, publishers must take reasonable steps to verify the truth of the information. For example, a journalist would not be expected to check every statistic in an Office of National Statistics (ONS) report. However, by contrast, the information provided by a single anonymous source would need careful checking.

1.1.2 When assessing whether reasonable steps have been taken, consideration should be given to:

(a) the significance of any possible inaccuracies and their likely consequences;
(b) the likely reliability of the source(s) being used;
(c) the attempts made to corroborate a story;
(d) the urgency of publishing the story;
(e) whether reasonable attempts were made, before publication, to contact any individuals or organisations for whom publication could potentially have a significant adverse impact and whether they were offered an opportunity to respond.

A significant adverse impact could relate to privacy, confidentiality, family and children, or professional and personal reputations. A response should normally be published at the same time as any allegations are made or any information is placed in the public domain.

1.1.3 It is not obligatory to offer an individual or an organisation an opportunity to respond, and there may be times when it is inappropriate. These may include legal reasons or when it is not in the interests of investigative journalism, because it could prompt an injunction or endanger sources.
There is particular importance on the requirement to take reasonable steps to verify accuracy when the story involves children. Inaccurate content about a child could have severe and long-lasting consequences for their emotional and mental well-being, relationships, education, and future employment prospects (see Clause 3: Children). For the same reason, publishers should take care when the story involves people with health conditions or disabilities, or adults at risk.
The internet, especially social media, plays an influential role in public discussion. Its very nature makes it an excellent source of information for journalists. However, it can generate a large amount of inaccurate, unreliable, harmful and unlawful content. It is also often hard to identify the source of information online. Therefore, using online information as a source may pose a significant risk for publishers. This risk can be reduced by linking to sources and clearly labelling third-party content (see Clause 2: Attribution & Plagiarism).

The Code requires publishers to take reasonable steps to verify the accuracy of the information obtained from third-party sources; for example, blogs, social media posts, and YouTube videos. The publisher should:

(a) be aware of the use of artificial intelligence (AI) and other technology to create and circulate false content (for example, deepfakes), and exercise human editorial oversight to reduce the risk of publishing such content;

(b) be aware of the use of AI by news distributors to generate, curate, rank and circulate news;

(c) exercise editorial oversight to ensure the accuracy of any content produced by an AI system;

(d) take steps to limit the potential spread of false information, deliberately or accidentally, by verifying the story with other sources and checking the information against other reliable sources. For example, a story from an online source about the transmission of COVID-19 could be checked against information provided by reliable sources such as the National Health Service or World Health Organisation;

(e) clearly label and provide hyperlinks where possible to corroborate sources that verify the content (see Clause 10: Transparency).

A story may also be misleading through the omission of crucial facts.

All archived content should include clear and prominent publication dates, by-lines, updates, and corrections.
Clause 1.2

1.2.1 Former US Senator Daniel Patrick Moynihan said, “Everyone is entitled to his own opinion, but not to his own facts”. This quote reminds us that factual accounts must have a basis in evidence, whereas opinions are not subject to proof. So, while people can make up their own opinions, they cannot make up their own facts.

1.2.2 This also applies to the media. Maintaining the distinction between fact, conjecture, comment, analysis, and opinion is vital to responsible, quality journalism. A fact is susceptible to proof; an opinion is not. Conjecture is a statement based on incomplete information. Opinion includes beliefs, judgments, evaluations, predictions, moral judgments, critical assessments, feelings, or the expression of a worldview.

In some cases, the distinction is clear-cut. For example, straight news reporting is generally concerned with factual matters, whereas book reviews give a critical opinion on the artistic merit of a book. However, some reports include elements of both fact and opinion. The facts must be based on objective evidence when this is the case. This distinction should be judged based on the hypothetical reaction of an ordinary, reasonable reader with general knowledge and world experience.

Factual accounts must have a basis in evidence, whereas opinions are not subject to proof.
A reader must be able to tell from the tone, context and language whether the information:

(a) represents a journalist’s personal judgement;
(b) is a statement of fact; or
(c) is a mix of facts and judgement.

To help readers distinguish between fact and opinion, publishers can consider:

(a) clearly labelling opinion-based content with a banner stating that the content is ‘Opinion’;
(b) providing an accompanying explanation highlighting the difference between parts which are based on fact and parts which are based on opinion;
(c) ensuring that journalists use language that clearly distinguishes fact from their own opinion in content that may contain both. This can be achieved using language such as “it is my opinion”, or “in my view”, or “it is the opinion of this publication.”

Although the Accuracy clauses relate mainly to assertions of fact rather than opinion, it may be a breach of the Code (as well as the law on libel) to publish seriously damaging opinions about named individuals if facts do not support them. A higher threshold for this requirement applies to politicians. While entitled to a reputation, politicians must demonstrate greater tolerance to criticism than ordinary members of the public.

Clause 1.3

This clause safeguards the rights of journalists to present personal opinions in comment pieces. Publishers are fundamentally different from broadcasters such as the BBC: publishers are free to offer their own opinions. Even so, the Code requires journalists to ensure the information informing their opinions or ‘take’ on a given story is accurate. In other words, publishers should not use distorted, false or misleading representations of the facts to further their worldview.
Clause 1.4

1.4.1 This clause requires publishers to correct ‘significant inaccuracies’. The significance of inaccurate reporting can be judged by its impact on an individual’s or organisation’s reputation. Where reputation is not at stake, its significance can be determined by the extent of misrepresentation of factual information and its impact on the story. Publishers should consider whether an inaccuracy goes to the heart of the story or only concerns an inconsequential matter. In all cases, however, they will need to think of the harm the inaccuracy might cause.

1.4.2 This clause also applies to headlines and images, which must accurately represent the stories they accompany. When presented together, text and photographs may accurately represent the facts. However, viewed in isolation they can misrepresent the facts. Journalists should take care when writing headlines and placing photographs. Significant inaccuracies can also be created by the way in which images are presented and how they are cropped or altered. Publishers should not use misleading headlines designed to attract readers’ attention, particularly when publishing content online.

1.4.3 Whether there was a significant inaccuracy may be judged by considering whether the story, taken as a whole, was likely to create a false impression.

1.4.4 This clause means that a featured story should be corrected, and the correction should appear in the same place and format on the platform where it first appeared. However, in certain cases, there may be reasonable grounds for not giving a correction equal prominence to the original story. These may include instances where the inaccuracy did not go to the heart of the story, it was unlikely to cause serious harm, or where the pressing importance of a breaking news story justifies displacing the correction from the feature position.

1.4.5 The governing principle is that the prominence of the correction must be proportionate to (a) the prominence and importance given to the original story and (b) the seriousness of the inaccuracy being corrected.
1.4.6 A timely correction may be just as important as prominence. The longer a false impression is allowed to linger, the more firmly it may become embedded in the public consciousness. This means it is more likely to be picked up and amplified by other media, including via social media.

1.4.7 Under the Code, factual inaccuracies can include those stated in an opinion piece. While journalists may publish their opinions on, for instance, the causes of terrorism, they must not present false information as fact. A story may contain allegations or speculation, but these must be clearly recognisable.

1.4.8 Where publishers are required to correct a significant inaccuracy, it may be appropriate to provide individuals or organisations with an opportunity to respond. This may be offered as an alternative to, or in addition to, a correction. It should not be used to open or reopen debate on a particular issue.
Notes: Publishing corrections

Impress requires corrections to ‘significant inaccuracies’ to be published, but it may be appropriate for publishers to issue corrections for other errors, too.

The term ‘correction’ is used when a published story that contained an error was amended or corrected. A correction involves a published response necessary to tell the reader that an error has been made. It may also outline any action taken by the publisher to remedy the mistake. ‘Clarifications’ may also be issued when new information comes to light that may change the facts or context of a story.

A correction should be proportionate to the scale of the error. It should reflect the seriousness and scope of the original story, be explicit about when and where the error occurred in the publication, and should seek to put it right. For example, if an inaccuracy appeared in paragraph six of a front-page news story and every other aspect of the story was correct, it may not be necessary to run the correction on the front page. If the publication has a regular column for corrections, it may be appropriate to place them there.

For online corrections, a publisher should consider where the story first appeared, the amount of time it was available online, and how many people had viewed the article. A story may sit as the lead on a website for many hours before moving to a less prominent position. The correction may be pinned or displayed on the news publisher’s homepage for a reasonable period to allow readers to see it. Similarly, if the error was widely shared in a post or tweet, it may be appropriate to promote the correction to reach the same audience or pin it to the social media account for a reasonable period. To maintain their impact, apologies should be reserved for the most significant breaches.

This guidance on corrections and apologies is distinct from the powers of Impress under its Regulatory Scheme to direct corrections and apologies (with equal prominence) as part of a decision taken on a complaint.
2.1. Publishers must take all reasonable steps to identify and credit the originator of any third-party content.

2.2. Publishers must correct any failure to credit the originator of any third-party content with equal prominence at the earliest opportunity.
Clause 2.1

2.1.1 Publishers must take practical steps to identify and credit the author of the published content. This will help to avoid the publication of content where, for instance, an article is wrongly attributed to a particular author. It will also help publishers comply with their legal requirements under copyright law, for example the Copyright, Designs and Patents Act 1988.

2.1.2 Attributing content to the person or organisation who created it is essential for ensuring accuracy. Where a publisher is unaware of the creator, the publisher must take reasonable steps to identify them. Taking ‘reasonable steps’ may involve contacting the content provider - whether that is an agency, journalist or another source - and attempting to contact the individuals pictured or referenced. This extends to content taken or submitted from social media. If a publisher has taken these steps and is still unable to locate the creator, the content should be accompanied by a note that makes this clear.

2.1.3 Publishers must not simply republish press releases without attribution. This is to avoid giving the misleading impression that the publisher created the press release.

Clause 2.2

2.2.1 Where content is inaccurately credited, or there is a failure to credit the creator of the content, publishers must correct this with equal prominence at the earliest opportunity. These terms have been explained in the guidance to Clause 1: Accuracy.

Online, a correction could take the form of an amendment to a picture’s caption, a note at the foot of an article and a link to the original piece.

There is no public interest qualification to this clause.
3.1 Publishers must only engage with a child or report on an identifiable child under 18 when this will not cause them harm. Reporting must have the child’s consent and, where necessary, the consent of an appropriate adult. The only exception is when there is an extremely high level of public interest.

While children are entitled to hold and express their views, journalists are responsible for considering the child’s age and capacity to give their informed consent. This clause does not apply to the publication of images of general scenes unless this would put a child at risk of harm.

3.2 Publishers must not identify a child under 18 without their consent or the consent of an appropriate adult. Identification of a child can only be made where it is relevant to the story. It must not cause harm to the child or place the child at risk of harm. This clause is not breached if there is an overwhelming public interest in identifying the child.

3.3 Publishers must reasonably consider a child’s request to remain anonymous.

3.4 If a person was under 18 when identified in a piece of news content and later requests to be anonymised in that content, publishers must consider the request (see Clause 7.3: Privacy).
Clause 3.1

3.1.1 One of the most sensitive areas for any journalist is the coverage of news stories involving children. This guidance aims to assist journalists in ensuring that reporting strikes a balance between protecting children from harm and granting them a voice in the media. At the same time, it allows for exceptional cases in which the public interest requires reporting on a child in a way that would normally breach the Code.

3.1.2 Journalists must obtain the informed consent of any child under 18 and, where necessary, the consent of an appropriate adult. This consent applies when interviewing, photographing, filming or otherwise recording the words or actions of a child. Ideally, journalists should obtain the consent of both parties, but this will not always be practicable. Journalists must give due consideration to the child’s competence to understand consent. They should also be aware that some older children may have the capacity to provide consent, and so the consent of an appropriate adult may not be necessary. Finally, an appropriate adult cannot veto a child’s refusal or revocation of consent.

3.1.3 It will not always be practicable to seek consent for photographs of children in general scenes such as public events, street parties or protests. Where the image of a child or several children cannot reasonably be said to cause ‘detriment to their safety and well-being’, photographers do not need to seek permission from the child or an appropriate adult. For example, an image of children at a public street fair will generally be permissible unless the children are involved in some intimate, sensitive, or harmful act.

Appropriate adult

3.1.4 A journalist may obtain the consent of a parent or other legal guardian. Appropriate adults may also include social workers, health professionals and others who have an official role in protecting a child’s welfare.
Not causing harm to the child, or placing the child at risk of harm

The concept of ‘not causing harm to the child or placing the child at risk of harm’ involves considering a child’s physical, emotional and social well-being. Harm to a child includes any potential risk to their safety and well-being. This consideration should focus on the current life of the child, but also consider any potential impact on their life in the future. The context and nature of the story will be key.

When reporting on a tragic or traumatic incident such as a violent crime, emergency or natural disaster, journalists should be particularly aware of the child’s emotional involvement and vulnerability to being exploited or misrepresented by a news article. The requirement that ‘journalists have a responsibility to carefully consider the age and capacity of the child to consent’ reflects this consideration. Even if a young person is over 16 and considered more mature, publishers should be aware that their ability to give informed consent may be affected by certain factors. For example, where English is their second language. It may also be situational, for instance where they are being asked to discuss a distressing or very personal experience.
3.1.6 This clause attracts an exceptional public interest qualification. This clause is not breached if an overwhelming public interest outweighs the potential harm.

For example, in 2016, a still taken from video footage of a Syrian toddler sitting in the back of an ambulance in Aleppo was widely published. The toddler was identified by name. At the time, there was intense public scrutiny and humanitarian interest in the events unfolding in Aleppo. Failure to secure explicit consent from the child or an appropriate adult before publication may have been justified on exceptional public interest grounds.
Clause 3.2

3.2.1 Journalists must consider whether identifying a child will be critical to the reader’s understanding of the content or whether it merely enhances the story. This is particularly important when considering whether to include a photograph identifying a child. While a picture of a child may be evocative, journalists should be satisfied that it will not harm a child’s safety or well-being and that it is crucial to conveying the story’s meaning and importance. This protection extends to other children in the child’s social circle, including family members and friends.

3.2.2 Where a publisher cannot gain consent to identify a child but believes publishing their image is critical to convey the story’s meaning, they should consider obscuring the child’s face and other identifying characteristics.

3.2.3 Publishers must also take care not to indirectly identify children. This may occur through so-called ‘jigsaw identification’. This is where the public can piece together someone’s identity because of details supplied by several features of the story or across articles or news outlets. Publishers should consider using techniques or practices that remove identifying data. Examples of identifying data include the school a child attends, the area of a city in which they live, and their parents’ occupations. This practice also helps publishers comply with minimum use requirements under data protection law.

3.2.4 This clause attracts an exceptional public interest justification. The clause would not be breached if there was an overwhelming public interest in the story, which outweighed the potential harm caused.
Clause 3.3

3.3.1 Publishers must ‘reasonably consider’ requests from children to remain anonymous during newsgathering and publication (see Privacy Clause 7.3). This consideration extends to where they have been incidentally identified in publication. This recognises children’s autonomy and media literacy while acknowledging the protections and assistance they need to develop as people. Anonymity may protect them from long-term and harmful consequences that stem from actions or contexts affecting them as children.

Clause 3.4

3.4.1 Publishers must also reasonably consider requests from those under 18 when the article was published, to anonymise that content in the present day. Only the subjects of the news articles can generally make such requests, and they should provide clear reasons why they should no longer be identified.

3.4.2 When responding to a request, a publisher should consider whether:

(a) the story in its original form affects the individual according to their complaint. In considering this, they should be aware that the content could have different meanings for the child based on their understanding of the content and their experiences;

(b) they have properly considered the evidence provided by a complainant;

(c) a story or reported incident is part of an important historical event. In these cases, the need to record this may outweigh the impact on the individual.

There is no public interest qualification to this clause.
Deciding whether to seek the consent of a child under 18 is often a practical challenge for journalists. In normal circumstances, the permission of an appropriate adult will be necessary to interview, photograph or otherwise record the images or words of a child. However, in some circumstances, a journalist may only be able to gain the consent of a child to interview them for a news article. In such cases, journalists should do their best to ensure that the child understands the nature of their involvement or representation in the media. This would involve the journalist clearly identifying themselves, explaining the purpose of their inquiry and the nature of the news article in which the child would feature.

A child should only be deemed capable of giving consent where they can reasonably assess the advantages and disadvantages of being interviewed, quoted, or having their picture appear in a news article. In many cases, this will depend on their age and maturity. However, journalists should consider other contextual factors, such as whether they are under emotional stress in the wake of a traumatic incident.

Consent can be evidenced in various ways. It may include making an audio recording or putting the consent in writing. Both forms should always include the name of the child and, where necessary, the name of their appropriate adult. The date and location where consent was obtained should also be included.

Journalists can also gain verbal consent but should always make a note of this for future reference. The requirement in Clause 3.1 is subject to an exceptional public interest qualification and may justify a failure to observe the clause only in extraordinary circumstances.
Discrimination

4.1 Publishers must not make prejudicial or derogatory reference to anybody based on the following characteristics:

(a) Age
(b) Disability
(c) Health
(d) Gender identity or reassignment
(e) Marital or civil partnership status
(f) Pregnancy
(g) Race
(h) Religion
(i) Sex or sexual orientation
(j) Any other characteristic that puts a person at risk of discrimination

4.2 Publishers must not refer to a person’s disability, health, gender reassignment or identity, pregnancy, race, religion or sexual orientation unless this characteristic is relevant to the story.

4.3 Publishers must not encourage hatred or abuse against any group based on their characteristics, as detailed in Clause 4.1.
Clause 4.1

4.1.1 Clauses 4.1 and 4.2 relate to the treatment of individuals, not groups. Impress will accept complaints under Clauses 4.1 and 4.2 from anyone personally and directly affected by an alleged breach of these clauses and from a representative group affected by an alleged breach where there is a public interest in Impress considering their complaint. A representative group may include institutions and organisations such as schools, charities, and affiliated community groups. Additionally, Impress may choose to investigate matters on its own initiative where it is concerned that a publisher has seriously or systemically breached Clause 4.

4.1.2 Clause 4.1 refers to ‘characteristics.’ Characteristics are a person’s identifying features such as age or race.

4.1.3 Publishers must not use language, photographs, animation, and audio and video recordings that are prejudicial or pejorative, even where such language or imagery may be in everyday use. ‘Prejudicial’ language refers to unfair references to a person based on their identifying characteristics to undermine them. ‘Pejorative’ language is adverse or derogatory language based on a person’s characteristics. For example, content that elevates a woman’s marital status, romantic affairs, or emotions above their professional achievements is likely to be prejudicial and pejorative.

4.1.4 Opinion must not be used as a vehicle for discrimination. Therefore, publishers must be aware that opinion pieces, and the opinions of journalists included in otherwise factual content, are captured by this Clause. Some prejudicial terms, such as ‘illegal asylum seeker’, may engage Clause 4: Discrimination and Clause 1: Accuracy as there is no such thing as an ‘illegal asylum seeker’. Third parties can bring complaints of inaccuracy to Impress under Clause 1.
Clause 4.2

4.2.1 Publishers must only reference a person’s characteristic(s) where it is relevant to the story and helpful for understanding the context. These references can include photographs, animations, and audio and video recordings. Publishers should take care not to misrepresent characteristics, for example, using images of Sikhs or Hindus in an article about Muslims or vice versa.

Clause 4.3

4.3.1 Impress considers content likely to encourage hatred or abuse against any group based on their characteristics can include abusive, insulting or threatening words, photographs, animation, or audio and visual recordings. This discrimination may also be indirect, for example, where a publisher treats a specific group differently from another.

4.1.5 ‘Pejorative’ language also appears in content that refers to a person’s religion or race, where their religion or race has no bearing on the story. The reference to ‘race’ in the list of characteristics may include a person who identifies as being from the Gypsy, Roma and Irish Traveller communities. Examples of other ‘characteristics that put that person at risk of discrimination’ may include:

(a) Ethnicity and nationality
(b) Socio-economic status
(c) Immigration status
(d) Receiving welfare and benefits payments

Impress recognises that ethnicity and nationality are distinctly different to race and may also put individuals and groups at risk of discrimination.

4.1.6 Publishers should be aware that some characteristics that put a person at risk of discrimination can be temporary, such as a period of mental illness. The clause includes religious beliefs but excludes political beliefs. Therefore, it is not intended to cover negative references to a person’s political views.
This clause concerns explicitly encouraging hatred or abuse of a person or group based on their characteristics. It does not concern content that merely hurts feelings; the disputed content must be more than provocative, offensive, hurtful or objectionable.

It includes, but is not limited to, content that:

(a) is likely to encourage others to target members of that group for abuse;
(b) encourages others to commit acts of violence against members of the group;
(c) encourages others to discriminate against them. This may include subjecting them to abuse on social media, excluding them from online communities, or refusing to serve them in hospitality settings, for example;
(d) perpetuates a narrative of prejudice against a particular group that can result in fear or harm amongst them;
(e) includes dehumanising language against certain groups, such as likening them to vermin, bacteria, pollution or aliens.

This clause does not apply to groups identified by their political or ideological beliefs. The Code allows freedom to engage in even the fiercest attacks upon and criticisms of views and beliefs.

Impress will interpret this clause with a strong presumption in favour of freedom of expression. For religious groups, this clause will be interpreted in line with section 29J of the Racial and Religious Hatred Act 2016, which gives a list of matters that do not constitute an incitement to hatred:

‘Discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practises of their adherents.’
4.3.4 It is important to allow free and vigorous debate on all matters concerning religious beliefs, observance and practice. Similarly, respecting religious communities’ freedom to voice their convictions is important. This includes debates on issues such as sexual morality.

While this clause is not intended to replicate the law, Impress’s approach to interpreting and applying it will be similar. Therefore, under Clause 4.3, beliefs or practices may be subject to the strongest of criticisms, insults or even ridicule. The people are protected by this clause and not the religion itself.

4.3.5 Publishers should try to be clear when referring to religious, ideological or cultural practices or beliefs. They should also avoid conflating religious, ideological or cultural practices or beliefs. Publishers should acknowledge when this is not straightforward and how journalist descriptions of a practice or belief can often generate controversy.

There is no public interest qualification to this clause.
Harassment

5.1 Publishers must ensure that journalists do not engage in intimidation or harassment.

5.2 Except where justified by the public interest, publishers must ensure that journalists:

(a) do not engage in deception;

(b) identify themselves as journalists and provide the name of their publication when making contact;

(c) comply immediately with any reasonable request to desist from contacting, following, communicating with or photographing a person.
Clause 5.1

Harassment is the pursuit of a person in circumstances where the pursuer knows, or ought to know, that the individual wishes to be left alone. Intimidation can involve coercion, blackmail, physical intimidation and verbal abuse. Any continued pursuit by a journalist, or the use by a publisher of material obtained through harassment or intimidation (for instance, from a photographic agency), may breach this clause. It may also fall foul of criminal or civil law.

This clause does not intend to interfere with conventional journalistic practice, including investigative journalism and the watchdog role of the press. Instead, this clause relates to the potential harm caused by journalistic activities such as repeated and sometimes threatening attempts to secure an interview, photograph, or other potentially newsworthy information.

Harassment can take many forms. It can include the undue pursuit of someone on foot or in a vehicle. Repeated contact by phone or digital messages can also be classed as harassment. It can also include failing to leave private property when asked. Publishers are entitled to publish that a person refused to cooperate with a journalist, but they cannot use non-cooperation to justify harassment.

As with certain other clauses of the Code, politicians must expect to be subject to greater levels of questioning by journalists due to the nature of their role. This may include being questioned in public places such as the street.

The following three clauses are complementary, and a breach of one may constitute a breach of another.

Clause 5.2a

Investigative journalism may sometimes rely on deceptive methods. This may include using hidden cameras to record in secret or working undercover to gather evidence to support serious allegations. Such methods have the potential to cause harm. They are only permissible when conventional methods are not practicable and after carefully considering the public interest and the individual’s right to privacy (see Clause 7: Privacy). This clause applies even if the information gathered using deceptive methods is not published.

Publishers must take special care when engaging with the victims of traumatic events and their families. Under no circumstances
should journalists misrepresent their role or mislead victims or their families. This means avoiding underhanded methods to obtain information. For example, a journalist should not visit a victim’s place of work and pretend to be a customer. Similarly, publishers should not announce news of a bereavement before next of kin have been informed.

**Public interest guidance: engaging in deception**

5.2.3 If deceptive methods are used to obtain information, a publisher should be able to show that at the time, they had a reasonable belief that:

(a) they would discover significant information through these means, and they were not part of a ‘fishing trip’, in which they would commit breaches of the Code on the off chance that one of them might result in the discovery of information in the public interest;

(b) the material could not have been obtained by other, less intrusive means such as contacting the subject of the story directly; and

(c) the means used were proportionate to the significance of the information to be obtained.
5.2.4 These steps complement the requirement in the public interest section of this Code for a publisher to make a timely note of a public interest qualification for a specific act or publication.

Clause 5.2b

5.2.5 When gathering information, journalists must identify themselves to the people they approach. This includes interviewees, sources and other people relevant to the newsgathering activities. Disclosing their role as a journalist should be done at the earliest opportunity. The only exception is where this may jeopardise their safety or the safety of others.

In most cases, journalists should use their professional emails and social media accounts, which clearly identify:

(a) themselves as a journalist; and
(b) how they can be contacted; and
(c) if applicable, the publisher they work for.

5.2.6 Journalists should normally keep records of all communications relating to their work for a minimum of 12 months; this includes timestamps, logs, written, email and messaging communications.
Public interest guidance: identifying journalists

5.27 Sometimes, it might be necessary for a journalist to conceal their identity to ensure their safety and the safety of others. For example, journalists may be working with sources willing to disclose criminal activity and there is a risk of harm if their identity was revealed.

This clause would not be breached if the publisher can demonstrate the public interest outweighs the harm caused by concealing their identity.

Clause 5.2c

5.28 When investigating a news story, journalists should approach the subject to verify the facts and seek comment. This may involve approaching them at their home, workplace, in public, by telephone or by electronic means. However, this approach may be rejected. In some circumstances, it would be unreasonable to continue to pursue the person. Repeated and unwelcome demands for media participation without a public interest justification would amount to harassment or intimidation.

5.29 If a journalist or publisher has received a request to stop contacting, following, communicating with or photographing a person, the validity can be assessed by considering:

(a) the profile of the person, such as whether they are holding or seeking to hold public office;

(b) whether the person has any of the characteristics listed in Clause 4.1 that make them particularly vulnerable;

(c) the conduct of the journalist in pursuing the person, including their language and tone;

(d) the subject matter of the news story or investigation, including whether it exposes unethical or illegal practises; and

(e) whether the conduct breached any other Code clauses or committed any criminal offence such as harassment.

Public interest guidance: request to desist

5.30 A journalist does not breach the Code if they have exceptional grounds to conclude that a first instance request to cease contact is an attempt to evade legitimate journalistic enquiries on a matter of public interest. Impress will always assess complaints brought under this clause based on the specific facts and context.
Justice

6.1 Publishers must not knowingly or negligently obstruct any criminal investigations or prejudice any criminal proceedings.

6.2 Publishers must not directly or indirectly identify people under 18 who are, or have been, involved in criminal, immigration and asylum, or family proceedings, except as permitted by law.

6.3 Publishers should not directly or indirectly identify any people under criminal investigation before being charged, unless in cases where the police have released someone’s name or other identifying information. This is subject to a public interest exception.

6.4 Publishers must preserve the anonymity of victims of sexual offences, except as permitted by law or with the person’s express consent.

6.5 Publishers must not make or offer payments to witnesses or defendants in criminal proceedings, except as permitted by law.
Clause 6.1

6.1.1 Publishers have the right to publish fair and accurate reports of current criminal proceedings. Open justice is a fundamental principle of a democracy to ensure public confidence in and understanding of legal processes.

6.1.2 Under Clause 6.1, publishers have two distinct duties. The first is to avoid publishing material that may risk prejudicing the outcome of a criminal trial. This can include making direct allegations of the guilt or innocence of a person or publishing other material that could impact the outcome of a trial. For example, this may include publishing the defendant’s previous convictions or other evidence that would be typically excluded at trial. This is subject to possible legal defences, such as section 5 of the Contempt of Court Act 1981 on the discussion of public affairs.

6.1.3 The second duty is to avoid doing anything that obstructs a criminal investigation. This could include interfering with evidence or publishing confidential details of an investigation, such as a confession or other information that could alert suspects to an investigation and allow them to evade detection or arrest. It may also include publishing accounts so misleading that they may waste police time.

6.1.4 The law on court reporting can be highly complex, especially concerning contempt. This clause aims to cover the ethical principles that inform the law of contempt and other relevant laws, including regional laws in Scotland and Northern Ireland. It is not a summary of every aspect of the law.

Publishers need to be aware that criminal law has strict liabilities for publishing material that carries a risk of prejudice to criminal proceedings, subject to possible defences. They should also note that criminal proceedings begin when the accused is arrested, a warrant is issued for an arrest, a court summons is issued, or they are charged orally. Strict liability is a legal standard that requires no proof of fault or intent. This means a person can be found guilty of a crime without the need to prove their intention to prejudice a trial. Publishers must adhere to all reporting restrictions in place that a Court has issued.

Publishers should be aware of the broad offence in section 1 of the Terrorism Act 2006. This concerns the publication of statements or material that is likely to be understood as a direct or indirect encouragement to members of the public to commit, prepare or instigate acts of terrorism.
Clause 6.2

6.2.1 This clause applies to all stages of proceedings, including pre-charge and investigation stages. This includes circumstances when a child is a victim, defendant, or witness in criminal, immigration and asylum, or family proceedings. This prohibition may not apply in rare circumstances, such as when a child appears in an adult court or where a judge lifts court reporting restrictions.

6.2.2 Publishers must not identify children who are, or have been, victims or witnesses in cases involving sex offences, regardless of whether the court or an appropriate adult allows publication. Publishers must also take care not to identify children indirectly. This may occur through so-called ‘jigsaw identification’. This is where the public can piece together someone’s identity because of details supplied by several features of the story or across articles or news outlets.

It is particularly important not to mention any family relationships between a defendant and child victim or use words such as ‘incest’, which can imply a familial relationship. It is also important not to identify key locations that could help identify them, such as the school or clubs they attend or the area in which they live.
Clause 6.3

6.3.1 Publishers should not generally identify people suspected of criminal offences before they have been charged. The purpose of this clause is to:

(a) prevent journalists or publishers from jeopardising police investigations;
(b) protect suspects, who are innocent until proven guilty, from potential intrusion into their personal lives and to prevent them being vilified as criminals before they have been convicted of a criminal offence;
(c) protect the process of a fair trial by ensuring jurors or magistrates are not influenced by reporting relating to suspects.

Publishers may also be at risk of a civil claim for misuse of private information if they identify a suspect (see Clause 7.1: Privacy).
Public interest exceptions: identifying suspects pre-charge

6.3.2 This clause does not apply if the police have decided to release the individual’s name or other identifying information. There are various reasons the police may do this, such as if the person is considered a risk to the public or if they are actively trying to find them.

There can also be a public interest justification in revealing an individual’s name if the police have not released it. Such examples may include where the individual is a prominent political figure, if private investors are at risk, or if the story is about police corruption.

Clause 6.4

6.4.1 Publishers must not reveal the identity of victims of sexual offences. This clause applies irrespective of the outcome of any criminal trial.

Publishers must be careful not to allow ‘jigsaw identification’ across their output by publishing enough information from which people can work out an individual’s identity. Information such as the individual’s age, health, and clothing, or the location and specifics of the attack, could be enough to identify the victim. Journalists should aim to cooperate to prevent ‘jigsaw identification’ across titles and accounts.

6.4.2 Publishers should also take care not to commission journalists to conduct interviews among the victim’s identifiable neighbours, as these may allow the individual to be identified by the public.

6.4.3 Victim-survivors of sexual assault may voluntarily allow themselves to be identified. For example, they may work as part of an awareness campaign against low conviction rates for sexual offences. However, publishers should still consider whether it is appropriate to obtain their consent whenever they want to publish an article where they will be named.

6.4.4 News reporting should not blame a victim-survivor of a crime for the criminal conduct of a perpetrator or insinuate blame for that conduct.

Clause 6.5

6.5.1 This clause prohibits making or offering payments to witnesses where criminal proceedings are active. Active criminal proceedings begin when the accused is arrested, a warrant is issued for their arrest, a court summons is issued, or they are charged orally.
Justice
Guidance on Clause 6

6.5.2 Journalists may interview witnesses after they have finished giving evidence in a trial. However, it is still not appropriate for a journalist to approach them with an offer of payment while the trial is ongoing. This applies even if they intend to conduct the interview only after the trial is over.

6.5.3 This clause aims to reduce the risk that criminals might benefit from their crimes. Making or offering payments to convicted criminals might also glamorise criminal activity.

6.5.4 Not all payments to criminals or their associates will breach this clause. It does not prohibit payments to individuals with a criminal record, their family, friends or colleagues. This clause only applies to payments for stories, pictures and information that exploit, glorify or glamorise their crime. This clause does not prohibit the publication of such material if the criminal or their associates have not received payments. Payments may also be given to, for instance, a charity. Clauses 6.2, 6.3, 6.4 and 6.5 are not breached if the act or publication is permitted in law.
Except where justified by the public interest, publishers must respect people's reasonable expectation of privacy.

Such an expectation may be determined by factors that include, but are not limited to:

(a) the nature of the information concerned, whether it is sensitive and relates to intimate, family, health or medical matters or personal finances;

(b) the nature of the place concerned, such as a home, school or hospital;

(c) how the information concerned was held or communicated, such as in private correspondence or a personal diary;

(d) the relevant attributes of the person, such as their age, occupation or public profile; and

(e) whether the person has voluntarily courted publicity on a relevant aspect of their private life.
Except where justified by the public interest, publishers must:

(a) not use covert means to gain or record information;
(b) give due consideration to online privacy settings when determining the privacy status of the information;
(c) take all reasonable steps not to exacerbate grief or distress through intrusive news gathering or reporting.

Publishers must give reasonable consideration to the request of a person who:

(a) has been identified in news content and subsequently asks to be anonymised;
(b) has previously been identified in news content when they were under 18 and now wishes to be anonymised. Normally, only the subjects themselves can make such requests, and the responsibility is on them to demonstrate why they should no longer be identified (see Clause 3.4: Children).
Clause 7.1

7.1.1 This clause applies both to publishing private information and to journalistic activity that interferes with a person’s privacy. It is worth noting this distinction, particularly concerning photography, where a journalist may take images but may not publish them. The clause may be breached by photographing someone who has a reasonable expectation of privacy, regardless of whether any photos are subsequently published. It could also be doxing individuals. ‘Doxing’ is the act of maliciously searching for and publishing private or identifying information online about a particular individual without consent.

7.1.2 Whether a person has a reasonable expectation of privacy will be specific to the circumstances. People may have a reasonable expectation of privacy in private settings or when they are doing private things, for example visiting the doctor or therapist. They may also expect their letters, emails, phone calls, text messages and web browsing to remain private. People may also have a reasonable expectation of privacy in historical information about themselves or their families. For example, their former name and photos of themselves before a gender transition.

7.1.3 People may also have a reasonable expectation of privacy in a public place when doing activities that are part of their private or intimate family life. Being noticed fleetingly by passers-by, is very different from seeing identifiable photographs of yourself published to a wider audience. On the other hand, there may be no reasonable expectation of privacy in some contexts. Examples of this may include appearing at an event for publicity purposes or when doing things unrelated to family or private life.

7.1.4 Just because information is posted online does not automatically make it public. For example, if a person posts images of themselves on social media with privacy settings in place, they would likely have a reasonable expectation that this would not be posted elsewhere. Therefore, this clause could be breached if a publisher takes and publishes images of a person from a private social media account without the individual’s consent. However, it is important for publishers to understand that although a reasonable expectation of privacy may be weaker where no privacy settings are in place, the absence of privacy settings does not necessarily remove any expectation of privacy from the individual concerned. Posting an image on an account without privacy settings does not mean that the individual is consenting
A publisher cannot deliberately reveal private information and then argue that the information is now in the public domain. Furthermore, an individual may still have a reasonable expectation of privacy regarding information that is partly - or even widely - publicised. An example can be found in PJ v News Group Newspapers [2016] UKSC 26. In this case, the court found that even though accounts of sexual activities the claimant wanted to keep private had already been published in other countries, publication by the UK press was a misuse of their private information. The rationale was that this would significantly add to the intrusiveness and distress the claimant and his family were feeling.

Similarly, private photographs or videos that capture intimate moments may still attract a reasonable expectation of privacy even though they have previously been published. This is because of the special significance of images and photographs. Clause 7 provides a list of non-exhaustive factors that explain when a person may have a ‘reasonable expectation of privacy’. These are intended to guide publishers but are not exclusive.

to the publication of the images by journalists or publishers, which may reach a wider or entirely different audience than those usually viewing the content on the individual’s account (see guidance on Clause 7.2(b)).
When deciding whether a person had a reasonable expectation of privacy, journalists and publishers should consider whether the person had ‘voluntarily courted publicity on a relevant aspect of their private life’. However, a person who has sought publicity in the past may still have a reasonable expectation of privacy today, particularly if the contemporary private information is not relevant to the aspect of their life that they previously shared publicly.

Only information given voluntarily about a person’s private life is relevant to the issue of privacy. For example, the fact an actor had sought publicity for a new film, or a footballer had given interviews about football, would not usually be relevant. A similar example would be where a public figure has published information about their health to raise awareness of the importance of screening for cancer. In that case, it does not mean that they have waived their right to keep all their health and medical data private.

However, someone who has made a career out of exposing the intimate details of their private life may have a lower expectation of privacy. This should not apply where the information has only been publicly disclosed on an anonymous basis.
Children should always be treated as special cases. This means that children may have a heightened expectation of privacy, depending on the circumstances. The fact that a child has famous parents does not in itself justify intruding into that child’s privacy.

This clause covers ‘jigsaw identification’. This is where the public can piece together someone’s identity because of details supplied by several features of the story or across articles or news outlets.

Journalists should take great care when conducting inquiries in institutions such as hospitals, private clinics and residential homes. People in such institutions may reasonably expect a high level of privacy. This expectation may also apply to the patients’ or residents’ friends, family or colleagues. Furthermore, publishers may record someone’s non-cooperation with a story but cannot use their non-cooperation to justify pursuing them in a hospital or similar institution (see Clause 5: Harassment).

There may be an overlap between this clause and others. For instance, deception may breach both Clause 7 and Clause 5.

This clause is not breached if the public interest in the act or publication complained of outweighs the harm caused.

For example, if a journalist relays private information that exposes unsafe working practices or illegal activity.

**Public interest Guidance: Privacy**

There may be a public interest justification for a breach of privacy if the breach was proportionate to the public interest in the information obtained.

For instance, it may be in the public interest to reveal that a public figure in a position of authority has initiated a sexual affair with a vulnerable junior colleague. However, this clause may still be breached when a journalist publishes intimate details or photographs of sex acts between the couple. Further, there may be a public interest in publishing some aspects of a scenario, but not other details. For instance, the public is unlikely to need to see photographs or be informed of salacious details to understand what has happened.

**Clause 7.2a**

Publishers must not use covert or secret methods of obtaining information and must not publish material acquired by such methods (see also: Clause 5.2(a)). The clause applies even if no information obtained in this way is ever published.
Covert methods may include eavesdropping or recording a conversation without the other person’s knowledge or consent. Examples of deceptive behaviour include:

(a) the use of false identities and the use of equipment such as mobile phones, car cams, hidden cameras, and hidden microphones;
(b) phone, computer or social media account hacking.

Additionally, publishers must refrain from using deceptive methods to obtain information. This includes using fake social media accounts to access individuals or groups online.

The clause that prohibits using covert means to obtain information also applies when publishers get information from others, including third-party ‘agents or intermediaries’, who have used such methods. Using secret methods to obtain information or intercept communications may constitute a criminal offence. Publishers should take legal advice before contemplating any such activities. Further, the public interest qualification to this clause (outlined below) does not act as a defence to any relevant criminal offence such as hacking or phone tapping.

Public Interest guidance: use of covert means

Investigative journalists may sometimes need to use covert means. This may include using secret devices and deceptive methods where it is in the public interest to do so (see Clause 5.2(a): Harassment). Journalists, for example, may gather information while working undercover in public facilities or organisations engaging in illegal work practises or infiltrating criminal organisations. These methods can potentially cause harm.
A publisher must justify using such covert methods, devices or deception. They must be able to evidence they had reasonable belief that:

(a) they would discover relevant, significant information;
(b) they were not part of a ‘fishing trip’ carried out on the off-chance information of public interest might be discovered;
(c) the material could not have been obtained by other, less intrusive, means such as contacting the subject of the story directly; and
(d) they were proportionate to the significance of the information obtained.

This clause is not breached if the public interest in the act or publication complained of outweighs the harm caused.

Clause 7.2b

7.2.4 As explained in the guidance to Clause 7.1, journalists should not knowingly publish material that has been acquired by breaching a person’s social media privacy settings. This means that where a journalist obtains material from social media, and it is clearly sourced, they should take reasonable steps to gain consent before using it.
It will not always be evident whether a person has intended to restrict access to information on social media, as privacy settings will vary depending on the platform and the individual’s literacy on social media. In some cases, however, it will be evident that a person used restricted privacy settings to limit the audience from viewing their material or contacting them. For example, Facebook allows users to select who can view their posts and ‘look them up’ using their email address or phone number. A person may select ‘friends’ from the list of options provided, which also includes ‘only me’, ‘friends of friends’ and ‘everyone’. In that case, it may be a breach of this clause for a journalist to extract and use material posted without their consent.

Publishers should note that the absence of privacy settings will not necessarily remove the expectation of privacy and prevent a breach of this clause. It does not automatically mean that the individual consents to their content being published by publishers to their readers.

In some cases, it will be apparent that a social media account and its content is intended to be viewed by the public. A typical example would be an account used for professional purposes by a professional footballer to engage with fans and promote brands they are associated with. In such a case, using material posted on the account is highly unlikely to amount to a breach of this clause.

This clause is not breached if the public interest in the act or publication complained of outweighs the harm caused.

This clause is not intended to prevent the publication of stories involving death and traumatic events. Instead, it looks at how a journalist approaches such stories. Journalists should be cautious to avoid making any approaches that may result in the harassment of a person suffering from grief or shock or their friends, colleagues or wider families (see Clause 5: Harassment). They should also avoid increasing people’s grief or trauma by publishing unnecessary or sensational details of an event. For example, journalists may be under pressure to publish information about the event quickly when a traumatic event unfolds, such as a terrorist attack or extreme weather event. In doing so, journalists should be aware of the risk of publishing information that may identify specific individuals as possibly being injured or killed before family members have learned the news from official sources. In such situations, journalists should quickly balance their interest in publishing the information against the interests of the family members concerned and the risk of exacerbating their grief or trauma.
Ideally, journalists should not publish images of identifiable individuals related to a traumatic event or death unless the consent of the individual concerned, or their family, has been obtained. Publishers should consider blurring the image to prevent identification if no consent is gained.

7.2.10 For the reasons explained in paragraph 7.2.9, in most circumstances, publishers should wait until the death has been formally confirmed and the family has been notified before identifying any deceased person. However, this may not be practicable in some cases. For example, where police must publicly identify a deceased person to find next of kin.

7.2.11 For the reasons explained in paragraph 7.2.9, journalists should respect the privacy settings of the deceased’s social media accounts.
Contacting people to gain first-hand details can also be problematic for journalists, particularly when the story relates to a traumatic event or death. When gathering information from social media sources, journalists should follow the guidance provided above for Clause 7.2(b). Additionally, in all circumstances (online and offline), the newsgathering methods used should not be excessive, insensitive or in any way amount to harassment. Although knocking on a person’s door to gain first-hand details for a story is an acceptable method of newsgathering, journalists should do this reasonably and sensibly.

This clause is not breached if the public interest in the act or publication complained of outweighs the harm caused.

**Public interest guidance: taking reasonable steps not to exacerbate grief or distress**

An example of where the public interest in publishing a story may outweigh the grief and distress caused to people identified in the story, or their relatives, is where a negligent act such as faulty car-engine design results in multiple deaths and accidents. In this case, reporting the accident’s circumstances and the passengers’ death may be in the public interest.

**Clause 7.3**

This clause and Clause 3.3 reflect the rights of data subjects under data protection law. Publishers should ‘reasonably consider’ requests from people who wish to ‘erase’ information about themselves. Journalists can often respond to such requests by agreeing to anonymise the subjects of articles. However, there may be a public interest reason for publishers to reject such requests; the duty is to ‘consider’, and it is for publishers to determine what action to take in response. For example, a health professional struck off a supervising body may request that a publisher anonymise a story that named them. In that case, the publisher should reasonably consider that request and may decide not to anonymise the story if the reporting is justified in the public interest.

The right of individuals for ‘reasonable consideration’ is important when considering the maturity of children and how they develop. Children often engage directly with online or offline activity, borne out of a lack of lived experience or the circumstances they are in at the time. Sometimes, if allowed to remain in the public domain, this activity may have serious and long-lasting consequences for their
There may be other circumstances under which publishers should respect the rights of individuals. For example, publishers should refrain from referring to a transgender person by their previous name and gender identity (i.e., ‘dead-naming’ them) or using images that have the same effect. The exception would be if they have obtained consent or there is a significant public interest justification.

Publishers should be mindful of their obligations under data protection law regarding the use of personal information. Publishers have obligations to the principles of lawfulness, transparency to data subjects, and minimising data use. For further guidance, see the Information Commissioner’s Journalism Code of Practice (see also Clause 3.3: Children).

Educational and mental well-being, relationships, and future employment prospects should be aware of this, and the potential impact archived content may have on an adult. This could include talking about criminal behaviour, self-harming, gang membership, teenage pregnancy, or bullying incidents.

Privacy
Guidance on Clause 7

Publishers should be mindful of their obligations under data protection law regarding the use of personal information.
Sources

8.1 Publishers must protect the anonymity of sources where confidentiality has been agreed and not waived by the source, except where the source has been manifestly dishonest.

8.2 Publishers must take reasonable steps to ensure that journalists do not fabricate sources.

8.3 Publishers should not pay public officials for information, except where an exceptional public interest justifies this.
Clause 8.1

8.1.1 This clause requires publishers to take every reasonable step to preserve the identity of sources who have communicated their wish to remain anonymous. This means that publishers must have a system – for example, a secure database – to ensure that the identity of confidential sources is protected. This duty can be waived only where a source proves to have been manifestly dishonest. For instance, where they have clearly fabricated information.

8.1.2 When publishing documents, journalists should ensure that all identifying material is removed. A journalist seeking comment on information from a confidential source should not forward even an edited form of an email, as there may be underlying metadata that could identify the source.

There is no public interest qualification to this clause.
Clause 8.2

8.2.1 Publishers must not invent sources. Where journalists propose to use anonymous sources, it would be best practice to have a system to ensure this happens only in exceptional circumstances and is signed off by a senior editor.

There is no public interest qualification to this clause.

Clause 8.3

8.3.1 Publishers must not pay public officials such as police officers or judges for information. This prohibition prevents the perception that financial rewards may influence decision-making or be seen to influence it. It protects the principle that public officials should act according to their public duties rather than for private gain. This is not intended to cover legitimate payments to public officials, such as payments required for freedom of information (FOI) or land title requests.

8.3.2 This clause attracts an exceptional public interest justification. This clause is not breached if an overwhelming public interest in the act or publication outweighs the harm. This may arise where there is a news article of particular public significance for which a publisher cannot elicit information other than by paying a public official. An example may be payments made to an official for information leading to the disclosure of the extent of the MPs’ expenses scandal.
Publishers must take care when reporting so-called ‘off-the-record’ conversations. If a journalist encourages a member of the public to be interviewed ‘off-the-record’, they must not subsequently publish information that explicitly or implicitly identifies them. Journalists must take particular care to clarify the nature of ‘off-the-record’ and ‘on-the-record’ conversations when interviewing members of the public, especially if they have little or no experience in dealing with the media. There is a distinction between non-attributable sources and content obtained through ‘off-the-record’ disclosures. ‘Off-the-record’ means publishers cannot use the content. While the information provided by a non-attributable source may be published, it cannot be attributed to a named person.

This applies to written and audio-visual formats. For instance, rather than quoting a ‘member of the government’, a journalist may indicate a source as a ‘cabinet minister’ or ‘junior minister’.
When reporting on self-harm and suicide, publishers must not provide excessive details of the method used, the specific location or speculate on the motives.

Publishers must signpost sources of support when reporting on self-harm and suicide.
Clause 9.1

9.1.1 Publishers must not provide undue detail on the methods used in self-harm or suicide that may lead to imitation. Publishers must exercise extreme care when naming and describing unusual methods of suicide and the specific location of the event. These requirements may be particularly important where the person is a celebrity and therefore more likely to influence the behaviour of others.

9.1.2 ‘Excessive details’ means details beyond what is necessary to convey the story’s meaning to the reader. The Samaritans’ Media Guidelines for Reporting Suicide explains that ‘While saying someone hanged themselves or took an overdose is acceptable, detail about the type of ligature or type and quantity of tablets used is not’.

9.1.3 This clause recognises the vulnerability of people with suicidal tendencies. It must be assumed that there is a possibility they may act upon information in the media and, potentially, make an attempt on their own lives. It also recognises the vulnerability and curiosity of children and young people reading this information.

9.1.4 Publishers must avoid signposting vulnerable people to harmful content online. This includes naming websites, forums and guides which give instructions on suicide methods and promote suicidal behaviour, videos showing suicidal behaviour, including self-harm, and any content which glorifies suicidal behaviour in any way.

There is no public interest qualification to this clause.
Clause 9.2

9.2.1 Publishers should signpost sources of support such as helplines when reporting on suicide. This could be in the article by-line, footer or a pinned comment on social media. Posting helplines can also encourage vulnerable people to seek help.

Notes: Reporting of suicide and self-harm

When reporting on a coroner’s inquest involving a suicide, publishers should not oversimplify or distort the coroner’s findings, and publishers must exercise caution when reporting on motive.

Publishers should not use sensational language that normalises self-harm or suicide, including terms such as ‘copycat suicides’, ‘suicide hot spots’ and ‘suicide clusters’.

Publishers should not reference particular locations where suicides are common.

Publishers should be mindful of their likely audience. For example, if the subject of the story is a child or the story is likely to be read by children, the publisher should consider including child-friendly helplines. Similarly, if the story involves elements of domestic abuse, publishers should consider including domestic abuse helplines.

Publishers should also consider the impact of a news story on affected parties, especially friends and family.

Publishers should not publish the content of suicide notes or letters. They should be cautious when re-publishing content from social media, such as comments on Facebook tribute walls, as such messages can inadvertently glamorise suicide, particularly for vulnerable young people.
10.1 Publishers must clearly identify content that appears to be editorial but has been paid for, financially or through a reciprocal arrangement, by a third party.

10.2 Publishers must ensure that significant conflicts of interest are disclosed.

10.3 Publishers must ensure that information about financial products is objectively presented and that any interests or conflicts of interest are effectively disclosed.

10.4 Publishers must correct any failure to disclose significant conflicts of interest with due prominence at the earliest opportunity.

10.5 Publishers must ensure human editorial oversight and clear labelling of AI-generated content.
Clause 10.1

10.1.1 Publishers must clearly and prominently identify all paid-for and sponsored content and ensure any material connection between a third-party supplier and published content is disclosed. When dealing with sponsors, this must be clear. People must be able to distinguish between independent editorial content and sponsored content. The publication must clearly identify any commercial arrangement between a sponsor or other third party and the publisher.

10.1.2 This clause relates to the responsibilities of publishers for published content, not to the content of advertisements which the Advertising Standards Authority regulates. Publishers should give due regard to industry marketing codes such as the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing and the ICC Advertising and Marketing Code.

Clause 10.2

10.2.1 Publishers must take all reasonable steps to identify a significant conflict of interest. A significant conflict of interest means the journalist or publisher has an actual or perceived benefit. This could be perceived as influencing the article’s content, including its tone and selection of facts. The publisher must prominently correct any failure to identify a conflict of interest at the earliest opportunity. For example, if an organisation pays a news site and the publisher then releases stories about that organisation and its interests, then a prominent declaration of this should accompany those stories.

10.2.2 After publication, declarations of significant conflicts of interest must be made promptly (at the earliest opportunity) and with ‘due prominence’. ‘Due prominence’ will usually mean ‘equal prominence’. Therefore, a featured story that failed to include a significant conflict of interest declaration should be corrected with a feature correction.
Clause 10.3

10.3.1 The aim of Clause 10.3 is to protect the integrity of news articles that report on financial products. Financial products include bonds, shares, mortgages and other instruments used to buy and sell cash.

10.3.2 The clause requires journalists to present financial news impartially. It prevents them from gaining unfair financial advantages because of access to information that the public doesn’t know. This may include financial information, such as company reports. This clause prohibits them from using this information for their benefit or their family’s benefit. It requires them to declare any significant financial interest they or close family members have in any shares or securities they are writing about. Such a disclosure must be ‘effective’, that is, unambiguous to the reader. In some cases, a one-line disclaimer at the bottom of a news story that identifies a conflict of interest will be ‘effective’; in others, a publisher may feel it best to maintain a register of journalists’ interests on its website.

10.3.3 Journalists should not trade in shares or securities they have written about or intend to write about in the future. This is designed to prevent ‘share tipping’, where journalists or publishers influence the value of shares in which they have an interest.

Clause 10.4

10.4.1 Where a conflict of interest central to a news article is not disclosed, publishers should draw the reader’s attention through a correction notice at the earliest opportunity.

There is no public interest qualification to this clause.
Clause 10.5

The use of artificial intelligence (AI) may bring several benefits to a publisher, although AI can also create issues with accuracy (see the guidance to Clause 1) and transparency. When using AI to generate, publish and disseminate news, publishers must exercise editorial oversight to ensure that their use of it is transparent. Publishers should prominently label content that has been recommended to people by automated systems based on their individual behaviour and data and provide them with easily accessible options to opt-out from the same. In addition, publishers should disclose what data they hold about people and how it has been used to make targeted recommendations.

Notes: Commercial content
All commercial content must be clearly labelled.

Generally, there are three types of content that may be understood to be commercial.

The first is where payment is made or where an in-kind arrangement exists – such as where a hotel pays for the accommodation of a journalist who reviews that hotel – but the third party exerts no editorial control over the article’s content. This means that the journalist’s hotel review is their independent opinion.

The second is where payment is made, or an in-kind arrangement is agreed to, and the third party applies some degree of editorial control.
The third type of content is where a third party exerts full editorial control over an article by, for instance, commissioning an article, selecting the writer, and influencing the content of the article. This last type of content is presented with a variety of labels, including ‘paid content’, ‘advertorial’, or ‘advertiser content’.

Sometimes, advertisers pay publishers to create content on their behalf. These are also known as ‘paid-for content’, ‘advertorials’ or ‘advertisements’. The advertiser is likely to have a level of editorial control over the content, including ‘sign off’. The advertiser will pay the publisher for this opportunity. The payment does not always have to be monetary. It may be another reciprocal arrangement, such as the loan of a product or service, a commission on sales, or free products or services. These features are usually designed to resemble the editorial style of the publication in which they appear.

Visual or contextual signposts need to be sufficiently prominent to indicate where the editorial ends and the advertising begins, and this must be clear before engagement with the content. Both the advertiser and the publisher must comply with the advertising code of practice when publishing advertorials.