

A2 LEVEL

FACT FILES

Journalism

For first teaching from September 2013

For first AS award in Summer 2014

For first A2 Level award in Summer 2015

Sources, Ethics and
the Law



journalism

in the Media and Communications Industry (JMC)



Learning Outcomes

Students should be able to:

- Address legal and ethical considerations in their use of sources.



Content

Professional Roles and Practices in Online, Print and Broadcast Journalism

(page 17, specification)

What is a source?

In journalism, when someone or something provides you with information, we call that a source. Sources can be people, documents, letters, books, audio or video recordings – anything that a journalist uses when putting together a story.



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Primary and secondary sources

Journalists may use both primary and secondary sources when gathering information for their work. However, primary sources are preferable because they provide firsthand and direct testimony about an event or issue. An eye witness to a robbery, a plane crash survivor and a firefighter who rescued a child from a burning building are primary sources. Original documents including an MP's letter to a constituent, a marriage certificate and a company's accounts are also primary sources. Secondary

sources are one step away from the event or issue – they interpret and analyse primary sources and are not usually as reliable as primary sources. For example, other media reports can be treated as secondary sources – they are potentially very useful as a starting point but a journalist should check facts themselves.

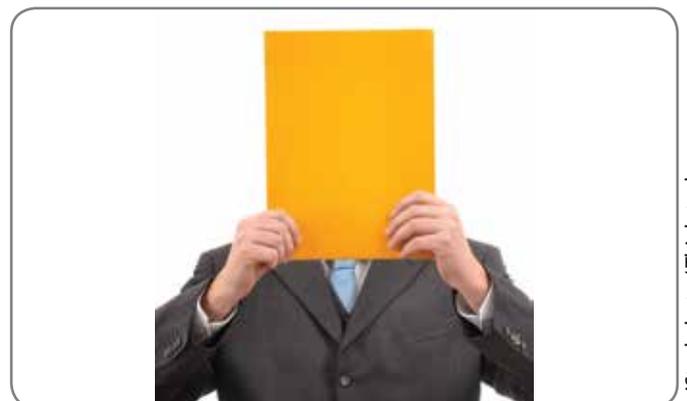
Credibility of sources

Even a primary source is only as good as it is reliable. Sources may simply get things wrong, or remember an event inaccurately. In some cases they may even twist or misrepresent the facts to suit their own agenda. For this reason journalists often rely on trusted sources – people they have built up a professional relationship with over time and who have proved to be reliable and accurate.

It is always best to check facts with more than one credible source – a minimum of two primary sources to back up a story is generally accepted as good practice.

Attribution and 'off-the-record' information

You will hear the term 'off-the-record' used in relation to sources. This usually means that the information cannot be used in print or broadcast in any form. 'Non-attributable' usually means the information can be printed or broadcast, but the source not identified, e.g. in the case of a story using quotations from a 'top government official'. However, interviewees may have a different understanding of what these terms mean so it is always best to discuss the terms of use with the interviewee.



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Social media and blogs

Journalists are increasingly using social media websites like Twitter and Facebook and blogs as sources of news and to validate stories they are writing.

Stories such as the Arab Spring – the revolutionary wave of protests and unrest that started in December 2010 – were first broken on social media sites, and traditional journalists often relied on social networks and bloggers for information about events on the ground.

A global survey by Oriella PR Network in 2012 found that more than half (54%) the journalists surveyed said they drew on social media posts from sources they already knew when looking for story ideas or angles. (<http://www.oriellaprnetwork.com/sites/default/files/research/Oriella%20Digital%20Journalism%20Study%202012%20Final%20US.pdf>, page 5).

Again, and as this survey suggests, the credibility and reliability of the online source is key. Information found online can tip journalists off to potential stories and new sources, but any information is best checked directly – that is, by direct contact with the source.



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Sources, ethics and the law

It is usually best if sources are publicly identified with the claims they are making – so their name and other relevant details like their job title should appear in the piece. It is a general rule of thumb that information from an identified source tends to be more credible than one who prefers to remain anonymous.

However, this is not always the case. Sometimes journalists can only run important stories because of anonymous sources or 'whistleblowers'. One of the most famous anonymous sources was 'Deep Throat' who gave information on the Watergate affair to Washington Post reporters Bob Woodward and Carl Bernstein in early the 1970s. President Richard Nixon later resigned over his part in the scandal.

The NUJ Code of Conduct (clause seven) states that a journalist 'protects the identity of sources who supply information in confidence and material gathered in the course of her/his work.'



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The principle behind this is that journalists should not become the 'eyes and ears' of the state by routinely handing over, for example, video footage or information from their confidential sources as they would lose credibility as impartial observers.

If journalists are routinely compelled by the courts to hand over the identity of anonymous sources, there is also a danger that people with important information about crime, corruption or other wrongdoing might not come forward and speak to journalists, leaving the issue unexposed.

There are laws that protect the confidentiality of journalistic sources. Under the Police and Criminal Evidence Act 1984 a journalist is entitled not to voluntarily hand over journalistic material that the police request and can require the police to seek a court order from a judge. The equivalent legislation in Northern Ireland is the Police and Criminal Evidence Northern Ireland Order 1989. The Human Rights Act and the European Convention on Human Rights also have some provision for the protection of sources.



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However, this area of law is complex and rapidly changing. The Leveson Inquiry into the culture, ethics and practice of the British press urged more transparency when it comes to journalistic sources. Some journalists have complained that the principle of confidential sources is under attack.



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In February 2013, the Home Office accepted police arguments that the Police and Criminal Evidence Act 1984 should be amended to make it easier for police to seize confidential material from journalists. The proposals were out for consultation as of March 2013.

There have been several recent legal cases that illustrate the complexities of this issue. In June 2009, the Belfast journalist Suzanne Breen won the right to withhold material relating to the Real IRA from the state. A judge in Belfast ruled that Ms Breen's life would be at risk if she handed over information to the PSNI relating to an interview she conducted with the Real IRA.



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The Boston Tapes case also illustrates the complexity of the law in the area. It centres on the Belfast Project, an oral history of Irish republican and loyalist paramilitaries. It is based on interviews carried out between 2001 and 2006 and archived at Boston College. In 2011 the US Department of Justice, acting on behalf of the PSNI, tried to force Boston College to hand over the tapes, particularly those relating to the unsolved murder of Belfast woman Jean McConville in 1972. The case has gone as far as the US Supreme Court and legal proceedings are ongoing.



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