

Briefing by the Press Recognition Panel - October 2017

Data Protection Bill

Background to the Press Recognition Panel

The Leveson Inquiry (2011-12) examined press behaviour following the public outcry over illegal phone-hacking and after it emerged that there had been many victims of press intrusion.

A key recommendation of the report was the creation of a **'genuinely independent and effective system of self-regulation'**. The new system was debated in Parliament and it received cross-party agreement. It involved creating the Press Recognition Panel (PRP) by Royal Charter in October 2013, as an **independent body** to oversee press regulators.

The Charter lists 29 criteria for regulators which, if met, ensure they are independent, properly funded and able to protect the public. Some of the criteria relate to the **Standards Code** adopted by the regulator. The PRP's role is to assess regulators against all 29 criteria.

In October 2016, the PRP recognised IMPRESS as an **approved regulator**, after it applied to the PRP and was rigorously assessed against the Charter criteria. In October 2017, a Judicial Review confirmed that this decision was made independently, transparently and lawfully, and that the PRP had interpreted and applied the Charter correctly.

Concern about the exemptions in the Data Protection Bill

The draft Bill lists exemptions to the protection of personal data for special purposes that include journalism. Part 5, paragraph 24 states the codes of practice and guidelines the controller must have regard to in determining whether it is reasonable to believe that publication would be in the public interest and would therefore be entitled to exemptions. The codes of practice and guidelines currently included in the Bill are—

- (a) BBC Editorial Guidelines;
- (b) Ofcom Broadcasting Code;
- (c) IPSO Editors' Code of Practice

It is the PRP's contention that **'Any standards code adopted by an approved regulator, as defined by the Crime and Courts Act 2013'** should be added to the list. This wording should be used, rather than name a specific approved regulator. This is to cover a situation in which other regulators are recognised by the PRP or in which IMPRESS ceases to be recognised.

The omission undermines the will of Parliament, and means that the very system agreed by Parliament to oversee press regulation is disregarded.

Approved regulators have been assessed by the independent PRP as having standards codes that are compliant with the Charter and that protect the freedom of the press and the public interest.

Other information

The new system of press regulation that was agreed by Parliament is designed to include the full range of print and online publishers, as defined by Section 41 of the Crime and Courts Act ('Relevant Publishers').

The basis on which Parliament would choose to include the IPSO Editors' Code of Practice as a separate category on this list above is unclear to the PRP. Moreover, it is the PRP's understanding that the Regulatory Funding Company, not IPSO, owns the copyright in the Editors' Code of Practice.

Contact details

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