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PERSONAL INFORMATION

The BBC must not infringe privacy without good reason wherever in the world it is operating. It is essential in order to exercise our rights of freedom of expression and information that we work within a framework which respects an individual's privacy and treats them fairly, while investigating and establishing matters which it is in the public interest to reveal. Private behaviour, correspondence and conversation should not be brought into the public domain unless there is a clear public interest. There are also a number of ways in which the law protects privacy in the United Kingdom, including the Human Rights Act 1998.

PRIVACY EDITORIAL PRINCIPLES

The BBC seeks to:

- balance the public interest in freedom of expression with the legitimate expectation of privacy by individuals.
- balance the public interest in the full and accurate reporting of stories involving human suffering and distress with an individual's privacy and respect for their human dignity.
- justify intrusions into an individual's private life without consent by demonstrating a clear public interest.
- normally only report the private legal behaviour of public figures where broader public issues are raised either by the behaviour itself or by the consequences of its becoming widely known. The fact of publication by other media may not justify the BBC reporting it.

PUBLIC INTEREST

There is no single definition of public interest, it includes but is not confined to:

- exposing or detecting crime.
- exposing significantly anti-social behaviour.
- exposing corruption or injustice.
- disclosing significant incompetence or negligence.
- protecting people's health and safety.

- preventing people from being misled by some statement or action of an individual or organisation.
- disclosing information that allows people to make a significantly more informed decision about matters of public importance.

There is also a public interest in freedom of expression itself. When considering what is in the public interest we also need to take account of information already in the public domain or about to become available to the public.

PUBLIC AND SEMI-PUBLIC PLACES

An individual's right to privacy is qualified by location.

We should therefore not normally reveal information which discloses the precise location of a person's home or family without their consent, unless it is editorially justified.

People in public places or in semi-public places such as airports, railway stations and shopping malls cannot expect the same degree of privacy as in their own homes. However, there may be circumstances where people can reasonably expect privacy even in a public place, for example, there is a greater expectation of privacy when someone is receiving medical treatment in a public or semi-public place.

We should operate openly wherever we are unless we have approval for secret recording. This is particularly important when our audio-visual equipment is not very obvious as in the case of small video cameras, mobile phone cameras or fixed webcams. We may need to use notices to make people aware that we are recording and to allow them to avoid us. At a live event or outside broadcast we should work in a defined area and tell people via information on posters or tickets that we are recording material and/or operating a webcam.

BEHAVIOUR

An individual's right to privacy is also qualified by their behaviour. People are less entitled to privacy where their behaviour is criminal or seriously anti-social.

CONSENT

We will not seek to infringe privacy unless justified by a clear public interest or we have obtained consent. In potentially sensitive places, for example, ambulances,

hospitals, schools and prisons, we should normally obtain two separate consents, one for gathering the material and the other for broadcasting it, unless it is editorially justified not to obtain such consents.

If an individual or organisation asks us to stop recording or live broadcasting, because of a concern about privacy, we should normally do so, unless it is editorially justified to continue.

See Section 16 The Law – Privacy.

PRIVACY MANDATORY REFERRALS TO CONTROLLER EDITORIAL POLICY

Content producers must refer any proposal to:

- **use unattended recording equipment on private property without the consent of the owner, occupier or agent.**
- **broadcast any recording, including a telephone call, originally made for note-taking purposes.**
- **record an interview with someone who is not expecting to be approached and has not previously been approached (“door-stepping” without prior approach) except for daily news gathering. Approval must first be obtained at a senior editorial level before referral to and approval by Controller Editorial Policy.**
- **feature people in live broadcasts of comedy and entertainment programmes without their knowledge.**
- **broadcast secretly recorded material made by others and not gathered according to BBC Editorial Guidelines.**
- **gather material illegally outside the UK by disregarding privacy or other laws.**

SECRET RECORDING

Secret recording must be justified by a clear public interest. It is a valuable tool for the BBC because it enables the capture of evidence or behaviour that our audiences would otherwise not see or hear. However, secret recording should

normally be a method of last resort – misuse or overuse could discredit or devalue its impact.

The BBC will normally only use secret recording for the following purposes:

- as an investigative tool to expose issues of public interest where:
 - there is clear existing documentary or other evidence of such behaviour or of an intention to commit an offence.
 - it can be shown that an open approach would be unlikely to succeed.
 - the recording is necessary for evidential purposes.
- to obtain material outside the UK where a country's laws make the normal and responsible gathering of material extraordinarily difficult or impossible.
- as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question. The results should be edited to provide a fair and accurate representation of what happened, and consent obtained retrospectively, or identities obscured.
- for comedy and entertainment purposes where the secret recordings, and any deception involved, are themselves an integral part of the programme and consent obtained retrospectively, or identities obscured.

Secret recording is defined as:

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

people are unaware they are being recorded.

- recording phone calls for broadcast without asking permission.
- deliberately continuing a recording when the other party thinks that it has come to an end.

The following rules apply to any proposal to secretly record, whether for news, factual or comedy and entertainment purposes.

- **All proposals to record secretly must be approved in advance by the relevant senior editorial figure in each Division or for Independents by the commissioning editor who may consult Editorial Policy.** Each Division is responsible for maintaining these records to enable the BBC to monitor and review the use of such techniques across its output.
- A signed record must be kept of the approval process, even if the request is turned down, and secretly recorded material must be logged. This record is required even if the material gathered isn't broadcast.
- The gathering and broadcast of secretly recorded material is always a two stage process. The decision to gather is always taken separately from the decision to transmit.
- **Any deception required for the purposes of obtaining material and secret recording should be the minimum necessary and proportionate to the subject matter and must be referred to the relevant senior editorial figure or for Independents to the commissioning editor.**
- **The re-use of secretly recorded material must be referred to a senior editorial figure or for Independents to the commissioning editor before transmission and a record kept of the decision.**

See Section 7 Crime and Anti-Social Behaviour – Investigations.

Secret recording for news and factual programmes

- The BBC requires a higher public interest test for secretly recording in a

private place where the public do not have access.

- The BBC requires a higher public interest test for secretly recording medical treatments.
- The BBC requires a higher public interest test for secretly recording identifiable people in grief or under extremes of stress both in public and semi-public places.
- We must not go on “fishing expeditions” – that is secretly recording on private property in search of crime or anti-social behaviour by identifiable individuals or a group when there is no clear or current evidence against them of that behaviour.
- We must never use unattended recording equipment on private property without permission of the owner, occupier or agent unless for the purpose of gaining evidence of serious crime. **Any proposal to do this must be referred to Controller Editorial Policy and Programme Legal Advice.**

Secret recording for comedy and entertainment programmes

- **A proposal to feature people in a live broadcast without their knowledge, whether in person or on the phone, must be approved in advance by Controller Editorial Policy.**
- People who feature prominently in the recordings must give their consent before the material is broadcast. If the recording might cause embarrassment to other recognisable individuals caught on camera where consent has not been obtained, they must be disguised.
- Anyone secretly recorded on the phone must give their consent before the call is broadcast.
- Secretly recorded material should not expose people to hurtful ridicule or otherwise exploit them.
- If people realise they are being secretly recorded and ask us to stop, we must do so. We must also destroy any material recorded of them, if asked to do so.

Secret recordings from outside sources

Secret recordings made by others and offered to the BBC for broadcast should pass the same tests we use for gathering our own material. If it was not gathered according to BBC Editorial Guidelines it should not normally be broadcast. **Any proposal to broadcast such material must be referred to Controller Editorial Policy. Approval will only be given if there is a clear public interest in broadcasting it, however it was obtained.**

ELECTRONIC NOTE-TAKING

We can record our conversations in both audio and video, for example, by using small cameras or telephones, for note-taking purposes without obtaining consent. Electronic note-taking can ensure accuracy in our reporting, or enable us to gather evidence to defend the BBC against possible legal action or complaints. The intention of such recordings must be for note-taking and research, not for broadcast. See Section 3 Accuracy – Achieving Accuracy: Gathering Material.

We do not normally broadcast any recordings originally made for note-taking purposes. Any proposal to broadcast recordings originally made for note-taking purposes must be referred to Controller Editorial Policy. Retrospective permission to broadcast material gathered in this way will only be granted in exceptional circumstances.

DOOR-STEPPING

Door-stepping is when we confront and record, or attempt to record, an interview with someone for broadcast, or announce that a phone call is being recorded for broadcast, when that person is not expecting to be interviewed because we have not made an arrangement with them to do so.

Door-stepping can be in person or on the phone. It can take place on public or private property. It can be for news and factual programmes as well as comedy and entertainment.

The BBC has rules about door-stepping that all content producers must follow. This is because door-stepping should normally be a last resort. However, the rules are not intended to prevent the legitimate gathering of material either for the daily news agenda or for research purposes.

DAILY NEWS GATHERING

When public figures and other people are the subject of news stories they must expect media attention and may be asked questions and their answers recorded for broadcast, without prior arrangement, as they come and go from buildings, airports and so on.

MEDIA SCRUMS

We should be aware that when media representatives congregate in large numbers to cover a news story the resulting media scrum can become intimidating or unreasonably intrusive. Sometimes it will be appropriate to make pooling arrangements with other media organisations, at other times we may judge it proper to withdraw.

RESEARCH

The BBC's rules on door-stepping are not intended to prevent researchers, who are not recording for broadcast, from making cold calls to people, either by phone or in person, or approaching people opportunistically, for example, when conducting vox pops.

DOOR-STEPPING FOR FACTUAL PROGRAMMES WITH PRIOR APPROACH

All proposals to door-step, whether in person or on the phone, where we have tried to make an appointment for an interview with the individual concerned (door-stepping with prior approach) must be approved in advance by a senior editorial figure or for Independents by the commissioning editor. Approval will normally only be given when there is evidence of crime or anti-social behaviour and for one, or more, of the following reasons:

- the subject of a door-step has failed to respond to repeated interview requests.
- a request for an interview has been repeatedly refused without good reason.
- there is a history of failure to respond to interview requests or refusal to be interviewed.

DOOR-STEPPING FOR FACTUAL PROGRAMMES WITHOUT PRIOR APPROACH

Any proposal to record an interview with someone, whether in person or on the phone, who is not expecting to be interviewed and where we have also not previously tried to make an appointment for an interview with them (door-stepping without prior approach) must be approved in advance by Controller Editorial Policy (except for daily news gathering).

Approval will normally only be given if there is:

- clear evidence of crime or significant wrong doing and
- good reason to believe that an investigation will be frustrated or allegations avoided if the individual is approached openly.

DOOR-STEPPING FOR COMEDY AND ENTERTAINMENT PROGRAMMES

All proposals to door-step for comedy and entertainment purposes must be approved in advance by a senior editorial figure or for Independents by the commissioning editor. People who are door-stepped must give their consent before the material is broadcast unless their identity is disguised.

RECORDING TELEPHONE CALLS FOR NEWS AND FACTUAL PROGRAMMES

We should normally inform people at the start of a telephone conversation that we are recording the call for possible broadcast and obtain consent. The exceptions are:

- **telephone door-steps** when we say that a call is being recorded for broadcasting, has been recorded for broadcast, or broadcasting the call live when the individual is not expecting to be interviewed and with or without prior approach. See door-step rules above.
- **secretly recording a phone call for broadcast. This must be approved in advance by a senior editorial figure or for Independents by the commissioning editor** and will normally only be authorised as an investigative tool, as a method of consumer, scientific or social research, or for comedy and entertainment purposes. See secret recording rules above.

RECORDING ON PRIVATE PROPERTY

We normally obtain consent before recording on private property.

However, recording without prior permission may be justified in places where the public has general access, for example, a shopping mall, railway station or airport, or where we have reason to believe illegal or anti-social behaviour is being exposed.

We normally leave private property when asked to do so by the legal occupier.

We should be aware of the law of trespass. Accessing private property without consent can constitute a civil wrong in which the police have no jurisdiction. Always seek advice from Programme Legal Advice if you do not know how to proceed.

TAG ALONG RAIDS

A tag along raid is when we accompany police, customs, immigration or environmental health officers or other public authorities on operational duties.

We should only go on tag along raids when there is a clear public interest and after careful consideration of editorial and legal issues including privacy, consent and trespass.

When we decide to go on a tag along raid on private property we should normally:

- ensure people understand we are recording for the BBC.
- obtain consent from the occupier.
- leave immediately if consent is refused unless there is a clear public interest.

Exceptions may include where we have reason to believe illegal or anti-social behaviour is being exposed.

REPORTING SUFFERING AND DISTRESS

We must always balance the public interest in full and accurate reporting against the need to be compassionate and to avoid any unjustified infringement of privacy when we report accidents, disasters, disturbances or war.

We will always need to consider carefully the editorial justification for portraying graphic material of human suffering and distress. There are almost no circumstances in which it is justified to show executions and very few circumstances in which it is justified to broadcast other scenes in which people are being killed. It is always important to respect the privacy and dignity of the dead. We should never show them gratuitously. We should also avoid the gratuitous use of close ups of faces and serious injuries or other violent material.

The passage of time is an important factor when it comes to making difficult judgements about the broadcasting of graphic material. In the immediate aftermath of an event the use of more graphic material is normally justified to provide a reasonable illustration of the full horror, although a good script is equally important in conveying the reality of tragedy. However, as the story unfolds it may become more difficult to justify its continued use. Then when it comes to marking the anniversary of an event or when considering it in a contemporary historical context, it may again be editorially justified to re-use it.

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

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

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

However, it is important that we do not inadvertently censor our reporting. For example, public expressions of grief and the extent to which it is regarded as an intrusion into someone's private life to show them, vary around the world. There are two key considerations when judging what to broadcast, the people we record and our audience. Graphic scenes of grief are unlikely to offend or distress those victims and relatives who consented to our recording them, but they may upset or anger some of our audience. A few words of explanation when introducing scenes of extreme distress or suffering may help to prevent misunderstandings.

FUNERALS

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

REVISITING PAST EVENTS

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

USE OF LIBRARY MATERIAL OF SCENES OF SUFFERING, DISTRESS AND TRAUMA

We must ensure that the repeated use of traumatic library material, particularly when it features identifiable people, is editorially justified. It should never be used as “wallpaper” or to illustrate general themes. Any restrictions placed on the re-use of library material must be observed.

We must consider contributor sensitivities when re-using, reformatting or reversioning transmitted programmes and other content. Archive material involving illness, death, emotional trauma or intimate personal revelation may become more sensitive over time, for example, material which depicts contributors as children when they may have been unable to give informed consent. When re-use may cause possible distress to the contributors or their relatives or close friends, their view should be sought where possible.

If contributors object to re-use any proposal to repeat the material must serve a clear public interest and be approved by a senior editorial figure or for Independents by the commissioning editor.

Any proposal to use library pictures of identifiable grieving or distressed people must be referred to a senior editorial figure or for Independents to the commissioning editor. See Section 3 Accuracy – Use of Library Material.

MISSING PEOPLE

The BBC sometimes helps to trace people by broadcasting details provided by relatives and friends. We should take editorial responsibility for the content of the message. This could involve holding back information the missing person might regard as private, embarrassing or distressing. We should also be aware that not every missing person wishes to be found.

CCTV, WEBCAMS AND OTHER MATERIAL FROM OUTSIDE SOURCES

Recordings made by others may pose issues of privacy, accuracy, anonymity, defamation, contempt of court or data protection. They include Close Circuit Television Video (CCTV), material from webcams and recordings provided by the emergency services (including 999 calls), Customs and Excise, or other public authorities, organisations or individuals.

We should take care about using such material if we do not have an established relationship with the outside source. In all cases we should research its origins before we decide whether to broadcast it. **Any proposal to put a third party's webcam feed on a BBC site or platform must be referred to a senior editorial figure or for Independents to the commissioning editor who may also consult Editorial Policy.** If approved we should retain editorial responsibility for monitoring its output.

PERSONAL INFORMATION

People trust the BBC and we must be transparent with them. We should make it clear to people how we intend to use their personal information. This can be as little as an email address or a phone number. It is collected, for example, when people enter competitions, register with an interactive community or become part of a database of contributors. See Section 16 The Law – Data Protection Act.

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

We should not send emails (spam) to people who have not agreed to receive them.

If personal information is going to be used for promotion, marketing, research or any other secondary purpose, our users must “opt in”. For example, we should not send promotional emails about our output when people have originally given us their email address in order to enter a competition.

Any proposal to collect personal information on a BBC publicly funded site which might be disclosed to third parties, including BBC Worldwide, must be referred to a senior editorial figure or for Independents to the commissioning editor who may wish to consult Regulatory Legal and Fair Trading.

We should take particular care when collecting personal information from children. See Section 9 Children – Online Child Protection.