

Elizabeth Archer

From: [REDACTED]
Sent: 10 January 2022 15:05
To: journalismcode
Cc: Sayra Tekin
Subject: ICO consultation on the draft journalism code of practice
Attachments: 2022.01.10 NMA Response to ICO Journalism Code Consultation.pdf

External: This email originated outside the ICO.

Dear all,

Please find **attached** the NMA's response to the ICO's consultation on the draft journalism code of practice.

We would be grateful if you could please confirm safe receipt.

Best wishes,
Harvey

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impermissibly substituting their own views; which will in turn likely (ii) damage media pluralism - a public good in itself.

- d. **Give greater recognition to the public interest in freedom of expression itself** – it is necessary to redress the misleading impression that the journalism exemption is only available in cases of serious investigative journalism. It must be made clear that a publication may be in the public interest simply because it involves the lawful exercise of the right to freedom of expression. The draft Code rightly recognises that there is an inherent “*general public interest in freedom of expression and information*”. However, this must be expressly recognised as a general public interest argument; otherwise, there is real risk of a chilling effect on journalism.
 - e. **Reduce the recommendations for policies and record-keeping** – frequent references and suggestions in the draft Code to policies and record-keeping are counter-productive and must be removed.
 - f. **Remove the citation of first instance decisions** – it is both inappropriate and impractical for the draft code to refer to and rely so heavily on first instance decisions. It elevates and distorts the status of those decisions and ensures that the draft Code will likely become outdated within a short amount of time.
 - g. **State the law correctly** – the MLA has rightly identified statements of law in the draft Code which are wrong. We refer the ICO the MLA Submission for further detail.
 - h. **Manage the expectations of data subjects** – the current draft needs to be strengthened to ensure that GDPR rights are not exercised abusively by data subjects. The MLA Submission helpfully identifies areas of the draft Code that could usefully be strengthened.
 - i. **Give greater clarity about the relationship between the ICO and other media regulators** – the NMA welcomes the ICO’s statement that the draft Code does not concern press conduct or standards in general. Nevertheless, we support the MLA Submission which identifies scope for further clarity in this area.
5. For the reasons outlined here, the NMA agrees with the MLA that the draft Code needs to be fundamentally rethought rather than simply being adjusted here or there. The NMA would, therefore, welcome the opportunity to provide further comments on any revised draft Code.
 6. We note that it is the ICO intends to supplement the Code with further guidance (without statutory effect) in due course. The NMA would welcome the opportunity to comment on any such guidance prior to it being issued.

7. The NMA welcomes the appointment of John Edwards as the new Information Commissioner. We would be pleased to brief the Information Commissioner on the range of issues currently affecting the news media sector.

10 January 2022

Sayra Tekin
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