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By email to: consultation@pressrecognitionpanel.org.uk

Dear Press Recognition Panel,

I am a member of the public, a former lawyer, a supporter of the Royal Charter and have an interest in ensuring that the Leveson Report is actually implemented. I have considered the consultation and read Hacked Off's submission to the PRP consultation, and I support Hacked Off's submission, prepared with the input of victims of press abuse.

I would like to point out that press regulation without the power to obtain disclosure of relevant material or information that may prove crucial in establishing a complaint and without the power to impose a range of appropriate sanctions is not regulation at all.

After years of purported self-regulation have denied victims of press abuse any sort of real redress, (unless one is rich and can sue a newspaper which most people cannot), it is time for effective regulation.

What the public want, need and have a right to, is effective regulation that is speedy, accountable, transparent and just.

Therefore, in response to the Consultation I would like to draw your attention to my views on how the PRP should apply the Charter criteria in respect of the following:

Investigations and sanctions

Criterion 18 is:

*The Board, being an independent self-regulatory body, should have authority to examine issues on its own initiative and have **sufficient** powers to carry out investigations both into suspected serious or systemic breaches of the code and failures to comply with directions of the Board.*

*The investigations process must be **simple and credible** and those who subscribe must be required to cooperate with any such investigation.*

I believe that:

1. The following Guidance should be provided:

The first indicator currently says this:

The Regulator has a reasonable approach to deciding what are serious or systematic breaches of the code.

It should say:

The PRP will need to assess sufficiency of powers, and in doing so will assess whether the Regulator has sufficient powers to carry out an effective investigation into both serious or systemic breaches of the code and failures to comply with the directions of the Board (including the means of establishing whether the grounds for an investigation exist when reasonably suspected).

-The PRP will need to assess whether the investigations process is “simple and credible” and that those who subscribe are required to cooperate with any such investigation.

2. The following should be stated clearly:

For the powers to be sufficient and the process credible, the co-operation required must include the disclosure of otherwise confidential relevant information subject to a non-disclosure/non-publication undertaking by the regulator. [Note that Previous non-recognised self-regulators have found themselves in a position where those they regulate are under no obligation to disclose any documents or records they deem to be non-disclosable for example on the basis of it being “confidential”.]

Please note that such a stipulation is not new: for example, in other areas of proceedings such as discrimination law proceedings, the excuse of confidentiality or data protection, cannot prevent the disclosure of information. That is because it is considered that the purpose of ending unlawful discrimination is more important than allowing organisations or employers from using arguments about confidentiality and data protection to prevent them from disclosing relevant material.

Criterion 19 is:

*The Board should have the power to impose **appropriate and proportionate** sanctions (including but not limited to financial sanctions up to 1% of turnover attributable to the publication concerned with a maximum of £1,000,000) on any subscriber found to be responsible for serious or systemic breaches of the standards code or governance requirements of the body.*

*The Board should have **sufficient** powers to require appropriate information from subscribers in order to ascertain the turnover that is attributable to a publication irrespective of any particular accounting arrangements of the publication or subscriber. The sanctions that should be available should include power to require publication of corrections, if the breaches relate to accuracy, or apologies if the breaches relate to other provisions of the code.*

I believe that:

1. The following guidance should be provided: The first indicator currently says:

The Regulator's approach to imposing sanctions is a reasonable one.

It should say:

The PRP will need to assess whether

the Regulator's approach to imposing sanctions is a reasonable one in relation to whether it is "appropriate and proportionate".

And must ensure that

the Board has sufficient powers to require appropriate information from subscribers in order to ascertain the turnover that is attributable to a publication irrespective of any particular accounting arrangements of the publication or subscriber.

2. The following should be added for the avoidance of doubt:

-The sanctions available are not restricted to fines, corrections and apologies as set out in the criteria, but may include anything that is considered appropriate and just, including, for example, the power to require the publication of the outcome of an investigation.

Yours sincerely,

Natasha Sivanandan, Ms