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Self-regulation of unlawful newsgathering techniques

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***Comms. L. 76** The PCC's self-regulation regime is presupposed on journalists' and publications' adherence to its Code of Practice. In the last two years, concerns have been raised about the effectiveness of the Code in preventing journalists from obtaining personal information through illegal means. In 2006, the Information Commissioner suggested that journalists were major buyers of information illicitly obtained in contravention of the Data Protection Act 1998,¹ whilst the conviction of the former *News of the World* royal editor, Clive Goodman, for his involvement in a conspiracy to bug Prince William's voicemail (contrary to the Regulation of Investigatory Powers Act 2000) also suggested that journalists were willing to break the law to obtain news stories. Whilst the PCC's Code of Practice does permit the use of such techniques if they can be justified in the 'public interest', neither of the aforementioned acts gives journalists such a defence although some journalists believe there is a 'public interest' defence at law.² However, if there was a genuine public interest in using these methods, such as the revelation of serious crime, then the prosecuting authorities may decide not to prosecute.

The use of both newsgathering techniques was scrutinized in the aftermath of Goodwin's conviction, by both the PCC,³ and the House of Commons' Select Committee on Culture, Media and Sports.⁴ The PCC revised its Code as a result and also issued recommendations as to internal controls that journals should put in place to minimise such activities.

This article will examine the evolution of the PCC's Code of Practice in relation to these forms of newsgathering prior to 2006 which will provide a context in which to examine both data trading and the Clive Goodman case. It also helps to explain why the PCC felt it necessary to strengthen its Code and make the recommendations it did in the aftermath of these events. The article ends with an analysis of these changes and a discussion of how the tripartite system of controlling newsgathering activities (law, self-regulation and internal controls of publications) can be used successfully to minimise widespread and unjustified illegal actions by journalists.

Subterfuge and data protection: the evolution of the PCC's Code of Practice 1991 to early 2006

The original PCC Code of Practice, published in January 1991, makes no specific mention of any restrictions upon the use of clandestine surveillance devices such as hidden cameras, or interception of electronic communications, or illegally obtaining personal data. The drafters no doubt would have contended that the Code covered such techniques of investigative journalism either through clause 4 which dealt with privacy:

'Intrusions and enquiries into an individual's private life without his or her consent are not generally acceptable and publication can only be justified when in the public interest.'

or clause 6 which dealt with subterfuge:

'i) Journalists should not generally obtain or seek to obtain information or pictures through misrepresentation or subterfuge.

ii) Unless in the public interest, documents or photographs should be removed only with the express consent of the owner.

iii) Subterfuge can be justified only in the public interest and only when material cannot be obtained by any other means.'

The original Code defined neither what amounted to 'private life' nor 'subterfuge', although it probably

included 'blagging' or 'pretexting' (where a journalist pretended to be someone else to gather information about that person), which according to the Information Commissioner in 2006 was a common technique in relation to 'data trading'.⁵ The Code, in its original form, was also inadequate to deal with such activities by third parties who ultimately supplied the information to the journalist or media organ, but clause 6(iii) made it clear that journalists themselves could not use such techniques as part of a 'fishing expedition'. Subterfuge was to be used only when there was no alternative.

Over time the PCC's Code has evolved to control more specific forms of surveillance. In March 1993 the Code was amended to include a new clause 5.⁶ This read as follows:

'Unless justified by public interest, journalists should not obtain or publish material obtained by using clandestine listening devices or by intercepting private telephone conversations.'

Passed in the aftermath of the Antonia de Sancha/David Mellor affair, in which de Sancha allowed *The Sun*'s journalists to tap her private line in order to establish she had been having an extra-marital affair with the MP, the Code went much further than the Interception of Communications Act 1985 which was then in force. The Act made it **Comms. L. 77* an offence only to 'intentionally intercept communication [transmitted] on a public telecommunication system,'⁷ whereas clause 5 applied to all 'private telephone conversations.'⁸ However, this amendment failed to address other possible forms of electronic surveillance, such as the use of hidden cameras, or computer hacking. Clause 6(i) could possibly have covered the former through photographs obtained through subterfuge, an issue which may have been clarified had Princess Diana brought a complaint before the PCC when *The Daily Mirror* published photographs of her exercising in a private health club which had been taken by a hidden camera.

In 2004 the subterfuge and listening clauses were amalgamated and extended to explicitly cover a range of new information gathering techniques in what was to become clause 10. This clause read:

'10.* Clandestine devices and subterfuge

i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs.

ii) Engaging in misrepresentation or subterfuge can generally be justified only in the public interest and then only when the material cannot be obtained by other means.'⁹

Clause 10(i) extends the forms of clandestine devices to hidden cameras, and expands prohibited interception to new media such as mobile phones and email. Although arguably such explicit restrictions on intercepts of such new media should have occurred much earlier, the PCC's decision to make the explicit prohibition of such techniques (unless in the public interest) gave journalists clearer guidance. Nonetheless it was not comprehensive. There was no mention for example of intercepting other information on a computer (e.g. the contents of personal word document files).

The period 1991 to early 2006, saw other important changes to the wording of the Code which impinge upon issues which would be raised by the Information Commissioner in his *What Price Privacy?* reports. Importantly, the original Code made no explicit reference to the obligations imposed on the Press extending to third party sources of information, but such obligations were gradually made more explicit. The 1993 revision to clause 5 referred not only to 'obtaining' evidence, but also 'publishing evidence' obtained by listening devices or recorded private telephone conversations.¹⁰ Therefore the use of an agent to intercept telecommunications would still be a breach of the Code unless the public interest demanded it. The rewriting of the preamble in June 2004 extends such obligations to all sources and imposed upon the editors and publishers an obligation to ensure the Code is complied with. This extra layer of regulation should have resulted in closer scrutiny by the editorial boards of the sources of information, and should have reinforced to journalists their own obligation to comply with the Code.¹¹

Despite the move towards more explicit identification of investigative and surveillance techniques which were prohibited under the Code (unless justified in the public interest), the clear intent of the PCC was to extend this obligation not only to journalists but to their sources and agents. By the middle of 2006 there was evidence of potentially widespread breaches of these clauses in the Code and unlawful conduct.

Data trading

In May 2006, the Information Commissioner, for the first time, used his powers under section 52(2) of the Data Protection Act 1998 to make a special report to Parliament. Entitled *What Price Privacy?*, the report focused upon the illegal trade in personal and private information. In particular, the report focused upon the way in which private investigators or inquiry agents,¹² used bribery and impersonation (or blagging) to obtain 'personal data' in contravention of section 55(1) of the Data Protection Act 1998.¹³ Although the buyers of such information included insurance companies and creditors, the Information Commissioner focused much of his attention on journalists' use of such information. The frequency of journalists' involvement in data trading can be seen in the findings of Operation Motorman into the activities of one private detective. These were published in *What Price Privacy Now?* and revealed that this one detective had 3,771 transactions with the Press. This involved 305 journalists and 31 publications,¹⁴ with the detective pursuing 13,343 lines of enquiry.¹⁵ Use of such information could amount to 'procuring' personal data contrary to section 55(1)(b). It would be naïve to assume this was the only detective utilised by journalists in this way, and the conviction of Glenn Mulcaire in the Goodman prosecution showed that the Press were using other private detectives to obtain information for stories.

The bodies representing the Press generally sought to play down the significance of these findings as is evidenced by testimony before the House of Commons Select Committee on Culture, Media and Sport in July 2007. Paul Horrocks of the *Manchester Evening News* claimed the issue was not a common problem;¹⁶ Christopher Meyer, the PCC's Chairman, described the data obtained by Operation Motorman as 'impressive sounding but superficial';¹⁷ Robin Esser, Executive Managing Director of *The Daily Mail* (whose reporters were the most prolific users of the private detective in the Operation Motorman case) claimed the lack of prosecutions indicated few journalists had acted illegally,¹⁸ or that the information being sought was already in the public domain;¹⁹ whilst representatives of several press bodies suggested that on all occasions the private detective in Operation Motorman was used it may have been justified in the public interest.²⁰

These defensive responses of the Press seem somewhat weak. The Information Commissioner had formed the view that the nature of the information involved (including itemised telephone bills and ex-directory telephone numbers),²¹ and the price paid for this information,²² meant that the information must have been obtained through illegal means and was not information in the **Comms. L. 78* public domain. The fact that many of the journalists' invoices were for 'confidential information' also undermined such argument.²³ The Information Commissioner wanted to prosecute these journalists, but failed to proceed as the detective involved in the case had received a light sanction and the Commissioner's legal advisers suggested that the courts would not take too kindly to prosecutions of journalists in these circumstances.²⁴ It was not because there had been no illegality. As for all the stories being in the public interest as defined by the PCC's Code of Practice, examples given by the Information Commissioner of the types of persons whose personal data was accessed unlawfully demonstrates that this was often not the case. Whilst he revealed that the data subjects included individuals who were in the public domain such as professional footballers and a member of the royal household, they also included 'people incidentally caught up in the celebrity circuit' including 'the sister of the partner of a well-known politician and the mother of a man once romantically linked to a Big Brother contestant',²⁵ or had simply come into the 'limelight by chance' such as a painter and decorator who was working on the house of a lottery winner and whose details were obtained because his van was outside the lottery winner's house.²⁶ That personal details on such individuals were sought by journalists suggests rather than the journalists obtaining personal information as a last resort as was required by the PCC Code of Practice by 2006, many were simply 'trawling' for a story. In the process, not only was personal privacy being interfered with, but the journalists were clearly breaching the law. There is no public interest defence under the Data Protection Act 1998 to procuring information, and journalists could only hope the Director of Public Prosecutions would not believe it was in the 'public interest' to prosecute where information was obtained in such circumstances.²⁷ This is unlikely to be the case when the journalist is trawling for a story.

The failure of the Information Commissioner to prosecute any journalists as a result of Operation Motorman, and his refusal to release the details of the journalists involved to their employers, enabled Press representatives to claim they were unable to properly investigate the Information Commissioner's claims.²⁸ The inquiries which were conducted by individual publications seem at best cursory.²⁹ *The Daily Mail*, identified as a major buyer in Operation Motorman, seems to have asked all its journalists whether they asked for information in the public domain, and when the journalists said no, no further enquiries were made. However, it seems that the *Mail* enquiries were less than enthusiastic with David Esser, their Executive Managing Director, insisting that either the journalists involved had left the *Mail*'s employment or could not remember events from five years previously.³⁰

The attempt to portray such activities as a practice of the past, or to suggest no current journalist on staff was using such techniques to gather information, was perhaps simply an attempt to draw a line under the issue, and with the revised PCC Code of Practice drawn up after the Information Commissioner's reports, a more hand on approach by editors may be expected.

It was clear in both the opinion of the Information Commissioner and the select committee that the past experience of the self-regulation to stop data trading by journalists had been a failure.

The Goodman case

The attitude of the Press to journalists' involvement in data trading may be portrayed as a combination of wishful thinking, denial and self-protection, and it was able to do so because no journalist was publicly shown with his hand in the cookie jar. The conviction of Clive Goodman was not so easy to ignore. Goodman had asked a private detective, Glenn Mulcaire, to electronically record the voicemail on Prince William's mobile phone. This was a simple trawling exercise, not designed to reveal some immoral or illegal activity of the prince which may have been justified under the PCC Code's 'public interest' exception. Instead Goodman was able to use this device to gather a scoop on the trivialities of a celebrity's life, being caught it would seem because this technique enabled him to get an exclusive on a leg injury the prince had not revealed to the public. It was condemned quite forcefully by the PCC who described it as 'snooping with no place in journalism.'³¹ However, Press representatives portrayed Goodman's actions as simply that of a bad apple and denied it was indicative of widespread journalistic practices.³² Commentary on the issue suggest the use of phone-taps by journalists was more widespread,³³ with colleagues on the same papers being accused of tapping into each other's voicemails in order to beat each other to scoops.³⁴

The PCC investigated the matter, although its investigation was somewhat limited.³⁵ It looked at how Goodman had been able to get away with phone-tapping, albeit without either Goodman, or the editor in charge at the time of the incidence, Andy Coulson, offering evidence.³⁶ Only a superficial investigation into practices in other newspapers was conducted. The PCC accepted,³⁷ as would the Select Committee,³⁸ that Goodman had deceived the editors of the *News of the World*, by claiming his stories was from a confidential source, 'Alexander.'³⁹ This was also accepted at trial.⁴⁰ However, misgivings were raised as to how Goodman could get away with such activities. The Code was part his contract,⁴¹ yet Goodman was able to breach the Code because of inadequate supervision.⁴² Goodman was allowed a pool of ready cash to make payments to 'confidential sources' for information, and the Select Committee suggested that the editors condoned such payments on 'a need to know basis.'⁴³ The Select Committee's view stemmed in part to the fact that the paper was using the same detective for work which was properly accounted for, and subject to greater scrutiny. This lead the Select Committee to say

'Self-regulation must require vigilance by editors, otherwise the impression may be given that editors will turn a blind eye as long as good stories are the result, a practice of which at least some editors are guilty, according to the General Secretary of the NUJ.'⁴⁴

The PCC did not take the same view, rejecting any contention that there was a conspiracy to subvert the law at the *News of the World* that went beyond Goodman and *Comms. L. 79 Mulcaire.⁴⁵ However, it did find that the internal controls at the newspaper were inadequate.⁴⁶ It went onto praise the newspaper for its efforts in strengthening these procedures in the light of the Goodman arrest and prosecution.

The newspaper took four actions to avoid repetition of the incident. Firstly, a standard clause was added to the contracts of external contributors (which would have included Mulcaire) which required the contributor to agree to abide by the PCC's Code of Practice.⁴⁷ Secondly, journalists were emailed to remind them that they were contractually obliged to comply with the Code and keep up to date with any changes,⁴⁸ with a new contractual clause re-emphasising this and pointing to the possibility of summary dismissal should the Code be breached.⁴⁹ Thirdly, greater controls were imposed upon cash payments by journalists to sources with a requirement that the journalist justify the payment and provide supporting documents, and with editorial staff verifying the details of the source.⁵⁰ Finally a series of continuous professional training courses would be conducted on issues such as Regulation of Investigatory Powers Act and data protection. In its superficial review of the practice at other newspaper, the PCC noted that 'contractual compliance with the Code of Practice [was] widespread.'⁵¹ No attempt was made to see if there was compliance, nor to establish what happened if the Code was breached.

The PCC's response

In the aftermath of the data trading allegations and the Goodman affair, the PCC has sought to reassure the general public about the ethical standards of investigative journalism. It has adopted two strategies to deal with this. Firstly, the Code itself has been strengthened. Clause 10(1) has been revised to explicitly prima facie prohibit the 'accessing digitally-held private information' (unless in the 'public interest') which would cover digitally recorded voicemail or any personal material held on computer. Secondly, clause 10(2) is amended to make it clear that the use of misrepresentation and subterfuge extends to 'agents and intermediaries.' This addresses the concerns that journalists' use of third parties was an attempt to avoid compliance with the Code. Journalists who did use third parties in this way were clearly breaching the requirement also embodied in the preamble that they should keep to the spirit of the Code. Making it explicit in clause 10 reinforces the obligation.

The PCC, however, went much further than this. It published new guidelines on the use of subterfuge and newsgathering. This contained six requirements:

- Contracts between newspapers and magazines and external contributors should contain an explicit requirement to abide by the Code of Practice.
- A similar reference to the Data Protection Act should be included in contracts of employment for staff members and external contributors.
- Although contractual compliance with the Code for staff journalists is widespread, it should without delay become universal across the industry.
- Publications should review internal practice to ensure that they have an effective and fully understood 'subterfuge protocol' for staff journalists. This should include who should be consulted for advice about whether the public interest is sufficient to justify subterfuge.
- There should be regular internal training and briefing on developments on privacy cases and compliance with the law.
- There should be rigorous audit controls for cash payments, where these are unavoidable.⁵²

The recommendations are basically three pronged. They are relying upon contract to expand the scope and perhaps the effectiveness of the Code of Practice. Contributors, such as inquiry agents, may be deterred from breaching the law if they know their lucrative contracts with newspapers/journalists could be terminated for breach of the Code. Journalists too may be deterred from using subterfuge or breaching data protection because if the obligation to comply is integrated into contracts of employment these may be terminated if the journalist breaches these obligations. However, such deterrence will only be effective to the extent that newspaper is willing to police and sanction miscreants. The recommendations attempt to avoid accusations that such contractual obligations may be pure window dressing by imposing upon the publication an obligation to police both when 'subterfuge' is permissible and when cash payments are to be made. In both instances it seems the recommendation demands some sort of editorial input into journalists' decisions on these issues. Editorial authorisation makes it more difficult for deception of the type in the Goodman case to occur, and has the added benefit that the journalist is required to be fully honest about the name of the source to ensure that fabricated stories from 'ghost' confidential sources do not occur. The 'subterfuge protocol' creates a degree of protection similar to that imposed on public bodies under the Regulation of Investigatory Powers Act 2000, requiring pre-authorisation of a variety of clandestine or electronic surveillance techniques.

Such internal controls do, however, have weaknesses. Journalists may keep their use of electronic surveillance secret from their editors and can use the names of real people as their source if need be, and this is unlikely to be questioned if no payment is asked for. Secondly, this internal control of ethical standards lacks openness. The extent to which sanctions are imposed for breaches of the Codes and non-compliance with internal 'subterfuge protocols' is hidden by the secret nature of any disciplinary proceedings. It is unlikely that, unless the electronic surveillance is discovered by the subject of the surveillance, the public will know of any sanctions being imposed for non-compliance. This can mean that the publication may lack an incentive to be strict with its internal controls because the possibility of it being found out is limited. However, with the obligation to have such internal controls in place, any publication which fails to be robust in its application of the appropriate ethical standards is likely to be subject to severe condemnation if this should ever come into the public domain.

The final limb of the recommendation is for journalists to be required to keep abreast of the law, particularly in relation to data protection and privacy. Such training **Comms. L. 80* and refresher courses can help to develop at least an awareness of the restrictions law imposes upon newsgathering, and may defeat the culture of at least 'data trading' which the Information Commissioner reports suggests may have been emerging in certain parts of the Press.

The PCC's response is clearly a step in the right direction as it sends a message to newspaper that such activities are no longer to be tolerated except where the public interest justifies it. This may have the effect, providing the publications properly monitor their journalists, of changing the culture as to what are acceptable newsgathering techniques. However, the NUJ in its evidence to the House of Commons Select Committee on Culture, Media and Sports suggested that pressures are placed on journalists to get stories at any costs and the editors are unlikely to question the technique provided the technique gets the story, and indeed may encourage such practices.⁵³ The NUJ⁵⁴ and Mediawise⁵⁵ suggested that a conscience clause should be inserted into the PCC's Code of Practice which would give journalists' protection against editorial pressure to get the story may be a way of combating this. It would be naive to suggest that editorial pressure is the only reason why journalists used ethically questionable means of obtaining information. The desire to get the exclusive story and raise one's profile, or benefit from a higher salary for getting such stories, or just the need to keep up with the 'young turks' of the newsroom,⁵⁶ can all lead a journalist to breach the code/law in gathering information. However, the question is not whether one can stop all journalists from adopting these questionable techniques and all editors turning a blind eye to it when it occurs, but rather is it possible to change a culture in print journalism so that such techniques are not generally acceptable and widely used. The PCC's policy of strengthening the Code, education and raising the profile of data protection and related issues has the potential to do this.

Conclusion

The evidence which the Information Commissioner obtained from Operation Motorman along with the conviction of Clive Goodman, and the associated rumours surrounding the extent to which journalists have used phone-taps suggests that, at least for a period, a culture has arisen amongst certain sections of the printed press that anything goes when it comes to getting a story. Laws and ethical requirements restricting invasions of privacy would seem to have been ineffective in deterring such activities. Post-Goodman, however, the three layers of controls on print journalists' newsgathering techniques have or are about to be strengthened with the relationship between the three layers becoming more apparent to journalists. Internal controls have been strengthened with editors aware that if they do not police their reporters and contributors effectively they will if found out be subject to severe censure from the PCC; journalists are now made more aware of the content of the PCC's Code of Practice which is explicit as to what is and is not generally permissible, and the refresher courses on data protection/Regulation of Investigatory Powers Act should reinforce the idea that data trading and many forms of clandestine surveillance are illegal; the emphasis on the legal restraints on newsgathering, particularly if the Information Commissioner's demand for a two year maximum prison sentence for data protection offences is realised, provides an helpful external disincentive if the internal controls remain inadequate.

The conviction of Goodman and the Information Commissioner's investigations into data trading may well herald a change in the way journalists gather their stories. The conviction of Goodman is a clear indication that a severe sanction is available for unlawful interception of communications, and should send a signal to journalists that the use of such techniques may result in them serving jail time. The Information Commissioner's call for a maximum sentence of two years imprisonment for data protection offences should also help to increase the deterrent effect of the law. However the law's ability to influence journalist's behaviour may be less effective than the internal controls at newspapers, and the PCC's Code of Practice.

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1. See Information Commissioner, *What Price Privacy?* (HC 1056, Session 2005-06) and Information Commissioner, *What Price Privacy Now?* (HC 36, Session 2006-07).
2. Peter Wilby, 'Would Goodman be in such trouble if he'd found a decent story?,' *The Guardian*, January 29, 2007, Guardian Media p 2.
3. *PCC Report on Subterfuge and Newsgathering* http://www.pcc.org.uk/assets/218/PCC_subterfuge_Report.pdf).
4. *HC Report of Select Committee on Culture, Media and Sport on Self-Regulation of the Press* (7th Report) (HC 375, Session 2006-07).
5. See *supra*, n 1 at para 1.11.
6. See 'The Evolving Code' (<http://www.pcc.org.uk/cop/evolving.html>).
7. See s 1(1).
8. See *supra*, n 6.
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. *Supra*, n 1, para 1.10.
13. *Ibid*, para 1.11.
14. *What Price Privacy Now?*, *supra*, n 1, at p 9.
15. Andrew Pierce, 'Detective "did 11,000 illicit jobs" for journalists', *Telegraph.co.uk*, 14th December 2006 (<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2006/12/13/udetective113.xml>) (last accessed March 25, 2008).
16. *Supra*, n 4, Horrocks Q 56.
17. *Ibid*, para 32. Operation Motorman was somewhat dated. By the time of the Select Committee inquiry it had been five years since the operation was completed.
18. *Ibid*, Q120. However, it seems that the Information Commissioner believed that 5,025 inquiries by the detective in question clearly breached the Data Protection Act, and a further 6,330 probably did. See Pearce, *supra*, n 15.
19. *Ibid*, Qq 125 and 129.
20. *Ibid*, Editors' Code Committee Ev 28; Society of Editors Ev 30.
21. See *What Price Privacy?*, *supra*, n 1, para 5.7.
22. *Ibid*, para 5.3.
23. *Ibid*, para 5.6.
24. *Supra*, n 4, para 32.
25. See *What Price Privacy?*, *supra*, n 1, para 5.9.
26. *Ibid* at para 5.10.
27. See s 60(1) of the Data Protection Act 1998.
28. *Supra*, n 4, Duffy Q122 and Esser Q131.
29. *Ibid*, Qq125 and 126.
30. *Ibid*, Q119.
31. *Supra*, n 3, para 1.3.
32. *Supra*, n 4, para 20.
33. 'Ex-journalists blows lid on phone-tapping by tabloids,' *Press Gazette*, February 2, 2007 (<http://www.pressgazette.co.uk/story.asp?sectioncode=1&storycode=36730>) (last accessed March 25, 2008).
34. 'Pascoe Watson - Phone-tapping never happened at *The Sun*, ' *Press Gazette*, February 2, 2007 (<http://www.pressgazette.co.uk/story.asp?sectioncode=1&storycode=36702>) (last accessed March 25, 2008)
35. *Supra*, n 3.
36. Coulson had resigned after Goodman's conviction, accepting responsibility as editor.
37. *Supra*, n 3, para 4.8.
38. *Supra*, n 4, para 21.
39. *Supra*, n 3, para 4.8.
40. *Ibid*, para 4.9.
41. *Ibid*, para 6.2.
42. *Ibid*, para 6.4.
43. *Supra*, n 4, para 21.
44. *Ibid.*
45. *Supra*, n 3, para 6.3.

- [46.](#) *Ibid*, para 6.4.
- [47.](#) *Ibid*, para 5.3.
- [48.](#) *Ibid*, para 5.5.
- [49.](#) *Ibid*, para 5.6.
- [50.](#) *Ibid*, para 5.8.
- [51.](#) *Ibid*, para 8.1.
- [52.](#) *Ibid*, para 10.5.
- [53.](#) *Supra*, n 4, Qq7-Q10.
- [54.](#) *Ibid* Evidence of Professor Chris Frost, Chair of Ethics Council, National Union Journalists, Q10.
- [55.](#) *Ibid*, para 4.10 of Mediawise's evidence to HCSC.
- [56.](#) *Ibid*, Chairman's question Q7.

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