

KEY QUESTIONS

Relevant aspects of the public interest

1. How would you describe the public interest in a free press?
2. How would you describe the public interest in freedom of expression? To what extent does that public interest coincide with, or diverge from, the public interest in a free press?
3. In order to maximise the overall public interest, with what other aspects of the public interest would freedom of expression, or freedom of the press, have to be balanced or limited? The Inquiry is particularly interested in the following, but there may be others:
 - a. the interest of the public as a whole in good political governance, for example in areas such as
 - national security, public order and economic wellbeing,
 - the rule of law, the proper independence and accountability of law enforcement agencies, and access to justice, and
 - the democratic accountability of government for the formation and implementation of policy;
 - b. the public interest in individual self-determination and the protection and enforcement of private interests, for example
 - privacy, including (but not necessarily limited to) the rights to privacy specified in general in Article 8 of the European Convention on Human Rights and in European and national legislation on the protection of personal data,
 - confidentiality, the protection of reputation, and intellectual and other property rights, and
 - individual freedom of expression and rights to receive and impart information where those interests and rights are not identical to the interests and rights of the press.
4. What are your views on the extent to which the overall public interest is currently well served, both in principle and in practice, by the current balance between the public interest in the freedom of the press and free expression on the one hand, and competing aspects of the public interest on the other? In your opinion, what changes if any would be desirable in this respect, in order to maximise the overall public interest? If relevant, please state whether those changes should be voluntary or obligatory.

Press ethics

5. What would be the distinguishing features of the conduct and practices of a media industry, or any organisation which was a part of that industry, which would make it an 'ethical' one?
6. In particular, to whom might the press be considered to owe ethical duties, and why? What might be the content of such duties? To what extent might such duties come into conflict, and how should any such conflicts be resolved? The Inquiry is particularly interested in the following as potentially owed ethical duties, but there may be others:
 - a. readers and consumers of the media
 - b. persons who are the subject matter of stories and other media products
 - c. the wider public
 - d. employees, journalists and other producers of the media
 - e. shareholders, investors, advertisers and others with an economic interest in the media.
7. What role might reasonably be expected to be played by a code of conduct in encouraging, inculcating or enforcing ethical behaviour by the press? What would be the distinguishing principles and features of any code of ethical conduct with universal application to the media industry?
8. To what extent does the media industry's Code of Practice <http://www.pcc.org.uk/cop/practice.html> meet the needs of an ethical code?
9. What approach would you recommend to the consideration of improvement to the nature, status, content and enforceability of the current Code? Are there changes to either content or enforceability of the current Code you would wish to see? Please explain your thinking.
10. What other changes would you consider desirable in order to encourage or constrain the press to improved standards of ethical conduct and practice? Your answer should explain the standards you consider appropriate and why, whether conformity should be encouraged or constrained, and how.