



Press Recognition Panel  
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Lynne Anderson  
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*By email only*  
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16 August 2016

Dear Lynne

Thank you for your letter dated 15 August 2016 and the NMA's continuing interest in our work.

As you know, the PRP operates according to the Royal Charter on Self-Regulation of the Press. The Charter specifically leaves it to the Board to decide how to conduct its functions. There is no requirement on us to provide any public process or information at all. Because of this, we could have discharged our functions entirely in private and without any external/public input whatsoever.

Notwithstanding there being no requirement to do so, we decided that we would act as openly as possible and would welcome and take into account input from others as appropriate. We have made it very clear that we would happily receive input on any aspect of our work from any sources at any time; and that we would happily meet with anyone to discuss any aspect of our work at any time. That remains the case. As you know, a wide range of people and organisations have taken up those offers. We will of course consider the points you make in your letter; do let me know if you would like to arrange a meeting to discuss these matters, or any other aspect of our work at any time.

In addition to that general and ongoing invitation, as you have mentioned, we have also, at specific times, invited particular input on particular matters from the public.

In 2015 when developing guidance on our policy and procedures for processing applications we consulted generally on our proposals, and also on our proposals for additional indicators to provide additional guidance on the recognition criteria. This year, when developing our procedures for cyclical and ad hoc reviews we consulted

generally on our proposals. We have also undertaken a call for information (not seeking general comment or views but seeking information which might not otherwise be available to us) on the IMPRESS application for recognition; which we repeated when they materially amended their application. You are aware of course that, most recently, we have been consulting widely as part of the preparation for the report which we will later in the year lay before Parliament and the Scottish Parliament as required by the Charter.

It has not however, been our practice to undertake such specific additional consultations or seek additional public input when we consider how to interpret elements of the Charter. In particular, on an almost daily basis the PRP reaches a view on the legal meaning and requirement of one or other aspect of the Charter - it is after all our governing document. We then act on the view we reach, sometimes, but not always, specifically also setting out in public our view on the point in question. That is entirely different from the situation where we are considering and developing Board policy/procedures, on which we have, as above, undertaken specific consultations or when processing a specific recognition application in relation to the factual contents of which we have issued a call for information.

Turning to the comments you have made about the section titled "Our interpretation of some terms and elements in the Royal Charter" on our website: all that has happened is that our Board have considered, and reached an initial indicative view, on the interpretation and meaning of some terms and elements of the Charter ahead of considering IMPRESS' application. Given that we had received, and the Executive team were scrutinising the IMPRESS application at that time, the Board considered it appropriate to share our thinking at that time. We would have done exactly the same in relation to any other regulator which had applied to us, or we thought was about to apply to us, at that time. We then published that indicative view so that any other regulator considering making an application (and for that matter the wider public) would have the same information. We cannot see how anyone was disadvantaged by any of that.

I am not aware of, and you have not identified, any reason why we would in all that have needed to depart from our usual practice for reaching views on the interpretation of the Charter, and certainly not in the context of our door always being open to people to comment and meet at any time. We are certainly not aware of any requirement for an organisation to consult before reaching a view on a legal requirement, including (in our case) on interpretation of the legal meaning and requirements of any aspect of the Charter (and not just those matters set out in its Schedule 4 as your letter seems to suggest). Do please let me know if we have missed something in this regard.

The Board will reach a final view on interpretation of points which arise for that determination in the context of the specifics of the IMPRESS application when it comes to consider that application for the first time on 23 August. Your letter will be made available to the Board and they will take into account the points made as part of their decision-making (as it would any points made by anyone). It may well be that other questions of interpretation of the Charter requirements will also come up in that

process. It is simply not possible to anticipate all the points of interpretation which Board members might bring up in discussion, and certainly not possible to consult on them before reaching a view.

As for the meeting, itself: it will be open to the public in accordance with our policy to that effect. However, given that it is for the Board to make a decision on the application, the discussion will be among Board members, with input from the Executive team and the opportunity, if the need arises, to seek further information from the applicant regulator. The date of the meeting simply flowed from the operation of the procedure which we set out and adopted last year for processing applications – this was the first scheduled Board meeting after those processes (including the calls for information, etc.) had concluded.

I hope that this will reassure you as to the way in which we have proceeded and intend to proceed. Do let me know if not or if there are further points on these or any other matters which you would like us to take into account at any time. As above, I would be happy to meet if that would assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Wolfe', with a large, stylized flourish on the left side.

David Wolfe  
Chair of the Press Recognition Panel