



## PRESS RECOGNITION PANEL BOARD MEETING

37<sup>th</sup> meeting of the Press Recognition Panel  
09:00, Friday 6 July 2018  
Mappin House, 4 Winsley Street, London W1W 8HF

### AGENDA

			Indicative timings
	<b><u>Public session</u></b>		
1.	<b>Welcome</b>	Chair	09:00
2.	<b>Apologies for absence</b>	Chair	09:00
3.	<b>Declarations of interest</b>	Chair	09:00
4.	<b>Minutes of the meeting held on 24 April 18, outstanding actions and matters arising</b> <i>For noting</i>	Chair	09:00 – 09:05
5.	<b>Chief Executive’s report – June 2018</b> Paper PRP67(18) <i>For noting</i>	SU	09:05 – 09:15
6.	<b>Finance report – May 2018</b> Paper PRP68(18) <i>For noting</i>	SU	09:15 – 09:20
7.	<b>Governance procedures</b> Paper PRP69(18) <i>For decision</i>	SU	09:20 – 09:25
8.	<b>Re-appointment of the ARC Independent Member</b> Paper PRP70(18) For decision	HR	09:25 – 09:30
9.	<b>Any other business and close of public session</b> <i>Including comments from the floor</i>	Chair	09.30 – 09:35

**Confidential session**

- |            |   |       |               |
|------------|---|-------|---------------|
| <b>10.</b> | <b>Minutes of the meeting held on 24 April 18,<br/>outstanding actions and matters arising</b><br><i>For noting</i> | Chair | 09:35 – 09:40 |
| <b>11.</b> | <b>Initial approach to recognition<br/>reporting in 2018</b><br>Paper PRP71(18)<br><i>For discussion</i>            | SU/PN | 09:40 – 10.00 |
| <b>12.</b> | <b>ARC verbal update</b><br><i>For noting</i>   | HR    | 10:00 – 10:05 |
| <b>13.</b> | <b>Draft annual report and accounts 17/18</b><br>Paper PRP72(18)<br><i>For decision</i>                             | SU    | 10:05 – 10:30 |
| <b>14.</b> | <b>Any other business and close of Board meeting</b>  | Chair | 10:30 – 10:35 |

Date and time of next meeting: 28 August 2018, at Mappin House, 4 Winsley Street, London W1W 8HF, starting at 09:00.

**PRESS RECOGNITION PANEL**  
**Minutes of the 36<sup>th</sup> meeting of the Press Recognition Panel Board**  
**held on 24 April 2018 at Mappin House, 4 Winsley Street, London W1W 8HF**

**Present:** David Wolfe QC (Chair), Harry Cayton, Carolyn Regan, Emma Gilpin Jacobs and Harry Rich

**In attendance:** Susie Uppal (Chief Executive), Paul Nezandonyi, Adam Gibbs and Saima Ansari

**BOARD MEETING – PUBLIC SESSION**

**Welcome**

1. The Chair **welcomed** Members and attendees to the thirty sixth meeting of the Press Recognition Panel Board.

**Declaration of members' interests**

3. Harry Cayton will be stepping down as Chief Executive of the Professional Standards Authority in September 2018 and has agreed to lead a statutory review of health professional regulation for the government of British Columbia, Canada.
4. Harry Rich has recently been appointed to the Board of Governors of the Glasgow School of Art.

**Minutes of the meeting held on 27 February 2018, outstanding actions and matters arising**

5. The minutes of the meeting held on 27 February 2018 were **noted** as factually correct subject to minor administrative correction.

**Chief Executive's report – April 2018 – Paper PRP59(18)**

6. The Board received a Paper which provided an update on Executive activity since the March CEO report. The Board **noted** the interim March CEO

report and supporting Annexes.

7. The CEO explained that the interviews for the role of the Nominations Committee Independent member were due to take place later that morning and afternoon.
8. The CEO recapped on the stakeholder engagement to date. The meeting with the BBC media Editor, Amol Rajan, was postponed and will be rearranged in the future.
9. The CEO provided a summary on corporate services. The Board were informed that DeHavilland provide parliamentary updates and alerts concerning press related matters raised in both Houses. The CEO also explained that the HR services provided by Peninsula Business Services Ltd will not be renewed at expiry in March 2019 as the need for regular HR advice had diminished.
10. The CEO explained that further subscriptions had been made to the PRP database and two reminders would be issued in the coming weeks.
11. It was observed that the income from the Judicial Review (in respect of claiming fees and disbursements) had not been hastened as the Court of Appeal's decision was still outstanding. Recognition of income will be considered in the financial statements of the annual report.
12. **Post meeting note:** Permission to appeal has been granted by the Rt. Hon. Lord Justice Underhill in a Court Order dated 12 April 18. The Judge stated: 'I do not find either ground of appeal very compelling, but I do not feel able to decide on a summary basis that they have no realistic prospect of success. Any doubt about permission should in any event be resolved in the Appellant's favour in view of the important public interests potentially involved.'
13. The Board **noted** with thanks the contents of the Chief Executive's report.

#### **Finance report – March 2018 – Paper PRP60(18)**

14. The Board **noted** the latest financial position as at 31 March 2018 and reviewed the Management Accounts.

#### **Annual governance procedures and policies review – Paper PRP61(18)**

15. The Board discussed the role and responsibilities of the Senior Independent Board member. It was **agreed** that the responsibilities should be focussed on managing the appraisal of the Chair's performance annually rather than

as a point of contact for complaints in respect of whistleblowing for example. The Board nominated Harry Cayton to undertake the role and this was endorsed by the Chair.

16. **Post meeting note:** The updated terms of reference will be provided to the Board for agreement at its next meeting on 6 July 2018.
17. The Board discussed and **agreed** the ARC's recommendation for the Independent member of the ARC to be detailed as a point of contact in relation to reporting concerns under the anti-bribery, money laundering, fraud and theft policy and whistleblowing policy for Board and staff members.
18. The Board **agreed** the recommended amendments to the policies and procedures provided at Annexes A to H subject to minor amendments.
19. The Board **agreed** that the Independent members for both the ARC and Nominations Committee should have terms and conditions based on those of the Board members. These will be provided to the Board for agreement at its next meeting on 6 July 2018.

#### **Any other business and close of public session**

20. None raised.

### **BOARD MEETING – CONFIDENTIAL SESSION**

#### **Minutes of the meeting held on 27 February 2018, outstanding actions and matters arising**

21. The confidential section of the draft Minutes was recorded as factually correct.

#### **Approach to publishing notes of stakeholder meetings – Paper PRP62(18)**

22. The Board discussed its approach to publishing notes of meetings and correspondence with stakeholders. Since its establishment, the PRP has remained committed to proactively demonstrating that it is an open and transparent organisation. This is shown in our engagement with stakeholders and in the way we publish our Board papers, Minutes and decisions. The Board are cognisant of their role as members in public office and reiterated their commitment to openness and transparency in all aspects of their work.

23. The Board observed that in the past, the Executive staff have produced and published detailed notes of meetings with stakeholders. These notes have often required a member of the Executive team to accompany the Chair and/or Chief Executive to a meeting. In view of the reduced Executive team, the level of administrative support available for stakeholder meetings needs to be critically reviewed.
24. The Board **agreed** that, unless the meeting takes place in the context of our Whistleblowing policy, the fact of a meeting taking place will be published on our website with a brief overview of the topics discussed. The CEO will continue to provide details of stakeholder meetings that have taken place in the monthly CEO report.

#### **ARC verbal update**

25. The Chair of the ARC provided a summary of the recent Committee meeting that took place on 27 March 2018. redacted
26. **Post meeting note:** The agreed ARC Minutes and the effectiveness checklist were emailed to the Board on 26 April 2018.

#### **Quarterly risk register review – Paper PRP63(18)**

27. The Board considered the register and **noted** the updates. No additional comments were recorded.

#### **Board evaluation and action plan – Paper PRP64(18)**

28. The Board analysed the responses and evaluation feedback. redacted
- 29 redacted  
to  
35
36. The Board discussed and **agreed** the action plan as updated. A summary of the actions and the responses will be published in the Annual report and accounts for the year ended 31 March 2018.

#### **Any other business and close of confidential session**

- 37 redacted  
to  
41

**Date and time of next meeting**

42. The next scheduled meeting of the Board will take place at 09:00 on 6 July 2018 at Mappin House, 4 Winsley Street, London W1W 8HF.

Drafted: Saima Ansari  
Executive Administration Manager

Signed: David Wolfe QC  
Chair



## PRESS RECOGNITION PANEL BOARD

### CHIEF EXECUTIVE'S REPORT – JUNE 2018

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**Meeting:** 6 July 2018

**Status:** for noting

**Lead responsibility:** Susie Uppal,  
Chief Executive

**Contact details:** 020 3443 7072

#### **Purpose**

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1. The purpose of this paper is to provide an update to the Board on Executive activity since the May 2018 CEO report that was circulated by email (attached at Annex B).
2. The Board is invited to **note** the contents of the Chief Executive's report.

#### **Executive summary**

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3. The Board is being updated in respect of organisational and financial matters.

#### **Delivery updates**

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#### Judicial Review Judgment

4. The NMA were granted permission to appeal to the Court of Appeal and the case is listed for hearing on 17 January 2019.

#### IMPRESS

5. Periodically, the Executive meet with IMPRESS to maintain an awareness to ensure that the Regulator continues to meet the recognition criteria. As part of this process, we will be providing guidance to IMPRESS on the upcoming cyclical review due to take place in November 2018.
6. IMPRESS has embarked on a consultation with their member publishers concerning two changes to their arbitration scheme. We will assess any changes to the IMPRESS arbitration scheme against our ad hoc procedures in due course.

## Policies and procedure

7. We have updated the organisational and external policies on our website following the Board's recent review of them in February and April 2018.

## Research update

8. Annex A includes an update on key external matters relevant to our work.

## Implications

9. The implications of decisions taken by the Board as set out in this paper are as follows:
  - Budget –There are no specific implications in addition to the issues referenced.
  - Legislation – no specific implications.
  - Resources – any resourcing considerations are referenced and there are no specific implications other than these.
  - Equality, Diversity and Inclusion – no specific implications.

## **Devolved nations**

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10. There are no implications/differences in relation to the areas of work covered in this paper and the devolved nations.

## **Communications**

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11. There are no other issues to report which have communications implications, so far as I am aware.

## **Risks**

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12. There are a range of risks involved in the areas of work covered in this Paper.

## **Recommendations**

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13. The Board is asked to **note** the contents of the Chief Executive's report.

## **Attachment**

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## **Annex A – External Matters Update**

## **Update on key external matters**

1. The update on key external matters is a research-informed piece based on a sample of information available in the public domain.

## **Commercial Landscape**

1. The latest Reuters Digital News Report shows that only 7 per cent of people in the UK have paid for online news in the past year. This compares to 16 per cent in the US and a 22 per cent average in the Nordic countries. The report also shows that fewer people are using Facebook to discover and discuss news, as messaging apps such as WhatsApp gain in popularity.
2. Press Gazette reported that the Google Digital News Innovation fund has helped 59 digital journalism projects in the UK over three years, including fact-checking websites and local news databases, and has so far given €94m to projects across Europe.
3. The Secretary of State of Digital, Culture, Media and Sport has called on technology platforms to do more on online safety, arguing that they have a moral responsibility to build an internet which protects the next generation. Mr Hancock said: "Imagine if we said, 'these oil companies are global so we can't regulate them'. It would be ridiculous."
4. Matt Hancock has cleared Reach's takeover of Express Newspapers, meaning there will be no further public interest or competition probes into the merger. He has decided not to refer the merger for a phase two investigation, which would have seen the Competition and Markets Authority gather more evidence. Trinity Mirror rebranded as Reach following the £127m deal to buy the Daily Express, Daily Star, Sunday Express and Daily Star Sunday newspapers struck earlier this year. Reach also owns and publishes the Daily Mirror, Sunday Mirror and Sunday People. It also owns more than 110 local and regional titles.
5. The Royal College of Psychiatrists is calling for social media companies to be regulated to stop them damaging young people's mental health. They have stated that self-regulation by the industry is not working and children are being exposed to harmful online environments. They have called for legislation to tackle the issue.

## **Political**

6. On 12 June 2018, Jim Cunningham MP (Labour, Coventry South) asked the Secretary of State for Digital, Culture, Media and Sport, what information his Department holds on the number of local newspapers which have closed down in each year since 2010. Margot James (Minister for Digital) responded in 15 June 2018: However, as set out in the manifesto, the government is committed to ensuring there are sustainable business models for high quality news media, including at local and regional levels. The government has established the Cairncross Review to address this important issue and as part of its work, the

review will draw on available data to examine the current state of the press market at local, regional and national levels.

### **Campaign groups**

7. Hacked Off is continuing to campaign for support for its plan to take the Government to court following the formal cancellation of Leveson Part Two in March. The campaign group argues that the decision was unlawful. The Administrative Court granted permission for a Judicial Review in October.



## PRESS RECOGNITION PANEL BOARD

### CHIEF EXECUTIVE'S REPORT – MAY 2018

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**Meeting:** by email

**Status:** for noting

**Lead responsibility:** Susie Uppal,  
Chief Executive

**Contact details:** 020 3443 7072

#### **Purpose**

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1. The purpose of this paper is to provide an update to the Board on Executive activity since the April 2018 CEO report.
2. The Board is invited to **note** the contents of the Chief Executive's report.

#### **Executive summary**

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3. The Board is being updated in respect of organisational and financial matters.

#### **Delivery updates**

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#### Nominations Committee

4. The Nominations Interview Panel (Susie Uppal, Emma Gilpin Jacobs and Carolyn Regan) interviewed 4 candidates on 24 April 2018 and the successful candidate, Cindy Butts, has accepted the role.

#### Judicial Review Judgment

5. The NMA were granted permission to appeal to the Court of Appeal and the case is listed for hearing on 17 January 2019. The PRP intends to, again, robustly defend its decision.

## Stakeholder engagement

6. The Chair and I met with Sir Vince Cable MP on 1 May 2018. During the meeting we were joined by Lord McNally. A note of the meeting will be provided once agreed.
7. On 4 May 2018, Tom Watson MP wrote to the Chair regarding the Data Protection Bill and issues related to the work of the PRP. The Chair replied to Mr Watson on the same day. The correspondence is attached at Annex A.
8. On 24 May 2018, the Chair wrote to Fiona Onasanya MP to clarify how Parliament intended section 40 of the Crime and Courts Act to operate, in response to an article that she wrote in Peterborough Telegraph. The letter is attached at Annex B.
9. Applying to be assessed by the PRP is voluntary and IPSO has chosen not to apply. However, we have been asked by stakeholders to provide an indication of how far the complaints body may or may not be compliant with the Royal Charter criteria. A lot of the information needed to assess key matters does not appear to be in the public domain; however, in response to requests, the Executive have produced a document that comments on some of the issues we have been able to find information on. The information was provided to Sir Vince Cable MP, Lord Lipsey, Lord McNally, Tom Watson MP, Bill Wiggin MP and is available at Annex C.

## Data protection legislation (GDPR)

10. Ahead of new data protection laws coming into effect on 25 May 2018, we wrote to the stakeholders asking them to confirm that they wished to receive occasional updates from us. Anyone who did not proactively confirm that they wished to subscribe to our mailing list has been removed from our mailing list.
11. Anyone wishing to subscribe to our mailing list can do so online - <http://eepurl.com/dqskDD>. We have promoted this on Twitter.

## Data Protection Act

12. The Data Protection Bill received Royal Assent on 23 May 2018.
13. Clauses that would have extended section 40 of the Crime and Courts Act 2013 to data protection offences were not included in the Act.
14. A cross party amendment to give the Standards Code of an approved press regulator the same status as the other journalism codes recognised in the then Bill (The BBC and Ofcom Codes, and the Editors' Code of Practice) was not put to a vote in the Commons. The Secretary of State may by regulations amend the list.
15. Following debates on clauses that would commit the Government to an inquiry under the Inquiries Act 2005 into 'issues arising from data protection breaches committed by or on behalf of news publishers', Parliament agreed that the

Information Commissioner must review the processing of personal data for the purposes of journalism every four years, and that the Secretary of State (or an appropriate person) must produce a report on the effectiveness of the media's dispute resolution procedures (in relation to data protection cases) every three years. The Commissioner must also produce a data protection and journalism code and produce guidance for the public on how to seek redress against a media organisation that it considers to be failing to comply with data protection legislation.

### Privacy Statement

16. We have implemented the Privacy Statement that the Board agreed at its meeting in April 2018. The statement is available on our website and it was sent to subscribers on our new email mailing list on 18 May 2018, ahead of the GDPR coming into effect. We shared the statement on Twitter and it is now also made available to subscribers before they opt in to receive our email updates.

### Business Plan

17. The business plan and budget is now available on our website and has been provided to the Lord Chancellor and copied to the Treasury for information.

### Corporate Services

18. From 1 June 2018, the Executive moved into a smaller office within Mappin House for a 6 month period at a monthly rate of £2,620.10 (ex VAT). This represents a further saving of £,212.90 plus VAT per month as against our previous office.

### Finance

19. The bank-reconciled set of management accounts as at 30 April 2018 is attached at Annex D. The deficit for the period to date is £11,024 against the year to date budget of £13,011, representing a positive variance of £1,987. Details and an explanation of why key variances have arisen are detailed against the relevant lines.
20. As previously reported, the High Court awarded the PRP its full costs for defending the Judicial Review. Counsel's fees and associated costs (excluding staff time) of £28,349 were incurred as at 30 April 2018. Given the Judicial Review decision is now subject to appeal, the award income will not be provided for in the management accounts until the matter has been concluded and the issue of costs finalised.
21. The Board is invited to **note** the latest position regarding the PRP's finances.

## Research update

22. Annex E includes an update on key external matters relevant to our work.

## Implications

23. The implications of decisions taken by the Board as set out in this paper are as follows:

- Budget – There are no specific implications in addition to the issues referenced.
- Legislation – The Data Protection Act as mentioned in this paper.
- Resources – any resourcing considerations are referenced and there are no specific implications other than these.
- Equality, Diversity and Inclusion – no specific implications.

## **Devolved nations**

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24. There are no implications/differences in relation to the areas of work covered in this paper and the devolved nations.

## **Communications**

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25. There are no other issues to report which have communications implications, so far as I am aware.

## **Risks**

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26. There are a range of risks involved in the areas of work covered in this Paper.

## **Recommendations**

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27. The Board is asked to **note** the contents of the Chief Executive's report.

## **Attachments**

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Annex A – Copy of correspondence exchanged between the Chair and Tom Watson MP

Annex B – Letter from the Chair to Fiona Onasanya MP

Annex C – Information sent to stakeholder following requests for information

Annex D – Management Accounts

Annex E – External Matters Update

Dear Mr Wolfe,

I am writing to give you early notice of an amendment which I have tabled to the Data Protection Bill, which would, if passed, carry significant consequences for the legislative landscape in which the Press Recognition Panel operates.

A copy of this amendment is appended to this letter and can be found on pages 19-20 of this amendment paper published this morning (New Clauses 20 and 21, and Amendment 144): [https://publications.parliament.uk/pa/bills/cbill/2017-2019/0190/amend/data\\_rm\\_rep\\_0503.pdf](https://publications.parliament.uk/pa/bills/cbill/2017-2019/0190/amend/data_rm_rep_0503.pdf).

This amendment would introduce a version of costs-shifting, as the Panel has repeatedly stated is necessary (and upon which the Panel's very existence was initially premised) for data protection claims.

Data protection claims are in the same class of "media claims" as those covered in [section 42 \(4\)](#) of the CCA 2013 by the, as yet uncommenced, section 40 of the CCA 2013. This is confirmed by the fact that even IPSO's arbitration scheme [includes DP claims](#) alongside the other media claims set out in s42 of the CCA.

This amendment would operate identically to section 40 of the Crime and Courts Act 2013, with a number of alterations, notably;

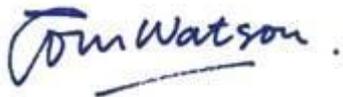
- a. Clarification of the disapplication of the costs-shifting presumption against non-recognised-regulated publications where the claim is trivial or vexatious;
- b. An exemption from the penalty element of the clause for unregulated relevant publishers who are not-for-profit, or whose (and this would exempt 15% of the local/regional newspaper market)
  - i. ownerships' annual turnover is not in excess of £100m, and,
  - ii. who publish predominantly in Scotland, Wales, Northern Ireland or on a local or regional basis.

Commencement would be immediate.

The Labour Party remains committed to the cross-party agreement signed in 2013, and the system of independent regulation of the press which the Panel was established to audit.

I thank you for your work, and hope you will find these amendments meet as best they can, given the scope of the bill before Parliament, the recommendations the Panel has made in previous "State of Recognition" Reports.

Yours sincerely,



Tom Watson MP

**Costs-shifting for data protection claims: text of the amendments (New Clauses 20 & 21, and amendment 144)**

NC20

Insert the following new Clause—

“Publishers of news-related material: damages and costs

(1) This section applies where—

- (a) a relevant claim for breach of the data protection legislation is made against a person (“the defendant”),
- (b) the defendant was a relevant publisher at the material time, and
- (c) the claim is related to the publication of news-related material.

(2) If the defendant was a member of an approved regulator at the time when the claim was commenced (or was unable to be a member at that time for reasons beyond the defendant’s control or it would have been unreasonable in the circumstances for the defendant to have been a member at that time), the court must award costs against the claimant unless satisfied that—

- (a) the issues raised by the claim could not have been resolved by using an arbitration scheme of the approved regulator, or
- (b) it is just and equitable in all the circumstances of the case, including, for the avoidance of doubt,
  - (i) the conduct of the defendant and
  - (ii) whether the defendant pleaded a reasonably arguable defence,to make a different award of costs or make no award of costs.

(3) If the defendant was not an exempt relevant publisher and was not a member of an approved regulator at the time when the claim was commenced (but would have been able to be a member at that time and it would have been reasonable in the circumstances for the defendant to have been a member at that time), the court must award costs against the defendant unless satisfied that—

- (a) the issues raised by the claim could not have been resolved by using an arbitration scheme of the approved regulator (had the defendant been a member), or
- (b) it is just and equitable in all the circumstances of the case, including, for the avoidance of doubt,
  - (i) the conduct of the claimant and
  - (ii) whether the claimant had a reasonably arguable claim,to make a different award of costs or make no award of costs.

(4) This section is not to be read as limiting any power to make rules of court.

(5) This section does not apply until such time as a body is first recognised as an approved regulator.”

## **NC21**

Insert the following new Clause—

“Publishers of news-related material: interpretive provisions

(1) This section applies for the purposes of section (Publishers of news-related material: damages and costs).

(2) “Approved regulator” means a body recognised as a regulator of relevant publishers.

(3) For the purposes of subsection (2), a body is “recognised” as a regulator of relevant publishers if it is so recognised by any body established by Royal Charter (whether established before or after the coming into force of this section) with the purpose of carrying on activities relating to the recognition of independent regulators of relevant publishers.

(4) “Relevant claim” means a civil claim made in respect of data protection under the data protection legislation, brought in England Wales by a claimant domiciled anywhere in the United Kingdom.

(5) The “material time”, in relation to a relevant claim, is the time of the events giving rise to the claim.

(6) “News-related material” means—

- (a) news or information about current affairs,
- (b) opinion about matters relating to the news or current affairs, or
- (c) gossip about celebrities, other public figures or other persons in the news.

(7) A relevant claim is related to the publication of news-related material if the claim results from—

- (a) the publication of news-related material, or
- (b) activities carried on in connection with the publication of such material (whether or not the material is in fact published).

(8) A reference to the “publication” of material is a reference to publication—

- (a) on a website,
- (b) in hard copy, or
- (c) by any other means; and references to a person who “publishes” material are to be read accordingly.

(9) A reference to “conduct” includes a reference to omissions; and a reference to a person’s conduct includes a reference to a person’s conduct after the events giving rise to the claim concerned.

(10) “Relevant publisher” has the same meaning as in section 41 of the Crime and Courts Act 2013

(11) A relevant publisher is exempt if it satisfies Condition A or B.

(12) Condition A is that the publisher has a constitution which-

- (a) requires any surplus income or gains to be reinvested in the publisher, and
- (b) does not allow the distribution of any of its profits or assets (in cash or in kind) to members or third parties.

(13) Condition B is that the publisher-

- (a) publishes predominantly in Scotland, or predominantly in Wales, or predominantly in Northern Ireland or predominantly in specific regions or localities; and
- (b) has had an average annual turnover not exceeding £100 million over the last five complete financial years.

**144**

Clause 205, page 122, line 10, leave out “Section 190 extends” and insert “Sections [*Publishers of news-related material: damages and costs*], [*Publishers of news-related material: interpretive provisions*] and 190 extend”



Press Recognition Panel  
Mappin House  
4 Winsley Street  
London W1W 8HF

Mr Tom Watson MP  
House of Commons  
London  
SW1A 0AA

*Sent by email only*

4 May 2018

Dear Mr Watson,

Thank you for your letter dated 4 May 2018 notifying me of an amendment that you have tabled to the Data Protection Bill. I note that the amendment concerns the work of the Press Recognition Panel (PRP) and is in connection to the recommendations that the PRP has made in our annual recognition reports and in recent stakeholder updates.

If you think that it would be useful for us to discuss matters further, I would be happy to meet. You may be aware that I have met with a number of stakeholders, including parliamentarians, to discuss matters related to the PRP.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Wolfe', is positioned below the text 'Yours sincerely,'.

David Wolfe QC  
Chair of the Press Recognition Panel



Press Recognition Panel  
Mappin House  
4 Winsley Street  
London W1W 8HF

Ms Fiona Onasanya MP  
House of Commons  
London  
SW1A 0AA

*Sent by email*

24 May 2018

Dear Ms Onasanya,

### **Misinformation in your Peterborough Telegraph column**

I am the Chair of the Press Recognition Panel (PRP), the body created by Royal Charter following the Leveson Inquiry into the culture, practices and ethics of the press, in the light of alleged criminal activity including phone hacking.

A key recommendation of the Leveson Inquiry 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.

The PRP is entirely independent of politicians, Parliament, the press or any other such interest. The Royal Charter lists 29 criteria for press regulators which, if met, ensure they are independent, properly funded and able to protect the public. Our role is to assess regulators against all 29 criteria. Publishers that meet the criteria are called approved regulators.

I am writing in response to your column in Peterborough Telegraph, dated 19 May 2018.

Your column states:

'I don't believe it's right that the newspapers should be forced to pay legal costs for both sides if they win their case. This sounds like a formula for spurious claims; if both sides have some responsibility for the costs that should act as a deterrent to frivolous cases.'

I take this to be a reference to section 40 of the Crime and Court Act 2013. I would like to clarify how the legislation is intended to operate, because it is incorrect to

suggest that newspapers would be forced to pay legal costs for both sides if they win a legal case.

As Leveson acknowledged, convincing incentives are required to encourage publishers to join or to form approved regulators. Under the framework agreed by Parliament, a key incentive would be provided by section 40, but it has not yet been commenced by the Government.

If commenced, section 40 would give legal protections to publishers who are members of an approved regulator as well as to the public. This is because anyone wanting to bring legal action against those publishers could raise the issue through arbitration and avoid a far more costly court case. If a claimant pursued the matter through the courts rather than through arbitration, the publisher would be protected from paying any legal costs.

If a regulator chooses not to apply for recognition, there can be no independent verification of its independence, funding or ability to protect the public. Even if the regulator offered an arbitration scheme, it would not have been independently assessed by the PRP including in key respects such as whether it is mandatory and to the processes it offers. This means that the regulator is denying ordinary people access to independently verified, guaranteed affordable justice. In this situation, under section 40, if someone pursued a legal case against a publisher through the courts, the publisher would have to pay its own and the claimant's costs.

The new system of regulation also includes specific protection for local and regional publishers to avoid causing them financial hardship if the problem occurred. The PRP has a specific power to disapply the arbitration requirements for local and regional publishers.

As with the courts though, there is a filter system for arbitration, and claimants would need an arguable case before they could take a claim forward through arbitration. Vexatious or frivolous challenges would be filtered out.

There is currently one approved regulator – IMPRESS. Publishers can choose to establish their own approved regulator, if they do not wish to join IMPRESS. There can be more than one approved regulator.

Section 40 supports investigative journalism and protects publishers that are members of approved regulators, their journalists, and the public. It is the PRP's independent view that section 40 of the Crime and Courts Act 2013 should be commenced. I have attached a copy of our latest annual recognition report which sets out our position.

If there is anything that you would find it useful for me to clarify in relation to our work, please let me know. We regularly seek to clarify information about our role to ensure that the recognition system is understood by stakeholders. We also invite stakeholders to share their views with us, and we would like to extend the same opportunity to you. Decisions made by the PRP are entirely independent, however they are informed by the perspectives of others.

If you would be happy to meet in person, then our teams can liaise to identify a suitable date.

I look forward to hearing from you.

Yours sincerely,

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

David Wolfe QC  
Chair of the Press Recognition Panel

## Response to requests for information

- 1) The PRP Executive have produced this document to enable the Board to respond to requests from stakeholders for more information in relation to suggestions that IPSO meets the requirements of the Royal Charter. It is not a formal assessment, let alone by the PRP Board, not least because as explained below, a lot of the information needed to assess key matters does not appear to be in the public domain.
- 2) It is in any event, key to recall that there are many publishers including many significant print and on-line publications (e.g. FT, Guardian, HuffPost, Bloomberg, BuzzFeed) that do not belong to either IMPRESS or IPSO.
- 3) The Charter lists the 29 requirements that must all be met in order for a press regulator to be recognised as being independent, properly funded, able to protect the public and secure freedom of speech. They operate as a complete package with clear cross-cutting requirements such as for an openly and independently appointed board.
- 4) However, even a cursory consideration of IPSO's present arrangements shows that it does not meet the requirements of the Charter; or that the information is simply not in the public domain which would enable a properly informed view to be reached. What follows are comments on some of those matters.

### *Arbitration*

- 5) On 1 May 2018, IPSO announced 'that it is creating a compulsory version of its low cost arbitration scheme'. We understand that the new scheme will be compulsory only for those of its national newspaper members which opt-in. It is not possible to tell with the detail currently available whether the scheme would meet the Charter requirements even in relation to those publications which opt-in.
- 6) Based on the information available, IPSO's arbitration scheme is not currently Charter compliant.

### *Independence*

- 7) The Charter sets out a number of requirements in relation to the independence of board member appointments, including to openness and fairness. We are unable to find sufficient information to assess this.

### *Funding and financial matters*

- 8) The Charter requires regulators to be open and transparent about their funding. There is insufficient information available for the PRP to make even an informal assessment against this criterion. In relation to IMPRESS, the PRP had access to, and assessed, a considerable amount of detail related its funding and that information was also made publicly available for others to review and provide feedback on.
- 9) The Charter requires a press regulator to establish a ring-fenced enforcement fund, into which receipts from financial sanctions could be paid, for the purpose of funding investigations. According to the information available to us, this criterion is not currently met.

### *Powers*

- 10) The Charter requires a press regulator's standards code to ultimately be the responsibility of, and adopted by, the Board, advised by a Code Committee which may comprise both independent members of the Board and serving editors. Based on the information available to us, this criterion is not currently met.
- 11) The Charter sets out clear requirements for a regulator's complaints procedures. There is not currently enough information available to enable the PRP to assess the effectiveness and credibility of IPSO's systems.
- 12) The Charter requires an approved regulator to have the ability to conduct investigations on its own initiative if there is evidence of serious or systemic breaches of its standards code. This criterion is not currently met. According to published information, IPSO can only initiate investigations if there is evidence of serious and systemic breaches of its standards code. The minimum requirement for public protection is not currently met.

### *Sanctions and remedies*

- 13) The Charter sets out the sanctions and remedies that should be available to available to a regulator. In relation to complaints, a regulator should have the power to direct appropriate remedial action for breach of standards and the publication of corrections and apologies. In addition, the power to direct the nature, extent and placement of apologies should lie with the board.
- 14) Based on the information available to us, these criteria are not currently met. IPSO does not have the power to direct apologies.

# **Press Recognition Panel**

## **MANAGEMENT ACCOUNTS**

1 Month to April 2018

**Press Recognition Panel**  
**Period ended 30 April 2018**

	1 Month to April 2018			Full year to March 2019
	Actual £	Budget £	Variance £	Budget £
<b>Income</b>				
Subscription Fees	18,082	18,082	-	220,000
Bank Interest	154	110	(44)	1,133
<b>Total Income</b>	<b>18,236</b>	<b>18,192</b>	<b>(44)</b>	<b>221,133</b>
<b>Expenditure</b>				
<b>Board costs</b>				
Board Salaries & NIC	5,132	5,131	1	64,572
Board Travel & Subsistence	-	20	(20)	240
<b>Total Board Costs</b>	<b>5,132</b>	<b>5,151</b>	<b>(19)</b>	<b>64,812</b>
<b>Communications</b>				
Consultation Document & Translation	-	-	-	12,200
Website & Visuals	138	140	(2)	2,480
<b>Total Communications Costs</b>	<b>138</b>	<b>140</b>	<b>(2)</b>	<b>14,680</b>
<b>Other costs</b>				
Executive team costs	15,194	17,309	(2,115)	Exec costs not yet incurred 226,083
HR & Recruitment	347	547	(200)	8,884
Office costs	4,601	4,715	(114)	42,021
Meeting rooms	894	400	494	3,200
Travel & Subsistence	-	20	(20)	240
Information Technology	299	248	51	2,976
IT hardware	-	-	-	2,000
Accountancy	1,734	1,686	48	23,882
Audit Fees	-	-	-	12,000
Printing & Stationery	199	215	(16)	3,880
Insurance	163	182	(19)	2,724
Legal	-	-	-	30,000
Subscriptions & publications	549	580	(31)	6,960
Finance charges	10	10	-	120
Sundry expenses	-	-	-	227
	<b>23,990</b>	<b>25,912</b>	<b>(1,922)</b>	<b>365,196</b>
<b>Total Expenditure</b>	<b>29,260</b>	<b>31,203</b>	<b>(1,943)</b>	<b>444,688</b>
<b>(Deficit) for the period</b>	<b>(11,024)</b>	<b>(13,011)</b>	<b>1,987</b>	<b>(223,555)</b>
<b>Reserves Bfwd</b>	<b>860,393</b>	<b>860,393</b>		<b>860,393</b>
<b>Reserves Cfwd</b>	<b>849,369</b>	<b>847,382</b>		<b>636,838</b>

**Press Recognition Panel**  
**Period ended 30 April 2018**

	<u>Apr-18</u>		<u>Mar-18</u>	
	£	£	£	£
<b>Current Assets</b>				
Current account	168,907		87,076	
Barclays account	806,010		805,827	
<b>Cash at bank</b>		974,917		892,903
Prepayments	13,563		12,718	
Outstanding fees	-		110,000	
Accrued Income	155		182	
Third Party Deposit	7,666		7,666	
<b>Sundry debtors</b>		21,384		130,566
<b>Creditors: amounts falling due within one year</b>				
Trade creditors	7,478		5,502	
Deferred income	112,713		130,795	
Credit card	-		64	
Social security and other taxes	6,078		5,632	
Pensions	1,380		1,035	
Sundry creditors and accruals	19,283		20,048	
		146,932		163,076
<b>Net Current Assets</b>		<u>849,369</u>		<u>860,393</u>
<b>Funds brought forward</b>				
Funds bought forward at 31 March		860,393		1,246,359
Surplus/(deficit) for the period		(11,024)		(385,966)
		<u>849,369</u>		<u>860,393</u>

### **Update on key external matters**

1. The update on key external matters is a research-informed piece based on a sample of information available in the public domain.

### **Commercial Landscape**

2. The Culture Secretary Matt Hancock has intervened in Trinity Mirror's takeover of Express Newspapers. He has instructed Ofcom to investigate whether the deal will give sufficient media plurality and free expression of opinion.
3. Press Gazette reported that less than half of UK adults say the news media is doing a good job at getting facts right, the worst rate for trustworthiness in western Europe. The figures come from a report by US-based Pew Research Centre, which asked a total of 16,000 people across the UK, Denmark, France, Germany, Italy, Netherlands, Spain and Sweden about their views on the media and their use of social media to get news.
4. According to the latest comScore audience data, the Sun has overtaken Mail Online to become the UK's biggest online newspaper brand. The figures give the Sun and its extended brands a total digital audience of 30.2m unique UK visitors across April 2018, while Mail Online's was 29.6m people.

### **Political**

5. Parliamentary question: On 28 March 2018, Bill Wiggin MP asked the Secretary of State for Digital, Culture, Media and Sport, when he next plans to meet the Press Recognition Panel. On 20 April, Margot James MP provided a response: "DCMS ministers and officials regularly meet with a range of stakeholders, including the Press Recognition Panel, to discuss a range of issues."
6. Parliamentary question: On 29 March 2018, Earl Attlee asked Her Majesty's Government whether Special Advisers from No. 10 Downing Street or the Department for Digital, Culture, Media and Sport have been briefing that Lords amendments 147 and 148 to the Data Protection Bill provide for state regulation of the press. On 16 April, Lord Keen of Elie provided a response: "As the Secretary of State said at the second reading of the Data Protection Bill on the 5th March, The Government is clear that these amendments would undermine high-quality journalism and our free press and risks causing serious damage to local newspapers, who play such a vital role in our democracy."
7. Parliamentary question: On 8 May 2018, Bill Wiggin MP tabled a question asking the Secretary of State for Digital, Culture, Media and Sport whether he plans to abolish the press recognition panel. On 26 May, Margot James MP provided a response: "The Press Recognition Panel remains an important part of the regulatory framework."

8. Parliamentary question: On Monday 21 May 2018, Bill Wiggin MP tabled a question asking the Secretary of State for Digital, Culture, Media and Sport, what steps his Department is taking to encourage the Independent Press Standards Organisation to apply for approval under the Press Recognition Panel. On 24 May, Margot James MP provided a response: "Seeking approval from the Press Recognition Panel is a decision for independent press regulators. The Government is committed to the system of independent self-regulation for the press."

## **Legal**

9. The BBC reported that model Danielle Lloyd and ex-footballer Dwight Yorke are among the latest group of people to receive damages after settling phone-hacking claims with Mirror Group Newspapers (MGN). They, alongside fellow ex-Manchester United footballer Andrew Cole and actress Jennifer Ellison, were paid an undisclosed amount and legal costs. MGN apologised in each case but none of the claimants attended the hearing.

## **Press regulators and complaints bodies**

10. Approved regulator IMPRESS has announced that it now regulates over 100 publications. In April, eight new titles came under its regulatory remit, bringing the total number of regulated publications to 106. More than 30 additional publishers are going through pre-regulation compliance checks.
11. IMPRESS announced the outcome of its second arbitration case. An arbitrator has made an award of damages of £900 against Evolve Politics.
12. IPSO has announced a second arbitration scheme that seven national newspapers have signed up to.

## **Campaign groups**

13. Consumer campaigner Martin Lewis has issued High Court proceedings against Facebook in a personal capacity, to try and stop fake adverts using his name and picture being posted on the site by scammers.
14. Hacked Off has announced plans to take the Government to court following the formal cancellation of Leveson Part Two in March. The campaign group argues that the decision was unlawful. The Administrative Court granted permission for a Judicial Review in October.



## PRESS RECOGNITION PANEL BOARD

### FINANCE REPORT – MAY 2018

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**Meeting:** 6 July 2018

**Status:** for noting

**Lead responsibility:** Susie Uppal, Chief Executive

**Contact details:** Susie Uppal, Adam Gibbs (JS2)

#### Purpose

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1. The purpose of this paper is to update the Board on the finance and banking position as at 31 May 2018.
2. The Board is invited to **note** the latest financial position.

#### Background and analysis

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3. A bank-reconciled set of management accounts as at 31 May 2018 is attached at Annex A. The deficit for the period to date is £23,454 against the year to date budget of £28,221, representing a positive variance of £4,767. Details and an explanation of why key variances have arisen are detailed against the relevant lines.
4. As previously reported, the High Court Judgement arising from the Judicial review awarded the PRP full costs that were incurred on the case. Counsel's fees and associated costs (excluding staff time) of £30,670 were incurred as at 31 May. Given the JR is now subject to appeal the award income has not yet been provided for in the management accounts.
5. The Board is invited to **note** the latest position regarding the PRP's finances.

#### Devolved Nations

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6. There are no specific implications/differences in relation to the areas of work covered in this paper and the devolved nations.

## **Communications**

7. There are no specific communications implications to draw out.

## **Risks**

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8. A robust and defensible position in relation to the PRP's finances is required in order to avoid reputational damage and to ensure compliance with *Managing Public Money*.

## **Recommendations**

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9. The Board is asked to **note** the latest financial position.

## **Timeline for future work**

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10. JS2 Ltd will continue to provide updates on the PRP's financial position at meetings of the Board.

## **Attachment**

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**Annex A – Management accounts as at 31 May 2018**

# **Press Recognition Panel**

## **MANAGEMENT ACCOUNTS**

2 Months to May 2018

**Press Recognition Panel**  
**Period ended 31 May 2018**

	2 Months to May 2018			Full year to March 2019
	Actual £	Budget £	Variance £	Budget £
<b>Income</b>				
Subscription Fees	36,768	36,767	1	220,000
Bank Interest	309	218	(91)	1,133
<b>Total Income</b>	<b>37,077</b>	<b>36,985</b>	<b>(90)</b>	<b>221,133</b>
<b>Expenditure</b>				
<b>Board costs</b>				
Board Salaries & NIC	10,288	10,262	26	64,572
Board Travel & Subsistence	-	40	(40)	240
<b>Total Board Costs</b>	<b>10,288</b>	<b>10,302</b>	<b>(14)</b>	<b>64,812</b>
<b>Communications</b>				
Consultation Document & Translation	-	-	-	12,200
Website & Visuals	281	280	1	2,480
<b>Total Communications Costs</b>	<b>281</b>	<b>280</b>	<b>1</b>	<b>14,680</b>
<b>Other costs</b>				
Executive team costs	30,299	34,618	(4,319)	226,083
HR & Recruitment	693	3,094	(2,401)	8,884
				Budgeted spend on recruitment not yet needed
Office costs	9,502	9,430	72	42,021
Meeting rooms	1,341	600	741	3,200
Travel & Subsistence	85	40	45	240
Information Technology	585	496	89	2,976
IT hardware	-	1,000	(1,000)	2,000
Accountancy	3,418	3,372	46	23,882
Audit Fees	-	-	-	12,000
Printing & Stationery	269	430	(161)	3,880
Insurance	331	364	(33)	2,724
Legal	2,322	-	2,322	30,000
				These are costs relating to the defence of the Judicial Review. The budget includes a £30,000 legal provision in January 2019
Subscriptions & publications	1,098	1,160	(62)	6,960
Finance charges	19	20	(1)	120
Sundry expenses	-	-	-	227
	<b>49,962</b>	<b>54,624</b>	<b>(4,662)</b>	<b>365,196</b>
<b>Total Expenditure</b>	<b>60,531</b>	<b>65,206</b>	<b>(4,675)</b>	<b>444,688</b>
<b>(Deficit) for the period</b>	<b>(23,454)</b>	<b>(28,221)</b>	<b>4,767</b>	<b>(223,555)</b>
<b>Reserves Bfwd</b>	<b>860,393</b>	<b>860,393</b>		<b>860,393</b>
<b>Reserves Cfwd</b>	<b>836,939</b>	<b>832,172</b>		<b>636,838</b>

**Press Recognition Panel**  
**Period ended 31 May 2018**

	<u>May-18</u>		<u>Mar-18</u>	
	£	£	£	£
<b>Current Assets</b>				
Current account	139,034		87,076	
Barclays account	<u>806,165</u>		<u>805,827</u>	
<b>Cash at bank</b>		945,199		892,903
Prepayments	8,011		12,718	
Outstanding fees	-		110,000	
Accrued Income	155		182	
Third Party Deposit	<u>7,666</u>		<u>7,666</u>	
<b>Sundry debtors</b>		15,832		130,566
<b>Creditors: amounts falling due within one year</b>				
Trade creditors	168		5,502	
Deferred income	94,027		130,795	
Credit card	-		64	
Social security and other taxes	5,278		5,632	
Pensions	1,380		1,035	
Sundry creditors and accruals	<u>23,239</u>		<u>20,048</u>	
		124,092		163,076
<b>Net Current Assets</b>		<u>836,939</u>		<u>860,393</u>
<b>Funds brought forward</b>				
Funds bought forward at 31 March		860,393		1,246,359
Surplus/(deficit) for the period		(23,454)		(385,966)
		<u>836,939</u>		<u>860,393</u>



## PRESS RECOGNITION PANEL BOARD

### GOVERNANCE PROCEDURES

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**Meeting:** 6 July 2018

**Status:** for decision

**Lead responsibility:** David Wolfe,  
Chair and Susie Uppal,  
Chief Executive

**Contact details:** Saima Ansari

#### Purpose

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1. The purpose of this paper is to provide the Board with new terms and conditions for the Independent members of the Board's Committees for consideration. The Board are also invited to approve the updated responsibilities of the Senior Independent Board member.

#### Background

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2. As part of the annual review of the governance policies and procedures, the Board agreed at its meeting on 24 April 2018 that the Independent members of its Committees should have terms and conditions of service. These would be largely based on the Board's own terms and conditions (attached at Annex A for information) and proportionate with the roles. Annex B provides a draft for further consideration.
3. The Board will be aware that the Charter places certain restriction on political activity of Board members and lists barred activities including:
  - seeking selection as a candidate for, or being a candidate for, one of the bodies mentioned in the paragraph above, as per the Royal Charter; Membership – or seeking selection as a candidate or prospective candidate – of local authorities (with the exception of parish councils);
  - seeking adoption or selection as a candidate or prospective candidate for election as a Police and Crime Commissioner; and holding any office, performing any role or undertaking any activity within or in relation to a political party which allows or requires the person to speak on behalf of that party or a candidate standing on its behalf in an election or which involves them doing so.

4. The Board may wish to discuss these restrictions further in the context of the roles of the Independent members to determine whether this should be included in the new terms and conditions. At present, we are recommending that the Members do not engage in active politics and should act in a way which maintains political impartiality to the best of their abilities.
5. The Board also discussed the role and responsibilities of the Senior Independent Board member, to be undertaken by Harry Cayton, at its meeting on 24 April 2018. It was agreed that the responsibilities should be focussed on managing the annual appraisal of the Chair's performance rather than as a point of contact for complaints in respect of whistleblowing for example. Annex C provides updated responsibilities for further consideration.
6. The Information Commissioner has yet to provide updated guidance on the Data Protection Act 2018. The Board's policies on data protection and data retention will be reviewed in line with the guidance in due course and brought to the Board for consideration.

### **Devolved Nations**

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7. There are no implications/ differences in relation to the areas of work covered in this paper and the devolved nations.

### **Communications**

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8. The governance procedures will be published on the PRP's website.

### **Risks**

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9. There are significant reputational and organisational risks if the PRP does not adopt adequate governance procedures and policies and maintain and review these on a regular basis.

### **Recommendations**

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13. The Board is invited to discuss and agree the new terms and conditions of service for the Independent members of its Committees and the updated role and responsibilities of the Senior Independent Board Member.

## Terms and Conditions of Service for Board Members

### Basis for appointment

1. This document sets out the terms and conditions under which your appointment has been made as a Member of the Board of the Recognition Panel established under the Royal Charter on Self-Regulation of the Press. Under the terms of the Charter you are appointed for an initial term of five years and you are eligible for reappointment for a further period of up to three years. The responsibilities and duties of your office and of the Press Recognition Panel (PRP) are set out in the Charter.

### Excluded and restricted activities

2. The Royal Charter places certain restrictions on political activity of Board Members and staff. In relation to Board Members, Schedule 1, 3.3 of the Royal Charter states:  
*'In order to ensure the independence of the Board, a person shall be ineligible to be appointed, or to remain as a Member of a Board if he...is a member of the House of Commons, the Scottish Parliament, the Northern Ireland Assembly, the National Assembly for Wales, the European Parliament or the House of Lords (but only if, in the case of the House of Lords, the member holds or has held within the previous 5 years an official affiliation with a political party).'*
3. It would be inappropriate given the PRP's status as wholly independent of government for any Board Member to engage in active politics. The list of barred activities includes:
  - seeking selection as a candidate for, or being a candidate for, one of the bodies mentioned in the paragraph above, as per the Royal Charter; Membership – or seeking selection as a candidate or prospective candidate – of local authorities (with the exception of parish councils);
  - seeking adoption or selection as a candidate or prospective candidate for election as a Police and Crime Commissioner; and holding any office, performing any role or undertaking any activity within or in relation to a political party which allows or requires the person to speak on behalf of that party or a candidate standing on its behalf in an election or which involves them doing so.
4. You must:
  - to the best of your ability act in a way which maintains political impartiality and is in line with the maintaining the absolute independence of the PRP, no matter what your own political beliefs are;
  - act in a way which deserves and retains the confidence of everyone with an interest in the PRP's work; and
  - comply with any restrictions that have been laid down on your political activities.

5. You must not:
  - act in a way that is determined by party political considerations, or use PRP resources for party political purposes; and
  - allow your personal political views to determine any advice you give or your actions.
6. Advice is available from the Chair or Chief Executive Officer.

### **Confidentiality**

7. It is expected that Board Members shall not during, or at any time after the termination of their appointment with the PRP use for his or her own purpose or for another's benefit or disclose to any third party confidential material and shall use his or her best endeavours to prevent such publication or disclosure. In this context, 'confidential' information means any information or matter which is not in the public domain and which relates to the affairs of the Panel or any of its business contacts.

### **Remuneration and time commitment**

8. Board Members' remuneration is regularly reviewed in line with best practice. Board members are expected to commit to 20 days per annum, and the Chair to 60 days per annum.

### **Allowances**

9. You are eligible to claim expenses in accordance with the PRP's expenses policy.

### **Expression of views**

10. All invitations addressed to Board Members to attend or speak at stakeholder events should be referred to the Chair. Care will be taken to ensure that there is appropriate Board representation at events and that Board Members are properly briefed in advance of attendance. In the normal course of events, the Chair on behalf of the Board will be the nominated spokesman.
11. In relation to requests for meetings with the Board, these should normally be referred to the Chair in the first instance.
12. All contact with individuals and organisations will be formal and documented. Unless a meeting takes place in the context of our Whistleblowing policy, the fact of a meeting having taken place will be subject to public record, even if the content of meetings are held confidentially.
13. Informal contact by bodies or individuals will be recorded if relevant.
14. Board Members will take care to avoid saying or doing anything on social media that negatively impacts on the PRP's reputation. Board Members will

not engage with the media about the PRP without express agreement of the Chair.

### **Conflict of Interest**

15. The PRP maintains a register of Board Members' disclosable interests which will be a public document, published on the PRP's website. The purpose of the register is to ensure transparency in relation to any interests of Board Members, or of their spouses, partners and dependent children.
16. Board Members are required to make a declaration of interests for the purposes of the register immediately on taking up appointment as a Board Member and are required subsequently to declare any new matter that is required to be included on the Register as soon as possible after it arises, in accordance with the PRP's Board rules of procedure. Interests which should be regarded as relevant and material are as follows: You may be excluded from any discussion or consideration of any matter in which you have disclosed or declared an interest.
17. It is the duty of each Board Member to declare any matter that is required to be included in the register. If a Board Member is in doubt as to whether or not a particular matter should be declared, they should discuss the conflict or perceived conflict with the Chair who will provide confidential guidance.

### **Declaration of Registrable Interests**

18. Board Members are asked to review all aspects of their personal and professional life (and those of individuals linked to them both personally and professionally) in order to identify which interests, if any, may be perceived by the public as directly or indirectly influencing or affecting their judgement or as benefiting them. For example:
  - any position of authority in a charity or voluntary body;
  - connection with anybody which contracts with or is likely to contract with the PRP;
  - directorships in public and private companies including non-executive directorships;
  - majority or controlling shareholdings in any undertaking;
  - ownership of any company, business or consultancy; and
  - remunerated employment, consultancy, trade, profession or vocation.
19. The primary consideration which will determine whether or not an interest should be declared is the reasonable perception of the public rather than whether the interest will have an actual influence or benefit. The latter is relevant only to the issue of resolving potential conflicts and not the decision to declare.

### **Indemnity**

20. A Chair or Board Member who has acted honestly and in good faith will not have to meet out of his or her own personal resources any personal civil liability

which is incurred in the execution or purported execution of his or her Board function, save where the person has acted illegally or recklessly. Any costs arising in this way will be met by the PRP. To minimise the risk, Members are expected to act in accordance with the Board's policies and procedures and with the support of the Board at all times.

Reviewed and updated by the PRP Board, April 2018

## **Terms and Conditions of Service for Independent Members - Draft**

### **Basis for appointment**

21. This document sets out the terms and conditions under which your appointment has been made as an Independent Member of a Committee of the Press Recognition Panel (PRP) Board. The period of your appointment and reappointment, responsibilities and duties of your role are set out in your person specification and appointment letter.

### **Restricted activities**

22. It would be inappropriate given the PRP's status as wholly independent of government for any Independent member to engage in active politics.
23. You must:
  - to the best of your ability act in a way which maintains political impartiality and is in line with the maintaining the absolute independence of the PRP, no matter what your own political beliefs are; and
  - act in a way which deserves and retains the confidence of everyone with an interest in the PRP's work.
24. You must not:
  - act in a way that is determined by party political considerations, or use PRP resources for party political purposes; and
  - allow your personal political views to determine any advice you give or your actions.
25. Further advice is available from the Chair or Chief Executive Officer.

### **Confidentiality**

26. It is expected that Independent members shall not during, or at any time after the termination of their appointment with the PRP use for his or her own purpose or for another's benefit or disclose to any third party confidential material and shall use his or her best endeavours to prevent such publication or disclosure. In this context, 'confidential' information means any information or matter which is not in the public domain and which relates to the affairs of the PRP or any of its business contacts.

### **Remuneration and time commitment**

27. Independent members' remuneration is regularly reviewed in line with best practice. The time commitment will be as agreed in the individual appointment letters.

## **Allowances**

28. You are eligible to claim expenses in accordance with the PRP's expenses policy.

## **Expression of views**

29. All contact with individuals and organisations in relation to the work of the PRP will be formal and documented. Unless a meeting takes place in the context of our Whistleblowing policy, the fact of a meeting having taken place will be subject to public record, even if the content of meetings are held confidentially.
30. Informal contact by bodies or individuals will be recorded if relevant.
31. Independent members will take care to avoid saying or doing anything on social media that negatively impacts on the PRP's reputation. Independent Members will not engage with the media about the PRP without express agreement of the Chair of the Committees and the PRP Board Chair.

## **Conflict of Interest**

32. The PRP maintains a Register of disclosable interests which will be a public document, published on the PRP's website. The purpose of the Register is to ensure transparency in relation to any interests of Board and Independent Members, or of their spouses, partners and dependent children.
33. Members are required to make a declaration of interests for the purposes of the Register immediately on taking up appointment as an Independent member and are required subsequently to declare any new matter that is required to be included on the Register as soon as possible after it arises, in accordance with the PRP's Board rules of procedure. Interests which should be regarded as relevant and material are as follows: You may be excluded from any discussion or consideration of any matter in which you have disclosed or declared an interest.
34. It is the duty of each Independent member to declare any matter that is required to be included in the register. If a Member is in doubt as to whether or not a particular matter should be declared, they should discuss the conflict or perceived conflict with the Chair of the Committee who will provide confidential guidance.

## **Declaration of Registrable Interests**

35. Members are asked to review all aspects of their personal and professional life (and those of individuals linked to them both personally and professionally) in order to identify which interests, if any, may be perceived by the public as directly or indirectly influencing or affecting their judgement or as benefiting them. For example:
  - any position of authority in a charity or voluntary body;

- connection with anybody which contracts with or is likely to contract with the PRP;
- directorships in public and private companies including non-executive directorships;
- majority or controlling shareholdings in any undertaking;
- ownership of any company, business or consultancy; and
- remunerated employment, consultancy, trade, profession or vocation.

36. The primary consideration which will determine whether or not an interest should be declared is the reasonable perception of the public rather than whether the interest will have an actual influence or benefit. The latter is relevant only to the issue of resolving potential conflicts and not the decision to declare.

### **Indemnity**

37. An Independent member who has acted honestly and in good faith will not have to meet out of his or her own personal resources any personal civil liability which is incurred in the execution or purported execution of his or her Committee function, save where the person has acted acted illegally or recklessly. Any costs arising in this way will be met by the PRP. To minimise the risk, Members are expected to act in accordance with the Board's policies and procedures and with the support of the Board at all times.

## **Senior Independent Board Member - Draft**

### **1. Purpose**

The Senior Independent Board Member's role is to:

- 1.1. act as a sounding board for the Chair of the Board;
- 1.2. serve as an intermediary for other Board Members; and
- 1.3. formally manage the appraisal of the Chair's performance annually.

### **2. Responsibilities**

The Senior Independent Board Member will as necessary and appropriate:

- 2.1. act as sounding board for the Chair in any matter which the Chair may determine appropriate;
- 2.2. act as a trusted intermediary when necessary between the Chair and other Board Members;
- 2.3. convene and chair (once annually, as a minimum) a meeting of the Board without the Chair present to facilitate the annual appraisal of the Chair and on such occasions as are deemed appropriate;
- 2.4. report to the Board annually on the fulfilment of the responsibilities of the Senior Independent Board Member;
- 2.5. in the absence of the Chair for any prolonged period, perform the functions of the Chair as set out in the Royal Charter, and as set out in all Panel policies and procedures; and
- 2.6. chair the Nominations Committee (once constituted) when it is dealing with the matter of succession to the chairmanship of the PRP.

### **3. Term of Office**

- 3.1. The term of office will be two years with the possibility of renewal for a further two years subject to Board approval. The maximum term of office will be four years; and
- 3.2. appointment or removal from office is a decision reserved to the Board.



## PRESS RECOGNITION PANEL BOARD

### REAPPOINTMENT OF THE INDEPENDENT MEMBER OF THE AUDIT AND RISK COMMITTEE

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**Meeting:** 6 July 2018

**Status:** for decision

**Lead responsibility:** David Wolfe,  
Chair and Harry Rich, Chair of the Audit and  
Risk Committee

**Contact details:** Saima Ansari

#### Purpose

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1. The purpose of this paper is to invite the Board to consider the re-appointment of the Independent member of the Audit and Risk Committee (ARC).

#### Background

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2. Following open competition, Kathryn Cearns was appointed as the Independent member of the ARC for a period of three years with effect from 1 September 2015. This appointment may be renewed with the Board's approval.
3. Throughout the tenure of her appointment, Kathryn has brought invaluable technical expertise to the work of the ARC and provided constructive challenge. Following discussions between the Chair of the Board, Chair of the ARC and Board and Committee member Harry Cayton, the Board are invited to approve Kathryn's re-appointment for a further three-year term from 1 September 2018. Kathryn has indicated to the Chair of the Committee that she would be happy to be reappointed.
4. The Board will recall that on appointment, Kathryn was paid £300 a day and was originally retained to provide the PRP with a time commitment of 3 days a year. Following review in December 2017, the time commitment was assessed as approximately 5 days a year including advice on other financial matters. At the Board meeting on 20 December 2017, it was agreed that Kathryn should be paid an annualised sum of £1,500, paid equally in 12 monthly instalments.

Subject to the Board's agreement to the re-appointment, the appointment letter will reflect the updated time commitment and remuneration.

5. Separately, the Board are considering new terms and conditions of service for Independent members of its Committees and these will also be attached to the appointment letter once agreed.

### **Devolved Nations**

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6. There are no implications/ differences in relation to the areas of work covered in this paper and the devolved nations.

### **Communications**

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7. This paper will be published on the PRP's website, as part of the papers regularly published for the Board meetings, in line with the Board's commitment to openness and transparency.

### **Risks**

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8. There are significant reputational and organisational risks if the PRP does not adopt adequate procedures and maintain and review these on a regular basis.

### **Recommendations**

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9. The Board is invited to discuss and agree the re-appointment of Kathryn Cearns as the Independent member of the ARC for a three-year period with effect from 1 September 2018.