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From: [REDACTED]
Sent: 10 January 2022 09:12
To: journalismcode
Subject: Editors' Code of Practice Committee submission
Attachments: Editors' Code of Practice Committee submission to ICO consultation.docx

External: This email originated outside the ICO.

I sent the attached submission on Friday but did not receive an acknowledgment of receipt. I would be grateful for confirmation that it has now been safely received.

Many thanks for the opportunity to comment in this consultation.

Best wishes,

Jonathan Grun

EDITORS' CODE OF PRACTICE COMMITTEE

I am writing on behalf of the Editors' Code of Practice Committee, the press industry body composed of editors and lay people that is responsible for reviewing and revising the Code of Practice under which the vast majority of Britain's newspaper, magazine and news website journalists work, and which is enforced by the Independent Press Standards Organisation ("IPSO").

The Editors' Code of Practice Committee (the "Committee") welcomes the opportunity to comment on the ICO's draft journalism code of practice (the "ICO Code") and wishes to suggest an amendment that it believes would be an improvement.

The Committee welcomes the statement, in the ICO's consultation on the ICO Code, that the ICO Code does not concern press conduct or standards in general and would suggest the insertion into the ICO Code itself of a more detailed explanation of how the ICO plans to protect against the possibility of duplicating the effective work of media regulators.

Press regulation is complex and there is significant expertise already employed by the Committee and IPSO in effectively dealing with complaints. The ICO could helpfully recognise this in the ICO Code.

The Committee has seen the detailed response to the ICO's consultation by the Media Lawyers Association ("MLA") and is confident that the ICO will pay due regard to the suggestions that it contains.

In particular, the MLA suggests a solution for the issue that the Committee is concerned about when it says in Section 9 of its response:

Greater clarity could be achieved by setting out, in the "Disputes and Enforcement" section, two passages from the Commissioner's Regulatory Action Policy:

Regulatory Action Objective 5 reads:

"To work with other regulators and interested parties constructively, at home and abroad, recognising the interconnected nature of the technological landscape in which we operate and the nature of data flows in the expanding digital economy. Our aim is to establish effective networks with other regulators to cut down on regulatory burden and red tape."

And the section "selecting the appropriate regulatory activity for breaches of information rights" includes, in its list of considerations:

"whether another regulator, law enforcement bodies or competent authority is already taking (or has already taken) action in respect of the same matter"

Quoting these provisions in the body of the Code would again assist to manage data subjects' expectations as to where a complaint to the ICO might lead.

We would further suggest that, in accordance with Regulatory Action Objective 5, where a complaint to the ICO about a media organisation raises, in substance, an issue falling under the purview of the organisation's media regulator (IPSO, Ofcom etc), it would be appropriate, in the first instance, for the ICO to refer the matter to that regulator, and that this should be confirmed in the Code.

The Committee endorses this and suggests that an amendment reflecting it would be an improvement to the ICO Code and would help to enhance effective press regulation.

Yours sincerely,

Jonathan Grun
Secretary, Editors' Code of Practice Committee

Notes on Editors' Code of Practice Committee

Members: Neil Benson (Chairman); Ian Carter, The KM Group; Sarah de Gay, independent lay member; Charlotte Dewar, CEO, IPSO; Christine Elliott, independent lay member; Chris Evans, Daily Telegraph; Lord Faulks, Chairman, IPSO; Anna Jeys, Reach Birmingham; Gary Jones, Daily Express; Donald Martin, Newsquest Scotland; Gary Shipton, JPIMedia; Kate Stone, independent lay member; Emma Tucker, Sunday Times; Tina Sany-Davies, Bauer Media; Ted Young, Metro. Secretary: Jonathan Grun.

A link to the Editors' Code of Practice: http://editorscode.org.uk/the_code.php

A link to the Editors' Codebook: <http://editorscode.org.uk/downloads/codebook/Codebook-2021.pdf>