



89up.org
12 TILEYARD, LONDON N7 9AH

Susie Uppal
Chief Executive
Press Recognition Panel

By email to: Consultation@pressrecognitionpanel.org.uk

14 June 2016

Dear Ms Uppal

PRP's call for information about the recognition system

We write in response to the PRP call for information on whether it has succeeded so far in its aim to ensure freedom of the press whilst also protecting the interests of the public.

In the interests of transparency, it is important to declare at the outset that we do not wish to see a regulator being recognised, a position we outlined in our publication *Leveson's Illiberal Legacy*.

We trust this view will not affect the PRP's consideration of our submission, which is limited to highlighting the best practice standards possible in the recognition system.

1. Nolan principles of public life

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

The seven principles of public life were first set out by Lord Nolan in 1995 and are included in the Ministerial code. They apply to anyone who works as a public office-holder. This includes people who are elected or appointed to public office, nationally and locally. The principles also apply to all those in other sectors that deliver public services.

As a public authority, the PRP and the recognition system it is set up to maintain should represent the best possible levels of disclosure. We submit that all documentation and correspondence between IMPRESS and the PRP, should be available for public scrutiny,

consistent with standards under the Freedom of Information Act. This would assist the public to have a clear and transparent view of the application process.

At the very least, we would suggest that a list of any materials that have not been provided to the public is disclosed and the reason(s) for withholding it are set out.

2. Promoting Article 10 ECHR

The PRP could engage more proactively with third sector organisations that specialise in freedom of expression. Given that the PRP exists to promote a free press, we think there could be a more meaningful engagement of civil society organisations who deal with free speech issues domestically and internationally. This is currently pertinent because the Human Rights Act is under review with a proposed British Bill of Rights.

Whilst the PRP website and social media channels exhibit clear lines of communication, we submit that there could be even more outreach undertaken to ensure that civil society organisations, who in many cases work towards the same ends as the PRP, are included in its work. This could entail more face-to-face seminars and workshops on the PRP process and more material on how it will strive for consistency with international free speech norms.

We believe the public interest would be better served by a PRP that proactively and diligently communicates with civil society organisations on relevant issues of freedom of expression as and when they arise. These initiatives should be above and beyond the current consultation exercises that are undertaken. At a minimum, a number of seminars on freedom of expression should be planned in the coming months to ensure that the PRP is proactive in its duty as to promote Article 10 of the ECHR.

3. Consultation principles

Consultations should last for a proportionate amount of time - judge the length of the consultation on the basis of legal advice and taking into account the nature and impact of the proposal. Consulting for too long will unnecessarily delay policy development. Consulting too quickly will not give enough time for consideration and will reduce the quality of responses.

The government's consultation principles (2016) outline that such processes should last for a period that is proportionate to the nature and impact of the proposal and should take account of groups being consulted. During IMPRESS's application, we have noted the following timeline of announcements:

10 September 2015	PRP opens for applications
21 January 2016	IMPRESS makes application to PRP
5 February 2016	First call for information opened
4 March 2016	First call for information closed
17 March 2016	IMPRESS granted extension of 15 working days to review/amend
21 April 2016	IMPRESS granted an extension of a further 5 working days

4 May 2016 Second call for information opened
2 June 2016 Second call for information closed

Should further extensions to deadlines for IMPRESS's application be granted, there is a risk that the public interest would be undermined by a perception that the applicant is being given favourable treatment. The context and criteria for deadline extensions to date is unclear but we contend that where an applicant has failed to supply information to demonstrate compliance with Royal Charter criteria, this should go towards the consideration of the merits of the application.

We believe that, due to the complexity of the issues raised, a minimum of 30 working days, in line with normal Parliamentary practice, should be given for third parties to submit into the consultation process, with a similar amount of time given for an applicant to respond to these submissions.

We would also recommend that the PRP actively engage civil society organisations to work with them to engage more fully in the recognition process.

4. HTML documentation

We would recommend publishing all disclosed information on the PRP website in HTML (HyperText Markup Language). This is because HTML is a simple, universal online language that allows web publishers and users to interpret documents, regardless of the kind of computer or browser being used. PDF can also be inappropriate for users of screen reading software.

Publishing in HTML would allow users of the PRP website to copy text and search for information contained in documents in a much more user-friendly way. This practice would also demonstrate compliance with the best standard of government Open Data in the public sector.

We trust that these observations will help the PRP in its aim to ensure freedom of the press whilst also protecting the interests of the public.

Please do contact us if we can be of further assistance.

Yours sincerely,

Mike Harris
CEO, 89up

Sashy Nathan
Director of Advocacy, 89up

Consultants to the Free Speech Network & authors of *Leveson's Illiberal Legacy*