

Response by the PCC to article on New Left Project website

Julian Petley's article "Press Regulation? Now there's an idea" (24th August 2011) was a lively read but I'm afraid it was undermined by being based on several false premises.

Everyone can agree at the present time that there is a need for reform of regulation of the press. There are many benefits and advantages to the present system of self-regulation but the sheer scale of the phone hacking scandal has demonstrated a need for additional powers and to ensure public confidence is retained in press regulation.

The Press Complaints Commission is part of this consensus. It has made clear that it accepts the need for fundamental reform. It further believes that we need to preserve what is good in the present system and that there needs to be an acknowledgement that there are no easy answers to regulatory questions regarding a free press in an online world. The PCC has committed to reviewing the following areas of its practice: "its own constitution and funding arrangements, the range of sanctions available to it, and its practical independence". Its independent public members will lead this review.

Julian Petley is obviously wrong to try to characterise the PCC as merely a mediator and not a regulator. He is wrong to suggest there is nothing in the PCC's Articles of Association to suggest it performs a regulatory function when those articles actually specifically state that the PCC has responsibility to: "consider and pronounce on issues relating to the Code of Practice which the Commission, in its absolute discretion considers to be in the public interest".

The PCC's considerable body of casework (for instance probably the largest body of such work on privacy in Europe) informs future rulings by the PCC, day to day decisions in newsrooms the PCC's training and education programme. We very regularly intervene proactively and pre-publication to prevent tabloid and broadsheet stories appearing; we regularly prevent tabloid and broadsheet journalists being involved in harassment; we regularly negotiate prominent apologies in national papers. The former political editor of the News of the World, recently stated that up to 7 out of 10 stories were not pursued to print because of the Code and the PCC.

The PCC intervenes pre-publication several times a week, in a way that does not compromise freedom of expression. If an individual comes to us with concerns about something that is to be published, we represent them to an editor and advocate on their behalf. Editors retain the right to publish, but do so knowing the extent of the concerns and the possibility of the Code being breached. What this means in practice is that intrusive material does not then appear. We do this hundreds of times a year. We are also contacted by editors and lawyers (for tabloids and broadsheets alike) for advice before publication. If we suggest that the information might be held intrusive, it is not published.

Another area of activity of the PCC is preventing harassment (and therefore protecting individuals' physical privacy). At least twice a week, we disseminate requests for individuals to be left alone across the newspaper and magazine industry, as well as broadcasters and news/photo agencies. This has an almost 100% success rate. The merit of this system is that it is open to everyone, and used by people who find themselves at the centre of a news story not of their own volition. It is also used by celebrities who recognises it as a more proportionate mechanism than the courts.

Phone hacking was always a difficult issue for a self-regulatory mechanism to address, and arguably extends way outside the PCC's remit (into the realm of criminal law). The PCC has acknowledged it got it wrong on this issue, has pledged to learn lessons and has withdrawn its second report on

phone hacking. Having said that we should not forget that misbehaviour was governed by statutory regulation in this area already: the Computer Misuse Act; RIPA; the Data Protection Act. The sanctions were already those of imprisonment, and possibly swingeing fines for the company. Yet the law of the land was flouted. No regulation can prevent people from committing crimes and then concealing them.

Statutory regulation like that advocated by Julian would be too restrictive and too dangerous to democracy. It would lose all the benefits of the non-adversarial, responsive and adaptive system that self-regulation has brought. Government involvement in press regulation has been resisted around the world. Indeed the PCC has been seen as a model of best practice. Do we really want Britain to regress in this way?

Since 1991 the PCC has consistently adapted and evolved. Now is the moment for it to change again. There are lots of things in the current system that need to be retained and which work very well -but this is an opportunity to see what needs to be changed. The PCC recognises the need for fundamental change and very much hopes to find common cause with advocates and critics alike in forming a consensus on how best to preserve freedom of expression and protection of individuals.

Jonathan Collett
Director of Communications

ENDS

25 August 2011