

As with my two previous statements I wish at the outset to reiterate that my willingness to cooperate with the Inquiry and make submissions is voluntary and does not signify an acceptance of the jurisdiction of the Inquiry or the authority of the Inquiry to order me so to do.

(1) Who you are and your current job title;

Paul De Laire Staines, founder and editor of the Guido Fawkes Blog.

(2) To what extent were you personally involved in drawing up this proposal for a new system of self-regulation based on contractual obligations, as now set out by Lord Black?

Nil.

(3) How far would you personally, in your capacity as editor, expect to be involved in the final decision as to whether your publication signed up to the contractual obligations envisaged by this system? Please explain in full how that decision would be taken.

I would expect to make the decision. My decision would firstly be based on a consideration as to whether this would be in our commercial interests or not. My second concern would be to evaluate whether or not submitting to this regime would inhibit us from publishing the truth as we see it.

(4) In so far as you are able to do so, please indicate whether your publication is at present fully ready and committed to enter into these contractual obligations. If it is not at present fully ready and committed, please explain why, and detail any changes that would need to be made to the proposal, any further development to proposal required, or any preparatory steps that would need to be taken at your publication, in order to put it in the position of being fully ready and committed to enter into these obligations. If there are no circumstances in which it would be prepared to enter into obligations of this nature, please explain why not.

I have studied Lord Black's proposal in preparing this submission. Having read as far as section 1.1 it is noticeable that he proposes that the Contracting Parties would be the Regulator and:

1.1.1 each UK, Channel Islands and Isle of Man legal entity responsible for publishing newspaper titles and/or magazine titles in the UK, the Channel Islands and/or the Isle of Man and their related websites; and

1.1.2 each UK, Channel Islands and Isle of Man legal entity being a web-only news and/or features website publisher or news aggregator service with content viewable in the UK, the Channel Islands and/or the Isle of Man

As previously stated in my Second Witness Statement, the Guido Fawkes Blog has no physical assets in the UK, the internet servers and publishing software systems are in the USA. The publisher, which owns all the intellectual property, is a corporation based in Saint Kitts and Nevis. Lord Black is therefore not proposing a regime that is even intended to apply to the Guido Fawkes Blog.

In any event even if Lord Black had drafted his proposal to include foreign publications not domiciled in, but available to the UK, we would not wish to burden ourselves with the bureaucracy. Nor are we inclined even in principle to ask any person, body, authority or

government for permission to exercise our right to freedom of speech without interference as defined in Article 19 of the Universal Declaration of Human Rights, signed by the UK in 1948, which states that:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

We do not intend to seek a licence or a contractual agreement to exercise the fundamental human right to the freedom of speech which underpins the freedom of the press.

(5) What specific differences would membership of a system of the kind set out by Lord Black, underpinned by contractual obligations, make to the culture, practices and ethics of your publication?

It would bog us down in bureaucracy by opening a channel for politically motivated nuisance complainants. Every single article we write that voices an opinion is challenged by our readers in the comments, on Twitter and via email. If we were obliged to respond to complainants we would be overwhelmed. It is ridiculously impractical given the volume of specious complaints.

When we make a factual reporting mistake we already endeavour to make a correction as soon as we become aware of the error. Having a third party intermediating between us and the complainant would not speed up that process.

(6) Is there any other comment you wish to make on the proposal put forward by Lord Black, or on the proposals put forward by others, that are now published on the Inquiry website.

After reading some of the proposals and statements put forward by others I will say that the points Professor Roy Greenslade makes (section 15 of his statement) regarding "Online Entities & Small Publications" are correct. Despite the size and influence of the Guido Fawkes Blog's readership, we are determined to remain unconstrained and outside any regulatory framework.

Max Mosley's proposal for a dictatorial Tribunal with the power to prevent publication seems as horrifying as his privacy proposals. No doubt he thinks private misdemeanours should not become public. He would say that, wouldn't he?

### **Politicisation of Press Control**

I view the submission by the "Campaign for Press and Broadcasting Freedom" for worker and public control of the press via an Orwellian sounding "Media Standards and Freedom Council" as nothing less than the sovietisation of the media with all the horrors that would entail.

Similarly the proposal by the "Co-ordinating Committee for Media Reform" to give media workers the power to veto the hiring and firing of editors seems crackpot, as does their proposal to simultaneously tax and subsidise blogs. This would lead to a publicly subsidised media as dreary as publicly subsidised theatre. My preference is to let readers decide what they want to read and let open competition decide who is successful.

I note the Prime Minister's suggestion that it might be possible to punish publications that do not comply with a new regime by excluding them from the Lobby system. The Lobby is already tame enough. Perhaps the Prime Minister would prefer it to be even more tame. That would not be in the public interest.

### General Points

The hacking and blagging scandals of the recent past were already illegal under existing laws, there is no real need for further legislation. It seems clear that the existing laws are adequate to deal with phone hacking, information blagging and other criminal activities if only they were enforced. The non-prosecution of journalists named in the Operation Motorman files terribly undermines any deterrent effect in that they will get away with past crimes despite there being enough evidence to bring prosecutions.

The public interest will not be well served by privacy laws which will effectively create judicial censorship. The privacy laws currently being made from the bench in the English courts are a travesty of the intentions of the original drafters of the European Convention on Human Rights. They had in mind protecting the human rights of individuals from oppressive states and agencies of those states. They did not have in mind sparing the blushes of footballers caught having extra-marital affairs or celebrities who have exotic tastes in the bedroom or dungeon.

The popular press is in danger of being shackled by privacy law made from the bench and "media standards" which are really a euphemism for censorship. This will undermine the popularity and commercial viability of newspapers, inevitably doing damage to media plurality in the long term. The public interest is surely best served by having the most competitive and open media markets we can devise.

The unfettered freedom of the press seems to work well for the United States of America where it is constitutionally guaranteed. The technological challenges faced by governments of the twenty-first century attempting to restrict their citizens' access to information is a positive development for human freedom. Any legal or technological method of censorship will have economic costs not just in terms of the costs of the technology, but for the wider economy. The social media businesses of the future are networks that distribute disintermediated content uploaded by millions of individuals without reference to trained editors, sub-editors, fact-checkers or lawyers. Blogs, YouTube, Facebook, Twitter and future networked platforms as yet unknown allow everyone to publish to the whole world at minimal cost. National governments which try to foist regulatory costs and risks on the social media enterprises which deliver that content will be shunned. Enterprises will inevitably base themselves in nations where the legal and regulatory climate is more favourable. The U.S.A therefore has a competitive edge in the legal protections and legal attitudes that flow from their constitutional First Amendment rights.

It would be in the Guido Fawkes Blog's commercial interest and to our distinct competitive advantage to see the British media heavily regulated, draconian privacy laws enacted and politically correct "media standards" enforced. All of which we would cheerfully ignore. It would however be a sad day for press freedom.

*I believe that the facts stated in this witness statement are true.*



Paul Staines

9 July, 2012