

First consultation: draft Data protection and journalism code of practice

Feedback summary

September 2022

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1. Main changes

In response to your feedback, we have made substantial changes to the code. The main changes are that we have:

- broadened the audience for the code so that it is no longer aimed specifically at compliance staff and senior editors;
- moved significant amounts of background detail, such as case law, to supporting reference notes;
- explained what the words “must”, “should” and “could” mean in the code to distinguish more clearly between legal requirements and good practice;
- prepared quick reference guides to support day-to-day journalism;
- made the code more user-friendly;
- clarified various aspects of how to apply the journalism exemption;
- included more practical detail about lawful reasons for using personal data for journalism and using sensitive types of data;
- updated the code regarding criminal allegations;
- clarified aspects of considering whether a reasonable expectation of privacy exists;
- provided greater clarity about transparency;
- further emphasised the flexible nature of the accountability principle and its relationship with risk;
- highlighted provisions to prevent abuse of individual rights;
- included more guidance about individual rights, such as the right to erasure and protection for freedom of expression; and
- included detail about our general approach to regulatory action and handling complaints.

2. Feedback summary

We received 31 responses to the written consultation, which compares well to the earlier call for views. In this area, many are content to have key groups representing them.

We have broken the responses down as follows:

- Representative groups – 8
- Regulators - 2
- Media organisations – 12
- Campaign groups - 1
- Legal firms – 3
- Academics - 1
- Consultants - 1
- Other professionals - 1
- Members of the public – 1
- Unidentified - 1

We had a great turn-out of over 75 participants for the three separate workshops we hosted. They all involved very helpful discussions.

Overall, the feedback we received was very constructive and the level of engagement was excellent. We are very grateful to everyone who took the time to discuss the code's development with us or to write in to provide feedback. Initial feedback to our call for views in 2019 helped to shape the code, and it continues to be vital as we move through the different stages of consultation.

We have summarised below some of the important themes raised with us during the workshops and written consultation. We have also published the written responses with appropriate redactions in line with our privacy statement. This summary includes our comments to help you to understand how your feedback helped to shape this new iteration of the code.

2.1. Important themes

2.1.1. Audience and application

Our first draft focused mainly on compliance staff and senior editors. Our intention was to subsequently develop resources to support more day-to-day compliance based on the main code.

Respondents said that journalists are likely to deal with compliance as well, so our code needed to do more to 'speak to' them. Respondents told us this was important to make sure that the code is sufficiently practical. They also said we

should clarify our expectations when personal data is used in different types of circumstances.

ICO response

How much detail to include in the code is a challenging balance for various reasons, including the need to:

- respect the special public interest in freedom of expression and existing industry codes;
- avoid repeating other ICO guidance too much; and
- consider the needs of people with different levels of responsibility across a diverse industry.

We have broadened the audience for the code to cover anyone using data for journalism. We have also reduced the content of the code by moving background material to supporting notes. We are clearer about what people must, should or could do to comply.

In addition, we welcome feedback on the quick reference guidance to further support day-to-day journalism. In due course, working collaboratively with industry, we plan to develop other supporting resources. This includes resources to support smaller publishers and freelancers, and perhaps some guidance aimed at “citizen journalists”. In the meantime, we have signposted existing general resources aimed at smaller organisations and individuals.

2.1.2. Length and complexity

Respondents generally thought that, although the code was helpful and well-written, it was too long and contained too much detail beyond the “core points”. There was concern that this could make it less practical to use and too prescriptive. Respondents suggested that we could move some content to supporting notes.

Most respondents wanted us to find a way of summarising our guidance more concisely and practically. There were various suggestions about how we could achieve this, including a summary, quick reference signposting, paragraph numbering and using plainer language more relevant to journalism.

ICO response

We liked the idea of using supporting notes so we have adopted this approach. This allowed us to move background detail, such as case law, out of the main code, reducing its length and adding to its focus. It also enables us to update

this information more easily.

We have also created a separate resource setting out the “At a glance” key bullet points from the code for quick reference. We have added paragraph numbering for easier reference.

Throughout the code, where possible, we provide guidance on data protection law in a journalism context, using plainer language. We define the technical terms used, including “personal data”, and signpost to more detailed guidance in the reference notes.

2.1.3. Balance of rights

A respondent told us that the code should refer to the balance between freedom of expression and data protection, rather than between “privacy” and “journalism”. Another respondent said that data rights extend beyond privacy and it was important to reflect this clearly.

Some respondents thought that there was not enough detail about the importance of the right to privacy and data protection. Some thought this contrasted to quite a lot of detail about the importance of freedom of expression and a free press. Some also considered that the code may suggest that journalism is always legitimate or important, whatever its nature.

By contrast, other respondents welcomed our points about the importance of freedom of expression and a free press. They wanted more emphasis on this.

Some respondents wanted us to reflect the legal obligations more clearly in the code and thought there was too much detail about the benefits of compliance.

ICO response

We have adjusted some of the language in the code about rights. However, it is appropriate for us to sometimes specifically refer to privacy or journalism in the code. For example, privacy is an important part of what data protection protects, particularly in a journalism context.

We were asked to include detail in the code about the importance of freedom of expression, of which a free press is a key aspect. It is important to include this background in the code but the code makes these points generally. We do not think it is necessary to include further detail or clarification about this.

Privacy is a fundamental human right to consider alongside freedom of expression. We have included some extra detail explaining the general importance of this right in the “About this code” section.

We are clearer in the code about legal requirements or what you must do to

comply.

2.1.4. Definition of journalism

One respondent wondered whether it was possible, or practical, to separate journalism from other “special purposes” such as artistic and literary purposes in practice. This respondent highlighted that the media conveys information by a variety of means and that it is important to recognise the overlap. They also said that we should think about the wider impact on artists’ and writers’ freedom of expression, rather than only the impact on journalists.

We had other helpful attempts to define journalism pointed out to us and one respondent thought we could make more use of case law in this respect.

One respondent thought that we should consider describing the functions of journalism rather than seeming to set out a prescriptive list of journalistic activities.

ICO response

This code focuses on journalism rather than the broader “special purposes”. The special purposes exemption can apply without needing to establish a clear line between these purposes. Sometimes there is a blurring between them. We don’t think we need to add anything specific to the code about this, but we have included detail about relevant case law in the reference notes.

The new draft is clear that the code is not setting out a prescriptive or exhaustive list of what constitutes journalism. Rather, it sets out some factors that we believe may be reasonable and helpful to consider, depending on the circumstances. The code is clear about the breadth of journalism generally and refers to relevant case law in the notes.

2.1.5. The journalism exemption

There were different views about whether we should put this section near the start or the end of the code. This difference depended on whether respondents thought that the journalism exemption was the first aspect of the law one should consider.

Some respondents thought that the code gives a false impression about the ease with which organisations can rely on the exemption. Other respondents generally wanted us to give the exemption greater emphasis. They wanted us to refer to it more clearly throughout the code so it is clearer that the exemption can negate parts of data protection law. Respondents said that they would find examples of its application helpful.

There were some queries about the exemption's practical application. For example, respondents asked whether an employee can exercise the exemption without specific delegation from their employer.

There was feedback on our guidance for the different parts of the exemption as follows:

2.1.5.1. "Reasonable belief"

We were urged to take extra care with this part of the exemption. Respondents particularly wanted us to reflect the importance and scope of editorial discretion in the code.

However, another respondent said that the code should be clear that organisations cannot rely on the exemption if the media wrongly believe it has formed a "reasonable belief".

One respondent said that it was too prescriptive to say in the code how organisations could demonstrate a belief is reasonable given the variety of different possibilities.

2.1.5.2. "View to publication"

Some respondents asked for further practical clarification. In particular, we were asked to clarify how this applies when journalism is only made available to part of the public, eg via a subscription or pay wall.

Other respondents were concerned that the code is too broad about how this applies. They were concerned that some organisations may use the exemption inappropriately.

2.1.5.3. The public interest

Some respondents said that we should emphasise the public interest in day-to-day stories, which is especially important for local journalism. Another respondent was concerned that we did not set too low a standard for what is in the public interest.

One respondent said that it is incorrect to say that there is an inherent public interest in press freedom. This implies that press freedom is an absolute right, when in fact it is limited. Another respondent accepted that while there was an inherent public interest in a free press generally, the code should be clearer that this does not cover everything.

Some respondents thought that this section of the code should do more to manage people's expectations. Respondents highlighted that they often hear that they should not publish something because it is too embarrassing or distressing, sometimes without proof of this.

2.1.5.4. Incompatibility

Respondents generally said they would welcome more guidance on this part of the exemption. It is not particularly well-understood and some perceive it as a time-consuming requirement.

Respondents stressed that they thought using the word “necessary” in the context of this part of the exemption imposed an inappropriately high threshold.

However, some respondents were concerned that whichever “test” organisations used, they should make sure that there remained sufficient protection for people. For example, a particular concern was that it would be too easy to say that compliance was too expensive.

2.1.5.5. Demonstrating the decision

Some respondents were concerned that the code is too vague on this point, risking inconsistency.

Respondents said that it was particularly important to stress the relationship between risk and proportionate record-keeping. This is, in part, because of the dynamic nature of news, which is sometimes highly reactive and fast-developing. It is also sometimes across time zones, jurisdictions and may involve safety risks for journalists.

A respondent said the code should explicitly acknowledge that it isn’t always necessary to keep a record. It should also mention that the requirement to “demonstrate” compliance does not necessarily mean that you need to provide evidence.

ICO response

We have clarified in the code that we think a lot of journalism can, in practice, take place in compliance with data protection law. However, the journalism exemption may rightly apply if you cannot comply with a particular part of the law, or if to do so would unduly restrict journalism.

We opted to keep this section near the start of the code because it is an important protection for journalism. We think organisations need to understand this to put other parts of the code into context. We refer back to it throughout the code and this section has broader relevance to the whole code, eg what is journalism? What is in the public interest?

We have added more guidance about “incompatibility” to help people to understand that this part of the exemption may involve balancing different interests proportionately. We removed the word “necessary” in light of the feedback.

We refer to the scope and importance of editorial discretion in this part of the code, and there is more detail from case law in the reference notes. We believe that the code is sufficiently clear about the Commissioner's role in considering a "reasonable belief" formed by the media outlet.

We are clear that accountability is tied to risk, so there is appropriate flexibility. The code is also clear that there is no specific requirement to keep a record, although it may be easier to demonstrate compliance if there is a record.

Regarding "with a view to publication", we consider that this part of the exemption is broad. We have clarified that it still applies even when there is a subscription or a paywall.

The code seeks to give examples of some of the factors that may be relevant when considering the overall balance of the public interest. It is not seeking to exhaustively or prescriptively define these. The code goes on to explain in broad, well-established terms how the law generally balances the different factors. The code refers to freedom of expression as one such general factor that organisations must balance with other relevant factors.

We believe that it is helpful to refer directly to the public interest in local journalism, so we have added this to the code.

2.1.6. Accuracy

Respondents noted the overlap with accuracy as a key clause in industry codes generally. They highlighted that different standards may apply depending on whether the material is printed or broadcasted. Respondents also queried how we would handle accuracy complaints.

Some respondents suggested we could or should reduce the content on accuracy in the code, arguing that it is already covered well by industry guidance. One respondent said it was not appropriate for us to provide statutory guidance about how journalists should check or refer to sources.

Respondents wanted clarification about the relationship between the accuracy principle and broader defamation law. However, another respondent highlighted that distinguishing between fact and opinion is a particularly complex area of law. They questioned whether it was appropriate to refer to this at all in the code.

Some respondents said that we should try to manage people's expectations by referring to limitations concerning complaints about accuracy. For example, is there a threshold of seriousness? Respondents also highlighted case law indicating a burden of proof on the claimant.

ICO response

We have published separate guidance about complaints to the media, which we may update in due course. In the code, we have also included some more detail in the “Complaints and enforcement” section about our general approach.

We understand that accuracy is a key clause in other codes and industry guidelines. However, we think it should form a key part of our code as well, because of its importance to journalism and the fact that accuracy is a key data protection principle that is fundamental to data protection law.

We consider that the code provides appropriate detail to help people understand the role of sources in conducting reasonable accuracy checks. This is an important part of a key data protection principle in this context.

The reference notes acknowledge the relationship between data protection and other areas of privacy law, such as defamation and there are limited references in the code where we think it is helpful. However, the code is about data protection law, so we have not added further detail.

We have clarified other points within the code and added some extra guidance about the right to rectification (see below).

2.1.7. Using personal data lawfully

Respondents asked whether we could include more detail about the process of collecting personal data. In particular, the consent lawful basis is often misunderstood. Respondents also asked for more detail about how to use the legitimate interests lawful basis.

Respondents asked for more detail about special category data, eg when a photograph may reveal ethnicity. A respondent also queried whether we could clarify in the code that organisations should only refer to protected characteristics in stories when it is relevant to avoid discrimination.

There were a number of comments about the code’s section on criminal allegations. In particular, respondents wanted us to clarify that a legitimate expectation of privacy pre-charge as a starting point applies to suspects under state investigation only. Respondents highlighted the importance of taking into account new legal developments on this point.

Respondents also asked if we could clarify that organisations routinely publish criminal offence data as part of the open justice principle. They also asked us to clarify that the journalism exemption may apply when reporting on criminal offences at a later stage.

2.1.7.1. Manifestly made public by the data subject

Respondents asked for clarification about how this condition operates. They wanted to know whether it applies when someone is about to or is in the process of making personal data public, eg if they are giving an interview.

Regarding the open justice principle, one respondent said that it is only jury trial criminal offences that are deemed manifestly made public. Another respondent also queried how we would account for crimes which lack intention.

Another respondent said that they thought we should reduce the guidance we provide about this condition. They believed organisations are more likely to use the journalism exemption in this context.

ICO response

We have included more practical detail about using the “consent” and “legitimate interests” lawful bases.

We have included more detail about special category data to help people to understand how to consider photographs that may reveal ethnicity, for example. We also refer to the potential link between sensitive types of personal data and the risk of harm, such as discrimination.

Since we published the first draft, the Supreme Court has settled a key case regarding criminal allegations when there is a state investigation. We have taken this into account in the section of the code about criminal allegations. We are clear, in line with feedback, that this case is about suspects under state investigation only.

The code is also clear that some criminal offence data is routinely published as part of the open justice principle.

We provide some clarification about the condition “manifestly made public by the data subject”. Respondents were keen for us to include detail about this condition in the code. Although the journalism exemption exists, the exemption requires incompatibility with part of data protection, so it is relevant to consider how this condition operates and respond to the significant amount of queries we received about it.

2.1.8. Using personal data fairly

Respondents said that the code needed to include more guidance about how to determine whether a reasonable expectation of privacy exists.

Some respondents were concerned that the meaning of “public figure” was too broad. They wanted further detail and examples to help people to understand

the impact, eg on business people and general reasonable expectations of privacy.

Respondents wanted us to clarify that organisations can consider the journalism exemption to justify covert investigation.

One respondent suggested including more guidance about handling data that can cause significant stigma, eg an allegation of racist conduct.

ICO response

We have included additional detail about considering whether a reasonable expectation of privacy exists. The supporting notes also give more guidance about the meaning of “public figure” or person “with a role in public life” derived from case law.

We agree that it is helpful to clarify that organisations may be able to justify covert investigation in the public interest by using the journalism exemption.

The code is clear that organisations must take into account any harm to the public. We have added some further detail to explain that there are some types of information that are generally – though not always – viewed as sensitive. We have referred to the risks of serious harm and interference with other rights.

2.1.9. Using personal data transparently

A respondent suggested that the code could have a stand-alone section on transparency to emphasise its importance.

Respondents queried whether there was any conflict with parts of the Editor’s code dealing with the right to reply. Respondents said that whether they contact the subject of a story ahead of publication depends on the nature of the story. There is not always sufficient time nor practical opportunity to do this. Respondents asked us to signpost the journalism exemption more clearly for scenarios like this.

A respondent said that journalists are likely to ask whether identifying that they are a journalist working for a particular publication is sufficient privacy information.

ICO response

The first data protection principle incorporates three related but distinctly important elements – fairness, lawfulness and transparency. In the new draft, we separate these out for clarity and to explain and emphasise their importance in a journalism context.

This part of the code is clear about the usual requirements to provide specific privacy information when organisations collect people’s personal data. If they are unable to provide privacy information, or if to do so would unduly restrict journalism, organisations can consider the journalism exemption.

The journalism exemption, and the parts of the law it can remove, are signposted in each section of the code.

2.1.10. Accountability

Respondents highlighted that some might think this part of the code poses potential risks to freedom of expression. For example, journalists may consider these requirements impose additional hurdles or cause worry.

Some respondents suggested that we reduce or remove references made to policies and procedures in the code.

A respondent said that the code should explain that organisations can incorporate data protection processes into existing processes. These may already exist within organisations, albeit not explicitly in the “language of data protection”.

A respondent also suggested that we could strengthen this section by explaining how an organisation’s size and resources impacts accountability. Respondents also suggested we should emphasise the flexible nature of this principle and its relationship to risk more.

Other respondents said that they were concerned that the scalable nature of this principle may lead to inconsistency or result in smaller publishers or people being overburdened.

Respondents generally welcomed guidance about conducting a general data protection impact assessment (DPIA) in a practical way. However, some respondents remained concerned about a potential burden on smaller organisations or individuals. A respondent said that our published list about when to do a DPIA is too broad.

ICO comment

It is important to reflect that accountability is a fundamental data protection principle. It is a legal requirement to put in place appropriate measures to protect data and to demonstrate how you comply. However, accountability is a very flexible concept generally with few hard rules. This allows appropriate discretion to protect freedom of expression.

We have included more detail about the relationship between accountability and risk in deciding proportionate steps to take. There are potentially lots of different

ways to comply with this principle, which is why there is no “one size fits all” explanation. We use “could” in the code to indicate some potential options clearly.

We have published separate guidance to help smaller organisations and individuals. This is clearly signposted in the code and we also link to it in the supporting notes. We also intend to collaborate further with industry to produce separate supporting resources to help smaller organisations and individuals.

Carrying out a DPIA is a legal requirement. However, there is significant flexibility about the form this takes, as long as it covers the basic elements. We have explained how this could work in the context of journalism.

Regarding our published DPIA list, we will need to consider and review our guidance in the light of the UK Government’s data reform proposals.

2.1.11. Individual rights

A respondent said that the code should emphasise the importance of transparency more. It should be clearer that there are different ways to achieve transparency, such as publishing a complaints policy online.

Respondents said that it was common for journalists to encounter people who make unreasonable requests and abuse their rights to request information. Respondents said it would help to explicitly say in the code that this is not how people should use these rights.

A respondent asked us to mention the extra time for complex requests, which is often relevant to archive searches. A respondent also said that it is not always appropriate to say why an organisation is refusing a request. For example, if this could confirm that there is an investigation.

Generally, respondents agreed that it was better to omit guidance in the code about automated processing and data portability. This would keep the code shorter and more focused.

ICO response

We have given greater emphasis to the importance of transparency in the code. We have also included detail about this in the “Complaints and enforcement” section.

We have explained that there are existing mechanisms to prevent harassment and abuse concerning individual rights. Further detailed guidance about handling subject access requests is linked to in the supporting notes.

We have added some further detail to the code about handling requests

generally. We link to our more detailed guidance about individual rights in the supporting notes.

2.1.11.1. Right to access personal data

Respondents said that some journalists believe the right of subject access is a big operational issue. There are significant concerns about the impact on resources and the cumulative effect on journalism.

Respondents suggested that we could or should say more in the code about confidential sources, as there is extensive and settled case law on this.

ICO response

As above regarding subject access requests.

The fact that there is extensive and settled case law on confidential sources suggests to us that it is not necessary to include further detail about this in the code.

2.1.11.2. Right to erasure

Respondents asked for more detail about the right to erasure. One respondent wanted us to explain the effect on third parties, such as search engines.

We were also asked to clarify what circumstances may favour erasure, as this issue particularly concerns journalists. Respondents urged us to set out relevant factors and explain competing considerations.

ICO response

We think that the point about the wider impact of this right on third parties such as search engines goes beyond the code's scope. This code is for those using personal data for journalism. However, we keep all our guidance under review generally and work according to priority needs. This will involve updates to respond to data reform as an upcoming priority.

We have included more detail to help people to understand the balancing exercise in the context of the right to erasure and the built-in protection for freedom of expression. This sets out the relevant tests from human rights law, which underpins data protection law.

2.1.11.3. Right to restriction

Respondents wanted clarification about whether they would ever need to take down a story while investigating an accuracy complaint. Respondents said that it would be rare for this to happen in the context of journalism. The established process favours adding a note in line with defamation case law. Respondents said it was likely that removal of stories would be incompatible with journalism. Respondents also queried whether they would need to note publicly if someone disputed accuracy.

ICO response

In the code, we are clear that those responsible for personal data must have processes in place to enable them to comply with the right to restriction. However, this request may involve different types of information and different ways of restricting data, as the code refers to.

Furthermore, the journalism exemption can protect freedom of expression by disapplying this right if it is incompatible with journalism and the other criteria are met. Removal of a published story is an example of an action that may be incompatible with journalism.

Regarding the issue of adding notes when information is inaccurate, this is more appropriately dealt with under the right to rectification (see below).

2.1.11.4. Right to rectification

Respondents queried whether we could reduce this content because the topic is already well covered by industry guidance.

ICO response

See our comments regarding accuracy and its relationship to industry guidance above.

The code is clear that, if you carry out reasonable accuracy checks and are satisfied that the data is accurate, you could add a note to record that someone disputes the data's accuracy.

2.1.12. Roles and responsibilities

Respondents suggested that this section should focus on freelancers and individuals because many third parties in practice are not organisations. Respondents highlighted that many are based overseas and may lack expertise to deal with international data protection requirements.

One respondent suggested that data sharing agreements may not be realistic in a journalism context. Another respondent also queried what checks are reasonable to do when an anonymous source shares data.

A respondent said that we should refer to international transfers. In particular, we should reiterate that this special regime cannot act as a bar to publication to the world at large.

ICO response

This section of the code is broadly applicable. We have not made significant changes because, in due course, we intend to develop supporting resources to help freelancers and individuals specifically.

In line with the data sharing code, the code is clear that data sharing agreements are good practice, particularly when the sharing is routine or planned. In the latter kind of scenario, organisations are likely to have more time to develop and agree one if this option is helpful to them. You still have to comply with all the legal requirements for sharing data. A data sharing agreement simply brings together the relevant considerations.

The accuracy section of the code deals with reasonable accuracy checks and refers to the different considerations that may apply, depending on the nature of the source.

We have included the point about international transfers and we have clearly sign-posted our more detailed, separate guidance about international transfers generally.

2.1.13. Disputes and enforcement

Some respondents asked us to refer more directly to our Regulatory action policy and the approach we set out within it, especially around cooperation with other regulators and bodies.

A respondent queried whether we could say more about alternative dispute resolution processes.

ICO response

The new draft code has a section near the beginning called "Complaints and enforcement" in place of the original "Disputes and enforcement" section. It refers to our Regulatory action policy and our general approach. This section also includes further information about how we deal with complaints.

We have not included further detail about alternative dispute resolution

processes in the code itself. Separate guidance handles other ways the [public can complain about the media](#).

2.1.14. Case law and examples

Respondents generally found references to case law in the code useful. However, they were concerned that it could quickly become out-of-date and could add confusion about the legal status of cases. Respondents said we should also consider how settled the case law is.

Respondents said that some cases may be more controversial than others and possibly disputed. Respondents said that organisations may have commercial or other reasons for not appealing a case. Therefore, it is important to make clear that case law is illustrative and organisations should consider each case on its own merits. Relatedly, respondents said to take care to avoid extrapolating broad principles from case law that may be tied to particular facts.

Some respondents suggested that we move case law examples to supporting notes, which would also make it easier to update. Respondents said that it may also help to include more good practice examples, as the ones in the current draft are too short or obvious.

ICO response

We have moved case law examples to the supporting notes. We are clear that the supporting notes are not part of the statutory code itself. We have also clarified that the case law cited are examples. Organisations must consider each case on its own merits according to the specific circumstances.

While we understand that some may disagree with the outcome of certain legal cases, we selected cases that we believe are helpful. We have, where possible, cited relevant case law illustrating certain points from the highest authority, eg Supreme Court. For example, Bloomberg regarding criminal allegations.

We welcome respondents to engage with us if there are particular examples they would like us to consider.

2.1.15. Supporting resources

Respondents asked us to think about any ways we could increase people's ability to use the code for quick reference. We were also asked to consider more user-friendly language and bite-sized content.

Respondents suggested that supporting resources should focus on helping freelance or citizen journalists because it is likely that these groups lack resources.

Respondents said that photographers could benefit from supporting guidance. Respondents also suggested short guides covering other topics such as:

- how the code applies;
- when organisations can pass information to journalists;
- when the journalism exemption applies; and
- risk assessment, especially for smaller organisations and individuals.

There were some comments about resources the code links to, in particular uncertainty about their status as well as the appropriateness of linking to some external resources within a statutory code.

Respondents suggested that using short videos and social media would be an effective way to convey information about the code.

ICO response

We have published a draft quick guide aimed at day-to-day journalism and a separate resource covering the code's "at a glance" points. We welcome your input and feedback on these and any other ideas for supporting resources. In due course, we also plan to develop guidance to support smaller organisations and individuals, such as freelancers and citizen journalists.

We could also develop topic guides if there is demand, relating to subjects such as personal data and photography or social media specifically. In time, resources could sit within a journalism hub on our website to make them easier to find.

We have explained terms we use in the code more specifically, such as "personal data" and we have, where possible, used plainer language. For example, instead of "processing", we now refer to "using" personal data.

We have also moved most links to the notes.

2.1.16. Industry codes

There were a number of comments querying the relationship between our code and other industry codes or standards.

There was some concern over the difficulties or burden of trying to follow different pieces of guidance. Respondents said that it was important that guidance is consistent to help with this.

Respondents also wondered if we could explain what the difference is between our code and other codes. A respondent said that, in practice, the focus is on complying with industry codes rather than data protection. Respondents said it would help to know if there are any areas where the code goes beyond the Editor's code.

Respondents asked us to clarify that the ICO will not intervene when another regulator has a more appropriate remit.

ICO response

In the “About this code” section, we explain that we consider our code is generally well-aligned with industry codes. We discuss how we will take these into account.

We also explain in the code that our intention and expectation is that our code should complement industry codes about press standards generally. Although there will be some overlap in places, our code is focused on data protection law and will clearly provide greater detail about that.

We have included more in the “Complaints and enforcement” section of the code about our approach to regulatory action and handling complaints.