

The Leveson Inquiry

Witness statement of: Dr Martin Moore

Occupation: Director, Media Standards Trust

Address

What is the Media Standards Trust?

1. The Media Standards Trust (MST) is an independent, non-partisan charity (number 1113680) established in 2006 to foster high standards in news on behalf of the public. It does this through research, development and campaigning.
2. Its research publications include: *A More Accountable Press* (2009), *Can independent self-regulation keep standards high and preserve press freedom?* (2010), and *Shrinking World: the decline of international reporting in the British press* (2010). It also makes regular submissions to Parliamentary inquiries, including the recent inquiry into investigative journalism, and the joint inquiry into privacy and injunctions. In 2011 it won a Prospect Think Tank award ('One to Watch').
3. The Trust has over five years' experience of developing online tools for the public. In 2008 the MST was the first British winner of a Knight News Challenge award, in partnership with Sir Tim Berners-Lee's Web Science Trust, to make the provenance of news more transparent on the web.
4. The Trust built and runs the journalisted.com website which helps people answer the question 'How do I know this journalist knows what they're writing about?'. More recently it launched churnalism.com, a website which enables people to distinguish journalism from churnalism. The site was inspired by Nick Davies' book, Flat Earth News, and the findings of the Cardiff University research on which the book was based. Chris Atkins helped launch the site with a short film on churnalism. In 2011 it won a grant from the Sunlight Foundation (US) to extend churnalism.com to the US and to enhance its software for investigative use.
5. The Trust also runs the Orwell Prize on behalf of the Council of the Orwell Prize, which each year awards a prize for the book, the journalism, and the blogger that have come closest to George Orwell's ambition 'to make political writing into an art'. The Prize organises about a dozen debates each year on contemporary political and media issues, in London and around the country.
6. In 2011 the director of the MST co-founded the Hacked Off campaign for a full and effective public inquiry into phone hacking, data-mining, intrusion and other excesses of the press and it is the home of the campaign. Hacked Off reports daily from the Inquiry at the Royal Courts of Justice, supports victims of phone hacking and press abuse, and campaigns for press reform and for better public interest defences to nurture and defend public interest and investigative journalism.
7. The Board of the Media Standards Trust is chaired by Roger Graef (Films of Record) and has 17 other members from the media and civil society, including; Baroness Helena Kennedy, David Loyn (BBC), Sir Robert Worcester (Ipsos-MORI), the Right Reverend Stephen Platten, Sir Philip Otton (retired judge), and a dozen others.

8. Sir David Bell was Chairman of the MST from 2006 to July 2011. In July 2011 he was asked to be one of six panellists working with Lord Justice Leveson, on the basis on his 40 years' experience working in newspapers, eventually as Chairman of the Financial Times. Sir David stepped down as chairman of the Media Standards Trust when he accepted the position as panellist.
9. Dr Martin Moore has been the director of the Media Standards Trust since its establishment in 2006. Previous to this he worked in the media for over a decade, doing research and development for various media organisations including the BBC, Channel 4, IPC Media, and others. He has a doctorate from the LSE and his book, *The Origins of Modern Spin*, was published by Palgrave MacMillan in 2006.
10. Both MST and Hacked Off are funded by a diversity of sources, most notably grants from charitable foundations and individual donations, to avoid the appearance of conflicts of interest.

Work on press regulation up to July 2011

11. In 2009 the Media Standards Trust published a report, *A More Accountable Press* (Submitted evidence #1). The report was written in consultation with a group of 12 leading figures from journalism and civil society. It found that the existing system of press self-regulation, as then constituted, was unable to deal with the serious and growing threats to press standards. It found the system insufficiently effective, largely unaccountable, opaque, and failing to reflect the radically changed media environment.
12. The PCC and parts of the press reacted angrily to the report. There was a heated debate on Radio 4's *Today* programme between the then chairs of the MST and the PCC (Sir David Bell and Sir Christopher Meyer respectively). The discussion continued in print and online (links can be found [on the MST website](#)), and also involved an exchange of letters. The PCC attacked the report and did not accept its findings (though only cited one inaccuracy, since corrected). The MST stood by the report, and still stands by it.
13. In July 2009, *The Guardian* published a series of news stories alleging that phone hacking went further than one rogue reporter. The MST publicly called for the press to set up its own independent inquiry to get to the bottom of the allegations (see [Guardian link here](#)). The call was ignored.
14. In January 2010, the MST published a second report, *Can independent self-regulation keep standards high and preserve press freedom?*, which it submitted to the PCC's governance review. It contained 28 recommendations for reform of the current system of press self-regulation (Submitted evidence #2). 19 of these recommendations were partially or fully accepted – along with those made by other organisations – in the report of the governance review in the summer of 2010.
15. In September 2010, the MST publicly backed Tom Watson MP's calls for a full judicial inquiry into phone hacking after the *New York Times* published further revelations claiming hacking went much further than one rogue reporter. The calls were, again, ignored.
16. In May 2011, when it appeared as though News International might successfully close down the phone hacking affair, Dr Martin Moore and Professor Brian Cathcart (Kingston University) began setting up a campaign for a public inquiry into phone hacking, called 'Hacked Off'. In May and June we sought – and found – support for the campaign from

over fifty journalists, lawyers, politicians, academics, and phone hacking victims. We also built a website (www.hackinginquiry.org) and set up an online petition to seek broader public support. We planned to launch the campaign officially on 6th July, expecting a lengthy battle of months, if not years, before gaining commitment to an inquiry.

17. The news that Milly Dowler's phone had been hacked, broken by *The Guardian* on 4th July, changed the situation fundamentally. Like everyone else we were unaware of this before 4th July, but worked through the 4th and 5th to launch the website and online petition. This quickly gained over 8,000 signatories. Over the course of that week Hacked Off then made calls for a full public inquiry on multiple broadcast outlets. At the end of that week the Prime Minister announced there would be an inquiry, though on narrow terms and with limited powers. We were joined at this point by Dr Evan Harris, an experienced former parliamentarian and free expression campaigner as adviser, and Thais Portilho-Shrimpton, an experienced journalist, as our co-ordinator.
18. From Monday 11th July, Hacked Off campaigned for broader and clearer terms of reference and greater powers for the Inquiry with the help of the Dowler family and other phone hacking victims. We met the Deputy Prime Minister, Nick Clegg, the Leader of the Opposition, Ed Miliband, and the Prime Minister, David Cameron. We also met with the chairs of the key Parliamentary select committees. The terms of the Inquiry were subsequently broadened and sharpened, and the Prime Minister referenced the positive role of Hacked Off in the House on 20th July 2011.

Media Standards Trust work on reform of press self-regulation since July 2011

19. Working with the Reuters Institute for the Study of Journalism, the Trust organised round table discussions on the future of press regulation in September and December 2011. Martin Moore outlined a spectrum of seven possible options for reform in order to inform these discussions. Those participating included individuals from *The Guardian*, the *Financial Times*, the Society of Editors, Oxford University, City University, and a number of media lawyers (representatives of other newspaper titles were invited but did not attend). Emerging from these discussions (though without a shared consensus) was a proposal, written by Hugh Tomlinson QC, for independent voluntary regulation (to be submitted to the Inquiry separately).
20. The director of the Trust has also participated in discussions led by the Co-Ordinating Committee for Media Reform, a coalition of academics from Goldsmiths, Brunel, UWE and other universities, on the future of media regulation. As a result of these deliberations the CCMR has written three detailed papers on reform (published at <http://www.mediareform.org.uk/>).
21. In spring 2011 the Trust wrote a report examining the PCC's claims to be 'Free, Fast and Fair', based on analysis of the PCC's own data (*PCC Statistics: a critical analysis by the Media Standards Trust*). The report challenges five specific PCC claims: that over 90% of those who use its services are ordinary members of the public; that adjudications have serious repercussions; that national newspapers rarely breach the code; that apologies are prominent; and that the PCC is fast. This report was meant for publication in summer 2011 but publication was postponed due to events. The unpublished report has been submitted to the Inquiry (Submitted evidence #3).

22. The MST director wrote an analysis of the PCC's record on phone hacking between 2003 and 2011, taking issue with the view that phone hacking was simply a failure of the law, not of self-regulation. The analysis concludes that the PCC failed in three crucial ways: that the PCC misleadingly claimed that it was responsible for, and able to, regulate newsgathering – including the use of phone hacking and other techniques; that it gave the false impression that it was investigating the nature and extent of phone hacking within the press; and that it claimed that phone hacking was not widespread, without the evidence to show whether it was or was not (Submitted evidence #4).
23. On the specific subject of privacy and privacy injunctions the MST made a submission to the Parliamentary Joint Committee on privacy and injunctions in November 2011. The report argues that the claims of those who have attacked privacy protection within the law are misguided; shows how technological change has altered not only the cultural and practical constraints on privacy but also the role of the law; recognises the views of public; and suggests a route forward (Submitted evidence #5).
24. Separate to these reports and initiatives the Media Standards Trust has formed a new Press Review Group – a successor to the previous group which advised on the 2009 report – which will submit evidence-based recommendations for reform of the current system of press self-regulation to the Leveson Inquiry in May. Members of this group include Anthony Salz (chairman), Richard Hooper, Professor Stewart Purvis (City University), Professor Steven Barnett (Westminster University), Carolyn Fairbairn (former BBC and ITV), Martin Dickson (*Financial Times*) and David Yelland (Brunswick Group and former editor of *The Sun*).
25. The MST Press Review Group is, in addition to outlining a possible framework of reform, researching the proposals already suggested by various parties (such as targeted VAT exemption, and legal dispensations), looking at international comparisons, and examining other industries.
26. This statement does not represent the views of the Press Review Group but rather the views of the Media Standards Trust, as set out by its director, Martin Moore.

The problems the Inquiry needs to address

27. At its heart the phone hacking scandal was about abuse of power. People within Britain's biggest commercial media company came to believe they were not accountable to regulation, to the law, or to our elected representatives. They then abused their position by invading and, in some cases, damaging the lives of numerous people, some of them members of the public in very vulnerable situations.
28. In its first part we hope the Inquiry will make recommendations that achieve at least five things:
 - a. Better protect members of the public from unjustified intrusion, harassment, abuse, inaccuracy and misrepresentation from parts of the media, and from third parties working with the media (e.g. paparazzi, agencies, private detectives); including both physical breaches of privacy and the theft of personal data and information
 - b. Give people who have been traduced by the media more effective (i.e. meaningful, proportionate and timely) redress

- c. Make media organisations, and those working on their behalf, more responsible for their actions
 - d. Develop independent mechanisms of accountability for these organisations and those working on their behalf
 - e. Distinguish, protect and nurture journalism in the public interest
29. These questions cannot be answered adequately without taking into account the vital importance of a free press to our democracy, and the very real dangers of government constraints on, or intervention in, the freedom of the press ('press' here meaning more than simply printed newspapers and magazines).

The context of reform

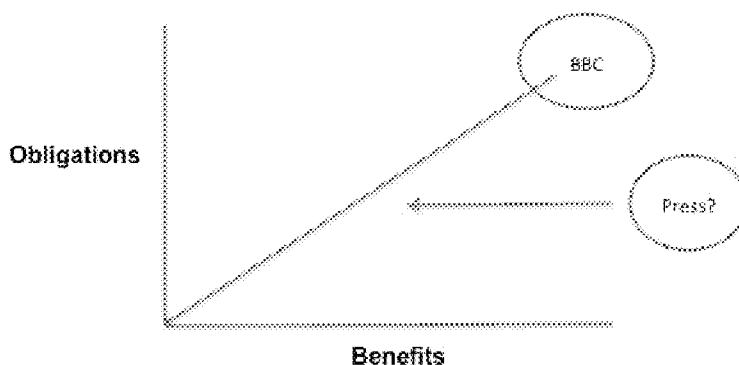
30. We are acutely aware that any future system of media regulation has to take account of: the historical context (many previous "last chance saloons"), the converging technological environment ("we're all publishers now"), the pre-existing cradle that is the UK legal system, and the declining economic sustainability of parts of the news business (particularly at a local level).

The historical context

31. Every 10-15 years since the Second World War concerns about standards in the British press have led to the establishment of a Royal Commission or its equivalent. The Ross Commission from 1947-49, the Shawcross Commission from 1961-62, the MacGregor Commission from 1974-77, and the Calcutt Review in 1990 (and 1993 follow-up). Even between these Commissions there have been spasms of concern and reform, notably the Denning Committee (1963), the Younger Committee (1972), private members bills in the 1980s, and a brief period of self-reflection following the death of Princess Diana in 1997.
32. Every commission has recommended the industry be given the opportunity to reform itself. Each time the industry has dragged its feet until threatened with the Damoclean sword of some form of statutory regulation. Even then the reforms instituted have never been considered satisfactory, and hence a subsequent commission, often within a decade.
33. A brief outline of the history of self-regulation, and the repetitive cycle of Royal Commissions and reviews, is submitted separately (Submitted evidence #6)
34. There are three reasons to believe that this time is materially different:
- a. The technological environment has changed fundamentally. The publishing constraints that used to exist no longer do. Anyone can record and publish text, pictures, audio or video to a potential global audience.
 - b. It is very difficult, and will become more so, to draw a line around something that might be called 'the press'. There is an existential, as well as an economic, crisis regarding what we mean by 'journalism'.
 - c. There has been a general admission – within the industry and outside – that the system that has been called 'self-regulation' for the past two decades is not regulation at all.

The technological context for this Inquiry

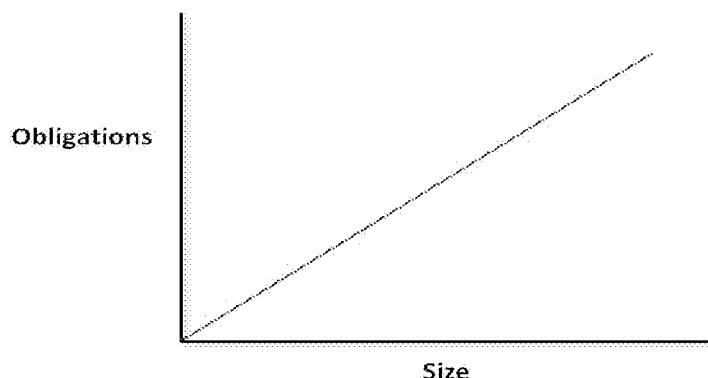
35. We are going through a technological revolution in media. We have moved from an age of information scarcity to one of abundance. An age in which anyone can record and publish, and many people do. It would be bizarre to ignore this fundamental change when creating a new regulatory system.
36. In this converging media environment it makes less and less sense to regulate based on the medium on which something is published. Regulation should best reflect the attitude and behaviour of the public, on whose behalf it is set up. As such, if the public are increasingly less likely to distinguish between content based on medium then this should be reflected in regulation. In her recent Reuters Institute publication, *Regulating for Trust in Journalism*, Lara Fielden illustrated how complex and illogical the current systems of UK media regulation are from the public's perspective, and how it does not map to our attitudes or behaviour.
37. We need, therefore, to think about new ways in which to regulate, based on more logical and sustainable criteria; criteria that make sense to the public, that reflect the status and size of the publisher, and correspond to the benefits that publisher receives, rather than attached to the medium(s) on which something is published.
38. A system that makes sense to the public would be simple, accessible, quick, demonstrably independent, and measurably fair. People would like adequate protection, reasonable redress, and the knowledge that someone was keeping powerful publishers honest, no matter whether they are publishing on a TV screen, a computer screen, a tablet, a mobile phone, or in print.
39. The fairness of the system will depend on the degree to which the regulator(s) can address disparities of power. A critical purpose of regulation is to give the less powerful the ability to challenge the more powerful. This applies as much to a phone hacking victim challenging a corporate behemoth like News International as it does to a small publication challenging the might of a Russian oligarch. This purpose does not change, whatever the medium of publication.
40. The sustainability of the system will depend on the extent to which the obligations imposed by it are balanced by benefits. A media organisation that receives significant public benefit, like the BBC, should have obligations commensurate with that benefit. Right now the benefits to commercial news organisations have tended to be unspoken or invisible. They should be made more visible such that these organisations become aware of them and accept the corresponding obligations.



41. In a world in which anyone can publish it makes sense that each publisher should take responsibility for their own actions. This is the same for an individual blogger as it is for

a national newspaper. If one was being a little pompous, one could call this 'devolved self-regulation'.

42. Only when publishers exceed a certain size, and a certain status, should they become the subject of regulation. Seeking to regulate individual expression – as expressed in blogs and on social networks – would be invidious and impractical.



43. When an organisation reaches a certain size its compliance mechanisms should be examined and overseen by a regulator. This does not mean the organisation should outsource its compliance to the regulator – as currently happens with some news organisations and the PCC. Rather that the regulator would make sure the internal compliance mechanisms are adequate and effective. Again, such regulation is not specific to any medium.
44. These internal compliance mechanisms need not be expensive. One of the benefits of new media is the opportunities it provides to media organisations to be much more transparent and accountable than previously. It enables news organisations, for example, to:
- Be clear about the provenance of stories: for example by linking to original sources and building in publishing details (i.e. with metadata)
 - Track pre-publication decision making: recording who signed off which decision and when
 - Track changes post publication: each change to an article leaves a digital footprint (e.g. see Wikipedia's 'article history' pages)
 - Make publishing principles clear: by linking to the publishers principles (e.g. see the 'P' link on Associated Press articles)
 - Make it easy to report an error (e.g. see 'Report an Error' at the bottom of every article on <http://www.pbs.org/mediashift>)
 - Make corrections quickly and visibly: which can be done at any time visibly or invisibly through any basic content management system (e.g. see <http://www.guardian.co.uk/politics/2010/oct/26/incapacity-benefit-claimants-work-dwp>)
 - Give space and prominence to right of replies
 - Apologise clearly and prominently
 - Provide a transparent account of performance against complaints (for example the proportion of valid complaints conceded and upheld)

- j. Set out what changes to practice and policy have occurred as a result of adverse findings
45. Unfortunately, only a few UK national publishers have embraced these methods of transparency and accountability. Few link to original sources, even fewer show a change history of articles online, principles – when published – are rarely linked to content, hardly any big publishers make it easy to report an error.
46. There is, therefore, significant opportunity for better practice in compliance, and for a regulator to outline basic internal compliance mechanisms which then make it reasonable and practicable to regulate powerful publishers in a digital era.

The legal context of this Inquiry

47. The laws that affect the media in the UK are too extensive, too complex, and too expensive – for both sides (defendant and claimant). The complexity and expense has both a ‘chilling effect’ on publication and makes it very difficult for ordinary people without means to seek protection or redress.
48. The courts will soon become even more difficult for ordinary people to access. The government bill on ‘Legal Aid, Sentencing and Punishment of Offenders’, currently going through the House of Lords, will effectively kill off Conditional Fee Agreements in media cases. This is for two primary reasons:
- a. If insurance is not recoverable (as it is not in the current plans) and there is no cost shifting (i.e. the judge saying a poor claimant/defendant will not be saddled with the opponent’s costs if they lose) then no-one who is not rich will be able to fight a case without risking tens, if not hundreds, of thousands of pounds.
 - b. Costs far outweigh damages in defamation and privacy cases – and there are no damages given to defendants in defamation cases – so lawyers will not be able to reclaim success fees from damages. Therefore there will be no incentive for lawyers to take even strong cases, except profile (which, in the case of ordinary claimants/defendants is often very limited).
49. If the bill passes unchanged there will be even greater onus on the Leveson Inquiry to work out how to give ordinary people access to justice – whether through the courts and/or through the new regulatory system.
50. Separate to campaigning for reforms to this Bill to prevent this loss of access to justice, and support for libel reform, the Media Standards Trust supports reform of the whole legal framework surrounding the media to make it simpler, more accessible, less onerous, and more suited to the digital environment (see below).

The economic context of this Inquiry

51. Claire Enders presented a vivid picture of the poor economic state of parts of the news industry at the Leveson seminar in October. The circulations and advertising revenue have, for most UK commercial news organisations, been declining for over a decade. As Enders showed, between 2005 and 2010 the revenues of some news groups dropped by over 40% (e.g. Trinity Mirror regional, Northcliffe (DMGT), Newsquest).
52. Some within the news industry have said that any further regulation will cripple an industry already on its knees.

53. The Media Standards Trust is very aware of the crisis in provision of local news, in part thanks to the joint research and development project we run with Cardiff University looking at the future of local news. The project is focused on Port Talbot, a town that lost its local newspaper two years ago and is now almost entirely without professional journalists. There is evidence to show – not just from here but from around the UK – that the crisis in funding local news gathering and provision is structural and will require radical action if it is to be addressed (see Submitted Evidence #7 on the future of investigative journalism).

54. The broader picture is, however, more mixed:

- a. Not all media organisations are in the same economic difficulties. In 2010, BSkyB made revenues of £5.9bn and profits of almost a billion. Associated Newspapers made £850m in revenue in 2010 and £95m profit (2010 annual report). The most urgent crisis is at the local level.
- b. There is good reason to believe better regulation should save many media organisations money. News International has, to date, spent almost £5 million settling civil claims against it for phone hacking (not including costs). It has reportedly put £100 million to one side as a fund for other existing and future claims. These costs do not include the loss in share value of News Corporation or associated costs of phone hacking. Had it invested even a small part of this money in better, more independent regulation there is reason to believe it would be in a very different position now.
- c. Devolved self-regulation is simply good consumer practice. The service industry provides means by which customers can complain. The financial services industry insists that organisations and individuals take responsibility for their actions. The construction industry enables independent arbitration of complaints. Why should the news industry be any different?

55. Moreover, it is difficult to see how the argument 'it is too expensive' would wash in other industries. Imagine, for a second, that the construction industry asked its regulator if it might suspend basic safety regulations in order to save money.

Avoiding the fate of previous Royal Commissions and reviews

56. If this Inquiry is to avoid the fate of previous inquiries and reviews, and its recommendations – if accepted – are to prevent the establishment of yet another inquiry in 10-15 years time, then it needs to do three things:

- a. Initiate changes to the legal framework that acknowledge the revolution in publishing. In other words, making the UK's legal framework around media simpler, more accessible, less onerous, and more suitable for a world in which anyone can publish
- b. Create a framework for voluntary independent regulation that is sustainable, and complements the legal environment
- c. Distinguish journalism as a critical element of democratic society

57. At all costs it must avoid recommending that the industry be given one last chance to implement PCC2 (or equivalent) even within a specified time frame – as happened after the Calcutt review. Although news organisations have to be closely involved and need to

support whatever new system is created, we have learnt from long experience that they cannot be relied upon to set it up by themselves.

A. Initiating changes to the legal framework

58. The UK's existing media law framework neither properly protects the public, nor does it adequately protect journalism in the public interest.
59. In considering a reformed legal framework we think the UK could learn from:
 - a. The 2003 Finnish Act on the Exercise of Freedom of Expression in the Mass Media. This sets out a framework which provides a right of reply and right to correction, a duty to correct, the designation of a 'responsible editor', protection for the confidentiality of sources, as well as other provisions. Far from restricting press freedom this has institutionalised good practice and a free press. Finland came top of the RSF World Press Freedom Index in 2002, 2003, 2004, 2005, 2006, 2009, 2010 and 2011/12.
 - b. The New Zealand Law Commission's review of rights, responsibilities and regulation in the digital age, *The news media meets 'new media'* (December 2011). This struggled with similar issues to some of those being considered by the Inquiry, particularly how to define 'news media' for the purposes of the law.
 - c. The Irish Defamation Act 2009, in which the Press Council is formally recognised within the Act.
60. These and other international comparisons ought to enable the UK to:
 - a. Introduce statutory public interest defences
 - b. Better protect privacy for ordinary people
 - c. Provide proper protection for journalistic sources
 - d. Ensure better opportunities to reply
 - e. Identify decision makers (i.e. those responsible for decision to intrude and decision to publish)
61. Eventually, our legal framework ought to incentivize independent and self-regulation, as well as recognising the benefit of journalism to democracy (see below).
62. Changing the legal framework, though critical, will necessarily take time. Even if it is changed there will still, undoubtedly, be difficulties regarding access, and concerns around protection for journalism.
63. In addition to which, the law is necessarily blunt, rarely quick, and will always have associated costs. Those who say phone hacking was simply a failure of the law should recognise that, if the law was enforced in the way they envisage, police could often be marching into newsrooms. This is not a world most of us would wish for.
64. Whether or not we live in a world in which anyone can publish, some will always undoubtedly be more equal than others. Some will be very powerful indeed. Such power is likely, if left unchecked by regulation, to lead to abuse. As it did with News International.

B. Creating a regulatory framework

65. There is therefore a need for a new regulatory system in addition to the altered legal framework, but a system that recognises the radically different technological context and economic circumstances of the media.

66. A fully statutory regulator is neither desirable nor practical. We believe the press must be properly independent from government, and that a fully statutory regulator would represent too real a threat of government control.
67. At the same time we believe some statutory basis will be necessary in order to incentivise or require news organisations to participate in the system, and to provide the necessary powers to oversee and enforce its code, and provide for independence.
68. For this reason any new regulatory system(s) ought – for reasons of principle and practicality – to be voluntary at its first instance. Compulsion is not conducive to free speech or a free press. Equally, who should be compelled to be within the system? In the digital era, by what criteria should publishers be judged to qualify? And, most importantly, what sanctions would apply to those who refused to participate?
69. Any new system also has to be independent. Independent of government but also, to the greatest extent possible, independent of the industry. The current system is not independent. It is funded – opaque – by the industry. The key appointments have been made by the industry. The rules are made by editors.
70. The new system also ought to enable regulation, not just mediation. This means enabling adequate powers to oversee compliance, to investigate evidence of malpractice and, where necessary, to set meaningful and proportionate sanctions.

C. Formally distinguishing ‘journalism’

71. Were this Inquiry to be genuinely forward-looking then it would also seek formally to distinguish journalism as a critical element of democracy.
72. The hacking scandal has shown us, amongst many other things, that parts of journalism have lost their way. Certain organisations and outlets have lost their purpose, their boundaries and, in some cases, their ethics. This is perhaps not surprising in a competitive, commercial world in which anyone can now publish.
73. At the same time the hacking scandal risks disguising the remarkable amount of great journalism that is done nowadays both within and outside media organisations: reporting, analysis, opinions, criticism, debate, community engagement, and campaigning.
74. By recognising the formal place that journalism occupies in a democracy (in a legal sense), anyone doing journalism could then benefit via legal dispensation, financial incentives, and through privileged access to information when performing that role.
75. This is not about protecting an industry but about protecting a practice which, especially at a local level, is gravely under threat.
76. America has its First Amendment. We need to recognise the importance of journalism within our society and political system.
77. One of the most lasting outcomes of this Inquiry could be the formal acknowledgement that democracies do not function properly without a properly functioning Fourth Estate.

Principles to inform a new system

78. Any new system that is established to address the problems of the old ought to be measured against ten principles.

The extent to which it is:

- i. *Independent*: from government influence or interference, as well as from those within the industry who have a direct conflict of interest
- ii. *Transparent*: to make adherence to the code transparent, to publicise breaches and overall performance, disclose information about the publisher, to disclose commercial relationships where they influence editorial content
- iii. *Sustainable*: both financially sustainable and flexible enough that it can evolve in line with news publishing

The extent to which it protects:

- iv. *Personal privacy*: of the public, particularly those in vulnerable circumstances
- v. *Press freedom*: to publish the truth without fear of censorship or threat of extortionate costs, and to intrude on the privacy of individuals and organizations when there is a clear public interest justification for doing so
- vi. *Journalists' sources and conscience*: respecting the necessary anonymity of some sources and enabling journalists to refuse assignments for reasons of conscience, and to become whistleblowers
- vii. *Basic standards*: providing minimum acceptable codes of behaviour for publishers, especially regarding accuracy

The extent to which it provides:

- viii. *Redress*: effective and accessible remedies for those who suffer harm through breaches of basic standards
- ix. *Accountability*: mechanisms by which to make organisations and individuals accountable to individual members of the public and in the public interest
- x. *Responsibility*: for the decision to publish, for the decision to intrude, and to correct and apologise.