



The Public Interest, the Media and Privacy

Professor David E. Morrison
Michael Svennevig

A report for

British Broadcasting Corporation
Broadcasting Standards Commission
Independent Committee for the Supervision of Standards of Telephone Information Services
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Institute for Public Policy Research
The Radio Authority

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1 Executive summary

Public interest

- The broad concept of ‘the public interest’ is familiar to large proportions of the public, and it is considered a suitable defence for media intrusion of privacy under appropriate circumstances. However, there did not seem to be any one firm definition of the term.
- Regulators, media personnel, trade associations and others in the industry do not have a precise definition of the public interest either. Nonetheless, all can say in what areas ‘public interest’ might be considered to operate, such as in the areas of crime, health, national security, and so on.
- The lack of precise definition means that it can be used as a *post hoc* defence of practices where no real public interest is obvious. This was admitted to by some of the media professionals, and acknowledged by other interviewees.
- The concept of public interest, as far as the industry interviewees were concerned, clearly involves matters that are held to affect a considerable number of people. It cannot, in general, be something that people are merely interested in knowing about – although this is less clear-cut where the popular press is concerned.
- The public hold broadly similar views. In the survey, large majorities (80% and above) want the media to cover issues which are likely to affect them, reflecting the perceived role of the media as sources of important information.
- Many things appear to constitute a public interest in a weak rather than strong sense. There are issues and media stories which are not felt to be public interest *per se*, but which nevertheless are of great interest to many members of the public. These include coverage of celebrities’ lives (and deaths) and may well involve emotional responses on the part of the audience. These stories are also regarded by some people (30-40%) as being part of the role of the media, in addition to clear public interest matters.
- Where something might affect a single individual, it can be in the public interest if that effect involves some general principle that, in turn, has impact upon a wider population, such as the abuse of power or a serious crime.
- Equally, media practitioners are aware that their audiences look for more than just the public interest; they also look for material in which they are interested. The media try to maximise their audiences and this is where attempts to ‘liven’ stories can overstep regulatory guidelines. The public, in their turn, are perfectly aware of, even cynical about, this.
- There is a recognition that different publics, or communities with differing interests, exist. The possibility of something being ‘in the public interest’ for one section of the population, but against the interests of another is a matter of some debate.
- There was no support among the media professionals for legal intervention in deciding the public interest. However, the focus groups and survey suggest that the majority of the public approve of quite firm parameters being set on what the media can do in the name of serving ‘the public interest’.
- The focus groups and survey results show that the idea of public interest, as formulated in discussion with media personnel, was operable. That is, for something to be in the public interest it has to be in the interests of a collective and not a single individual, such as the promoting of some benefit, or the avoidance of some harm.

Rights to privacy

- It was held that everyone has a right to privacy, but it became clear that such a right is conditional on the behaviour of an individual or organisation, and the ‘space’ the individual inhabits.
- Instead of rights to privacy, it was found to be useful to operate with the notion of expectations of privacy. Respondents distinguish three types of space wherein expectations to privacy differed. They were: Closed space (the home); Restricted public space (the office or secluded beach); Open public space (town centre, shopping precincts, open public beach).
- Depending on the type of space, one has a duty of care not to behave in a manner that one would not wish to become public.
- Even in open public space, where there is a high duty of care, this did not mean that an individual could be focused on. That is, it is acceptable to film or take a picture, but only as part of a crowd, not for a person to be singled out for attention. Closed space is sacrosanct – restricted public space falls between the two extremes.
- It is clear that an individual gives up his or her right to privacy in the name of a higher interest, and that interest is the interest of the collective, namely, when it is in the public interest.
- The idea of privacy might be subject to change over time, but the concept of the public interest seems effectively to be a constant.

Degree and methods of intrusion

- The degree and methods of intrusion into an individual’s privacy are held as being dependent upon the degree of public interest. The higher the degree of public interest, the greater the degree of intrusion permitted.
- Respondents argued a high degree of public interest had to be demonstrated for surreptitious recording to take place, and only then when other methods of obtaining information are not forthcoming.
- Further, surreptitious recording has to be restricted to the gathering of information that is strictly germane to the story; it should not gather ‘collateral information’ of a private nature. Hence, listening into phone calls that might collect information about a person’s family, when the family is not part of the story, is not considered permissible.
- Children are considered to have virtually inviolable rights to privacy. Only in the most extreme cases can their privacy be intruded upon; for example, in collecting information in relation to terrorist acts.
- The consequences of intrusion are also important: how media exposure/publication impacts on the people concerned must be appropriate to the reason for the intrusion in the first place.

Taste and decency and privacy

- The idea of privacy has changed over time in somewhat similar fashion to that of ideas concerning taste and decency. The development of a 'surveillance society' has loosened expectations of privacy.
- The spread of video technologies of image capture means that people are now used to being filmed at public gatherings. CCTV cameras – generally welcomed by the public as a means of enhancing personal safety – are also important here. The upshot is that the notion of the private, or where intrusion was not expected, has largely shrunk to the home.
- At many points, in both the focus groups and in the interviews with media personnel, the distinction between privacy and taste and decency was unclear. Indeed, taste and decency were often seen to involve issues of privacy, and at times the issue of privacy was really a matter of taste and decency.

Consent

- The giving of consent to the publication of personal information acts to absolve the media from the charge of intrusion of privacy.
- Concern was expressed if the person giving personal information was considered not to be in a fit state of mind to make a rational decision. This was usually where the individual had suffered some physical or psychological trauma.

The media

- Considerable scepticism is expressed about the motives of the media in intruding into privacy. This affects all media, but is most often reserved for the press, the tabloid press in particular. This scepticism is widely-found among the public.
- Readers of the tabloid press, while also feeling this way about the papers they themselves read, may not regard 'typical' tabloid intrusion as serious intrusion in the lives of the 'undeserving'.
- It was suggested that the media, even though they might generally be acting for the good of the public (the public interest), often act in their own interest, that is, to gain an audience.
- The internet is thought of as being part of the media landscape in general, but, where privacy is concerned, is thought to be somewhat different in that the internet is not a form of 'open publication'. That is, one has to search out information, and know how to search for information.

Conclusion

- The general public put great value and importance on media information or coverage which promotes the general good, for the well-being of all. These include the identification of wrongdoing and of the wrongdoers themselves, with the media acting as guardians of shared moral and social norms. Under these conditions, and with suitable regard to the relative severity of the individual case, individuals' privacy can be intruded upon – in extreme cases *should* be – in the name of the greater good.
- Media professionals do use the term to describe these broad principles.
- However, the terms used by people themselves in describing these media activities do not necessarily include the term 'the public interest': it is not a universally-understood 'shorthand' description. Indeed, some people confuse it with personal interest in media content. While there are cases where the two are effectively one and the same, this is by no means the norm.
- Audiences look to the media to offer more than just material of public interest. They also want to be entertained, to be emotionally involved, and to be reassured. These important media 'functions' can mean that some apparent media infringements on privacy are not regarded as particularly reprehensible, since they can and do offer audience benefits other than purely public interest ones.
- It is not the case that 'anything goes' when it comes to the intrusion of privacy. However, there is a need to clarify more precisely what is meant by 'in the public interest'. It is one thing, even though a precise definition could not be given, for media personnel and others to consider that at the working level they understand what the term 'public interest' involves. It is quite another matter when, at the popular level, the term gives rise to some confusion.

2 Introduction

Research aims

The primary aims of the study were:

- To investigate how the media industry, regulators and audiences define and use key concepts such as ‘the public interest’ and ‘privacy’.
- To identify what combinations of conditions and circumstances might lead to public interest overriding individual privacy or, equally, might lead to rights to privacy overriding the public interest.
- To see whether and how the different media – TV, radio, press, the internet/web – carry with them different expectations and ‘rules of engagement’ in terms of public interest and privacy.

An additional aim was:

- To ascertain public opinion on the use by the media of surreptitious methods of acquiring personal information, and the acceptability of such methods under different circumstances.

One of the key problems in deciding what rights the media have to intrude into privacy, against competing claims of the rights of people not to have their privacy intruded upon, is that insufficient recognition has been given to the complexities posed in balancing these competing rights.

The terms used, ‘the public interest’ and ‘privacy’, present distinct difficulties in their own right as to how they are being used and what they mean. Where, also, do questions of taste and decency and news values feature in coming to a resolution of when it is right and proper for the media to intrude upon privacy? Indeed, the whole question of the social role of the media is overlooked – what authority do people give to the media to represent their interests, and what are the media expected to offer their audiences?

However, the fact that concepts such as privacy and public interest lack precise definitional formulation does not mean that the concepts have no substance. Truth, justice, freedom and so on also are not given to ease of definitional formulation. Whether easily formulated or not, concepts must ‘do some work’ if they are to be of any value. In the realm of the social, they must be capable of organising experience, of assisting us in constructing or regulating our social interactions. The terms ‘privacy’ and ‘public interest’ do not fall entirely comfortably into that realm. They do have a certain precision in that, although not readily amenable to precise definition, individuals can and do work with them in giving judgement to happenings. People will say something is an invasion of privacy and they will say something is, or is not, in the public interest, and, in doing so, allow debate to take place as to whether or not something was a breach of privacy, or was in or against the public interest.

These terms or concepts have a common currency sufficient for them to act as a judgement on acts. They are, however, performance-driven: in coming to a conclusion as to whether privacy has been breached, or public interest served, people will take into account the medium involved and the treatment and methods used to acquire information, together with the circumstances of the situation and the manner and nature of the acts. A case, therefore, must not only be made for the intrusion of privacy, why it was right to do so, but why it was right to use the methods by which private behaviour became public property. Appropriateness of actions taken by the media are judged in terms of fair play, which varies according to the specific situation.

Whether or not privacy can be intruded upon, and by what methods, appears to be governed by widely-held norms of 'deserving'. Where some act threatens the people, either their psychological or physical well-being, then the claim to the right of privacy is lessened and the severity of the threat determines the manner in which that privacy can be intruded upon. In certain instances, the intrusion of privacy, through for example publishing photographs, can have an element of public retribution: the individual must be put before the community for physical display.

The concepts of the public interest and individual privacy as they apply to the media can both encompass a wide range of medium-specific practices (e.g. radio 'wind-up' calls through to photographs taken via telephoto lenses). Additionally, the term 'the media' has also lost some precision in recent years, especially with the advent of multi-channel television and diversity of radio sources, subscription and video-on-demand, and the internet. In this respect, referring to 'the media' generically makes only limited sense.

Framework of report¹

The report begins with interviews conducted with people in the media and organisations with interests in the issue of privacy and the media. This provides a basis by which to frame the issues involved and determine thought in the area. Many of the points raised in the course of these interviews were taken to form points for discussion in the focus groups. The comparative point here is the conceptual language used: do media figures operate with different sets of considerations than those of viewers, listeners and readers?

The report then presents the empirical findings from a series of focus groups. This section shows how people talked about privacy, about their rights and the media in respecting those rights, and when claims to rights could be overruled. The focus groups also concentrated upon a small number of scenarios involving invasion of privacy, in order to clarify the principles which underlie people's judgements of media practices and of the balancing of individual rights to privacy against the public right to know.

The last section of the report presents findings from the national survey. The questionnaire was based, in part, on themes and forms of words that emerged in the interviews and focus groups. The survey stage was not designed to examine all the issues involved in the overall study. Rather, it aimed to provide reliable and representative measures of the proportions of the general public who hold to specific beliefs and opinions.

¹ See Appendix 1 for Methodology.

3 Industry interviews

In the first stage of the research, a series of 15 face-to-face interviews, using a semi-structured interview guide, was conducted with people within or related to the media industry.² All the interviews have been anonymised, apart from an interview conducted with John Beyer from the pressure group Mediawatch,³ who wished to go on record. The researchers also met with senior staff from the BSC and the other bodies commissioning the study.

This section is structured largely in terms of the individual interviews, rather than by the broad themes emerging from the series as a whole. While this strategy entails a somewhat longer section, it allows the differences in thought and judgement operating in each medium to be followed in some detail.

3.1 The public interest: a definition?

Prior to the interviews, professional codes of practice and regulatory guidelines from a number of different countries were studied. None contained what could be termed a formal definition of ‘the public interest’, although the term itself was virtually universal. The Presswise⁴ interviewee offered his view on this:

‘Well, I think there is a very good reason for that, isn’t there? It’s interesting that if you’re talking as a journalist then you want it [definition of ‘the public interest’] to be as broad as possible a definition. I mean there is this definition in the PCC (Press Complaints Commission) Code which... says, “There is a public interest in the freedom of expression itself”. Well, that just about knocks down every hurdle that you can possibly put in its way.’

He went further by suggesting that it was in the media’s interest not to have a clear definition of public interest, since such a loose definition could be brought into play to justify practices:

‘It’s not a question of confusion. This is quite deliberate. I’m not saying that there is a nasty conspiracy, but my job as a newspaper editor would be to make sure that everything I publish is justified. So, if I had the opportunity of defining and redefining public interest in the way that justifies anything that I publish then I am going to do so, because my job is to justify anything that is published which is going to sell newspapers.’

He mentioned that in cases involving children, editors ‘*must demonstrate an exceptional public interest*’ and then went on to question the operation of public interest in practice.

² See Appendix 1 for Methodology.

³ Formerly the NVALA funded by Mrs Mary Whitehouse.

⁴ Presswise is a media pressure group.

'I had a case recently where a woman was being hounded by the press and I was trying to get the press off her back... I was talking to a news desk and saying, "Look, the story you have is wrong. This woman doesn't want to talk to you. What's the justification for having three reporters sitting outside her door all day so she misses a hospital appointment for instance?" And the justification I was offered was, "That it was in the public interest" and I said, "Oh really, why is that?" and they said, "Because she has spoken to the press before". This is a classic. Somebody is encouraged to talk to the press, not difficult. The fact that they have spoken to the press then declares them to be, in some sense, a public figure and therefore anything that happens to them thereafter is in the public interest. That is an extraordinary definition, but it's one that is often used.'

The point made above – that it suited editors to have the idea of public interest as vague as possible on the grounds that it offered a ready defence for stories that intruded upon people's privacy – was put to a senior BBC radio news figure. He agreed and said: *'Yeah, I'm sure it does'*, but then added, *'How else would you have it?'* He was not defending a cavalier rolling out of the defence, but suggesting:

'It will always be a grey area. My view is that there are never simply two sides to a story, there's a multiplicity of sides, which stretches out and stretches back. There's a multiplicity of effects and of what's in the public interest, which will vary from issue to issue, from story to story. I don't see how you can logically, and rationally, impose some sort of blueprint which enables you to know whether it's in the public interest or not.'

He also reflected on the separate, but linked, concept of the 'national' interest:

'I'm taking public to mean a collection of individuals, and you would say – in general in the public interest. The problem with national interest is that many things are brought to light, which in the short-term are certainly not in the national interest. Anything that involves the Foreign Secretary being corrupt etc... is it all hugely in the national interest to reveal that, just before they go to a summit meeting? It's very, very complex indeed – you can't get away with that.'

'I suppose the concept of national interest has diminished with the apparent diminishment of the nation state... The whole notion of national interest has waned since 1945. But public interest, which presumably came from the left more; is a more lefty concept, particularly grew up in the 60s and 70s with the exposure of companies and of politicians and was seen as something moving from the bottom up rather from the top down. I think national interest is now a ludicrous concept. National interest these days can mean whatever the government wants it to mean, in a particularly cynical way. Public interest, by the same token, could easily mean whatever the editor of a newspaper wants it to mean. We try to be ethical.'

The idea of the public interest, as put into practice, is one of judgement and it is open to great variation of interpretation. Hence, his comment, *'we try to be ethical'*. Clearly, formal guidelines embody an ethic, but the suggestion here is that practice is governed by feelings of appropriate conduct distilled from sets of principles. His suggestion is, though, that editors in other organisations, particularly newspapers, do not necessarily operate from sets of principles, but from the opportunities presented by a broad concept – the public interest – that can be exploited.

The BBC radio news interviewee was also asked whether, in reporting the behaviour of an individual, he took into account the local situation; in some localities might the behaviour reported cause greater harm or shame to the individual than would be the case if they lived elsewhere? For him, relative standards did not exist, only a single standard:

'We don't swallow this thing of comparative standards. We apply one standard. It may be the wrong standard; it may be arbitrary, it may be patronising of us, but it is the only way you can judge.'

Neither, furthermore, did he believe that the consequences of intrusion to the individual concerned had to be considered. The duty of the journalist was to be accurate in his or her reportage.

'I remember, virtually the first thing I was told on the first day of my journalist course, by a gnarled old hack, was: "You're covering a magistrate's court, and a 75-year-old woman is up there for shoplifting, and she comes up to you after she has been convicted and says, "Please don't put my case in the paper, I would kill myself..." You put that in the paper first – that's another sort of ethic. If you're trying to [act] in the public interest, you can't be motivated by too much hold over you that person might have as a consequence of what you do. It would be very easy then to destroy the public interest by saying "report this and I'll top myself".'

What he is saying, and what relates to his point concerning the public interest involving the public as a 'collection of individuals', is that if one considered that the individual, in this case the old woman, had a personal right not to have her offence broadcast, then there could be no public interest defence. Once a public interest has been established, then one acts on behalf of the public, not on behalf of the individual being reported.

3.2 Public space and private space

In discussing public interest as a defence against the intrusion of privacy, the BBC radio news interviewee observed:

'...it's something which changes from situation to situation, not merely from person to person. It's problematic as well, because the last person I would expect to know what was in the public interest was a high court judge frankly. I think a newspaper editor, or a news programme editor is probably better equipped to know what is in the public interest. Of course, there's always a tension there, because some papers will push it but it's very, very difficult to know what the public interest was in [a celebrity photographed from a distance] sitting on a beach. At the same time I thought the court case ludicrous. I didn't see that it was a grotesque invasion of privacy – it was a photograph taken on a beach – I think that's pushing it. I think it's difficult. The parameters aren't very clear about what is public interest and what is invasion of privacy. I think both are equally difficult to define.'

This also raises the question of degree of invasion of privacy: in his view the level of invasion in this specific case was not 'grotesque', implying that there are degrees of unjustness. The case, as it was put forward, rested on the fact that the celebrity was on a public beach:

'Well, it wasn't as difficult, I think, as some of the others that we've had, in the sense that there was a factual basis and a disagreement about fact in that here we were presented with a complaint because [the celebrity] considered that she had been on a private beach and our enquiries established that we did not conclude that she had been on a private beach and, secondly, we took the view that there was nothing in that article or photograph that was in any way demeaning, or derogatory, about her as a person, that in the sense a celebrity does put themselves, by virtue of being a celebrity, in a position where there will be arguments about whether or not they have as much closed space as ordinary people. In fact they're not going to, because anybody who recognised them is going to come up to them and that's going to happen.'

The distinction made here is between different public and private settings and the associated rights of individuals in such settings.

3.3 Public interest as collective interest and judgement

In the interview with a BBC policy maker, there was no doubt about the lack of clarity of the term ‘public interest’:

‘Well, the BSC and the ITC Codes both kind of indicate areas, as you say, where it’s [the public interest] likely to be a consideration, but I think that is precisely the problem – it is hard to define the public interest with any immense clarity, because the moment you start defining things, it’s what you thereby exclude and I think, therefore, one wants to give a general indication of where the areas might be, and I think it’s as you say, protection of public health, protection of national security, crime and social behaviour, significant incompetence in public office. It’s areas where one is trying to suggest that the interest involved is inevitably bigger than any individual, that it affects a group of people, possibly in a dangerous way, in a threatening way, or it affects a group of people in a way that they might need to know that X or Y, elected by them to a certain job, is not doing that job in a way that they might have come to expect. [...] Your public interest test is going to be one where there is some degree of harm to a significant number of people.’

A senior ITC official asked about defining ‘the public interest’ produced a different type of response to the BBC one, in that the answer was primarily about the judgemental process involved:

‘I don’t know whether there is any objective statement of how you define it, because it’s too wide. I know that the law has developed by precedent which would inform how a judge would start to sit and consider how the public interest may, or may not, have been served in a particular case, but certainly we would look to what so often informs content decisions, which is precedent, conventions that have surrounded television journalism which may not apply to radio or the press. As ever, it all boils down in the end to judgements. You don’t feed any of the propositions into a computer programme and get a yes/no answer. It’s weighing up the balance of factors in any particular case and also it’s the context of the programme, the channel, the viewers’ expectations as well as the actual journalism.’

Here is a recognition of precedent as witness in the legal process, the building up of case material. The difficulty here, however, is that, unlike the law, or to a greater extent than the law, what in the past operated as sound judgement may no longer operate as such with changes in public values, attitudes and so on. A judgement made in the 1960s may not be good precedent for a judgement to be made in 2001.

'Channel perceptions, and what viewers expect, are very important when it comes to the taste and decency arena because it conditions what people's dispositions towards, and expectations of, a certain programme will be. Whereas, when you're talking about news or investigative programmes, or surreptitious recording, etc... you bear a relatively high burden of proof operating across all services. I'm speculating now as to whether there might be examples of public interest in an American context, for example, where you make a different decision much closer to home.'

Although the ITC official considered that taste and decency might be affected in the absence of a regulatory authority, it was not considered that intrusion of privacy would be to the same extent.

'...if there wasn't an independent regulator [and] the industry themselves made a commitment to published codes of conduct and several things would then kick in. One would be – to what extent they set up their own self-policing mechanisms, or to what extent they set up other interest groups and would take upon themselves a role of scrutiny. I certainly think that if the regulator didn't exist in code areas, then I think this area would probably deteriorate less quickly than, perhaps, taste and decency. [...] I think for a time there would be a degree, of sort, of professional journalistic pride and expertise that would continue and for the sake of the good name of factual television persist. It depends, I suppose, on what people thought the potential of increased ratings was.'

The ITC official recognised the public appetite for programmes intruding into people's private lives, but questioned whether the end result justified the way in which these lives were intruded upon:

'OK, there is a section of the public that has an appetite for public exposition, clearly in the Jerry Springer-type context, but when it comes to entering into areas where you might be seriously invading people's privacy in times of real grief and distress, or just cavalierly exposing behaviour, that sort of deception is not justified for the end result.'

3.4 Taste, decency and intrusion of privacy

The ITC interviewee was asked about where the possible boundary between matters of invasion of privacy and bad taste lay:

'You remember a couple of months ago the wedding in Jerusalem where the floor collapsed? It raises questions about the invasion of the privacy of the injured and the respect for those who died – was it sufficient to show the scenes of the run up to the event, rather than the event itself, and then to have just cut away and show the aftermath? These are very tough decisions to make.'

Q: If we wanted to mount a defence there on public interest, where would the public interest be?

'Well, I suppose the public interest there works on a number of levels. One is that the public would have an interest in the scale of the loss of life, and why, at the point at which the story was first carried, because it subsequently was revealed to be the fault of inadequate building. You haven't got that degree of justification to be made, just in terms of the scale and unusualness and tragic juxtaposition of people at the height of the happiest occasion falling prey to who knew what? But that's why I think it is worth testing and asking broadcasters who showed that material what thought they gave, the minute those pictures came in, in a very competitive broadcasting world now. The temptation gets even bigger to just put those pictures to air.'

Here is the definite idea of the public being interested in something, but it was still unclear whether there was an actual definition of the public interest at work here.

'Well, when we brought out our new code, a lot of the broadcasters were opposed to it because we used examples, and yet you'd have thought for guidance sake that they'd prefer to have a few. But I suppose for them, the looser and less defined a concept is, the more they feel that they've got scope to argue that their material falls within any reasonable definition. I think you'd find in the majority of broadcasters, they would always want to be less, than more, fettered and you'll always get very strong arguments about freedom of expression and how the constraints should be very carefully weighed on fettering that.'

The pictures of the Jerusalem wedding raised issues of taste and decency and, hence, involve questions about the timing and specific content of broadcasts, but there is clear recognition that issues of privacy were also involved. There was also an awareness, on the part of the ITC official, of the complex relationship between the different media and the particular immediacy or impact of television:

'I think you can't, as a TV regulator, not have some views and regard for how the press behaves, because it sets part of the context in which people judge media standards and journalists work in all these different media, but to some members of the public, a journalist is a journalist is a journalist, regardless of the outlet... we know that the public has a general unease about the way in which people in distress and unfortunate circumstances are exploited in newspapers. The way in which a story is treated in the newspapers is far more extreme and intrusive than it is on television. And there is something still, in the nature of how television is received in the home, even if it isn't now as frequently in a cross-generational family situation, just the way in which the media connects with viewers that people could be simultaneously sitting in their homes reading the Sun's coverage of an issue and not feeling unduly uncomfortable, but if that were replicated by ITN or the BBC, it could cause a riot. There is a different level of expectation of behaviour.'

The point here is that no section of the media can be regarded, or viewed, in isolation of the performance of the media in general.

3.5 Public interest and curiosity

We raised the question of whether taste and decency became entangled with privacy.

'When you're coming to areas when you're talking about public interest versus public curiosity, I do think there are still moments where the broadcasters must be prepared to pull the plug and make a judgement that somebody is unfit and that some real damage or harm could come to them. They are real human dignity questions to be asked.'

We then asked about the relationship between public **curiosity** and the public interest.

'We intervened with a cable channel that showed some American footage of a 13-year-old boy doing his first parachute jump to become the youngest person ever to do a solo jump and the chute didn't open. He just plummeted to earth and that was it. And this channel showed the build-up to him having a little one on-the-ground practice and going up in the plane and jumping out of it and then you saw a long shot of him coming down, and you could hear – because the camera was placed where the family was standing – the rising distress levels as it became clear that his chute wasn't opening. And although it was in complete long shot, we said that was unacceptable.'

Q: Is that the intrusion of privacy or taste and decency there?

'Well, I think it's both. I think the death of your son in those circumstances is intensely private. Not least because actually, and you could argue this both ways, it was your fault to some extent. But I suppose that the broadcaster would equally argue the public interest case that demonstrates how extremely dangerous it was for parents to approve

for a child to do such a dangerous activity. But it seems to me that that was not acceptable material and it was unjustified as an invasion of privacy. Now, interestingly, the broadcaster told us that the family had approved the use of the footage for educational purposes as a salutary message to the public. So, I suppose they were saying, "It wasn't a privacy case at all because the family had approved the use of the footage". But as a regulator, we took a view that there wasn't sufficient public interest or curiosity value whatever, and it was unjustifiable to show it.'

This example also highlights the differences between television and print:

'The press, of course, could only show a still. The only equivalent that I can think of would be to show a heap of mangled bodies on the floor, and the PCC may well have upheld a public complaint that it was not necessary to show that image. Again, I think it's to do with the medium, that a static picture of this boy jumping would not have caused an issue, but the fact that we saw the entire plunge and hear the parents, and then they start running in shot, screaming. To me the whole package was an unnecessary quantity of footage to illustrate a point.'

Here is clear evidence of the difficulty of applying the defence of public interest. In addition, it confounds matters more by showing how taste and decency becomes wrapped with privacy. What is also interesting here is whether or not the fact that someone consents to an interview, might even seek an interview, then absolves the broadcaster of any complaint that privacy was intruded upon. Also raised is the question of dignity as an issue of privacy. Does someone under stress, grief or whatever, who breaks down on camera, or shows distress, come under the protection of privacy rulings?

3.6 Methods of intrusion

This question of intrusion and the methods employed was taken up with the ITN interviewee. In general, he said that complaints over the intrusion of privacy were not that common. He did admit that this was problematic, however:

'Privacy is a very interesting one, because for us it's a very difficult one, because we don't know whether somebody wants us to interview them or not... let's take the ghastly, ghastly story of the policeman who killed his family. We don't know whether contacting the grandparents to ask them for an interview is intruding on their privacy at a time of intense personal grief, or whether we are giving them an opportunity to say how much, you know, what a lovely chap their son was, how much they loved him and what a great father he was, and all that kind of thing.'

'Half the people involved in tragedies just want to go away, close the curtains, not speak to anybody and deal with this terrible event in their lives in private. The other half though, really want to come out and, as almost a way of dealing with the grief, to express their anger, to complain about something that had happened in the process, or just to praise the person. They want their neighbours, they want their friends, and the wider world, to know what a lovely person this was.'

'Our problem is, we never know which category they are going to be in. So, we don't know whether somebody wants to speak after an event or not. So, the rules that we have are quite simple. We are not intrusive. We will not shove a microphone down through somebody's letter-box, or film through a crack in somebody's curtains. We won't shout through the letter-box, "Will you give us an interview?" What we do in circumstances like that is, we'll deliver a letter, or we'll approach through a third person like a vicar, or a priest, or a family friend and do it like that.'

He also added that even if pictures had been obtained sticking 'a long lens over a wall' by someone else, 'we won't use them'. We asked if the situation, with regard to the intrusion of privacy, had changed in face of increased competition. He admitted that:

'We have never been under more competitive pressure, either in terms of competition, or in terms of the commercial composite competition of the company, but also purely journalistic competition, and yet, I am as resolute on this now as I was when we had less competitive times. [...] There is a whole load of technology now, which would allow us to try and record secretly, and all the rest of it, and we don't do that unless there's an enormous public interest to do so.'

Secret filming, which was claimed to rarely happen, had to be cleared at the highest levels of ITN. There had to be a clear case of public interest and no other viable way of getting the story.

It was mentioned that the Broadcasting Standards Commission's Code uses the term 'overriding public interest' and was this necessary in certain cases involving the intrusion of privacy, for example, where children were involved. The ITN interviewee replied:

'Yes, it's got to be clear. I know you can play with words, but I haven't really thought about it in those terms. 'Overriding' sounds probably too strong, but it needs to be strong, clear, clearly defined and very apparent public interest.'

The ITC interviewee was also asked about the idea of ‘overriding public interest’:

‘With that you’ve picked out a difference between the BSC Code and ours, where we’ve used the words ‘important public interest’ as a qualification, because in our consideration of reviewing our code, although we meant to reflect the intent of the BSC’s Code under the legislation, we felt ‘overriding’ was a very high hurdle and possibly one that could be too constraining. Particularly in the area of revealing wrongdoing. I think it might come slightly more into the frame in the areas of distress and bereavement, but when it comes to things like exposing corruption and crime, I’m not sure it’s healthy for society to have so high a hurdle for journalists to have to cross, that important, powerful people can use to ensure that they are not exposed.’

3.7 The public interest and news values

These comments introduce an important element of the practice of journalism – news values. Several of the industry interviews seemed to us to present central questions in reporting; where news values are really at work, or dominate, in the presenting of news, but the defence made is that of public interest. The idea of human interest stories being in the public interest is nearly, but not quite, suggested by this ITN official:

‘You know, there’s clearly public interest, which is crime, corruption, bad transport, bad hospitals; my example area about the hospitals. That is in the public interest because it is very important for us too... that’s our job as the news broadcasters to tell them, “Look, buildings fall apart and these terrible tragedies happen, and a policeman has killed his family”, that has happened and it is still in the public interest for people to know, to be told exactly what is happening in their world, and that’s why you have got to protect your children, lock up your house at night and all the rest of it... ’

This providing of information about the world is in the public interest, but the ITN representative did not wish for an over-formulation of the term. The vagueness, its lack of precision, suited what he saw as the working imperatives of his profession.

‘I think the regulators themselves have to be careful and have to be not overly prescriptive and unreasonable. I think some [...] rulings have erred towards over-control, but, as long as they’re being reasonable, then I think you should have regulation. The thing you want to do is... keep it out of the courts, and the last thing you want to do is not have a regulator.’

This may look as if this voice within ITN has joined with the voice of Presswise, but not really. That position was that newspaper editors wished for the definition of public interest to be as loose as possible so that, and by way of overstatement, editors could publish and intrude into privacy, and justify practically all action on the grounds that it was in the public interest. The ITN interviewee considered that the looseness of definition had served television well, and believed that any tight formulation, or putting matters in the hands of the courts, would lead to restrictions on reporting. Although not having a definition to offer on what public interest was, he knew what it meant, or referred to, and acted accordingly.

3.8 Different media, different situations

Different media, and different channels within the same medium, require different treatment in terms of opportunities, or practices, that might prompt accusations of intrusion of privacy. Most commercial radio stations, for example, are music based, and, in terms of intrusion of privacy, or how privacy might be intruded upon, are light years away from that of say the BBC's Radio 4. This is not to say that the possibility does not exist. The Radio Authority interviewee commented:

'In commercial radio, one of the more interesting show-bizzy aspects of invasion of privacy has come with the 'wind-up' call, and that is something we are addressing in the revision of the programme code, which is going on at the moment. Because the wind-up call is very easy, it's very easy to cock up. It's very easy to do badly, but it's very easy to do – that is an area that did concern us and we clarified how we felt that fell within the privacy regulatory framework, and it is our opinion as far as wind-up calls are concerned, that... we always insist that the person who is the victim, and there is quite a lot of victim broadcasting around these days, gives their permission for the broadcast, and also gives their permission in an informed way.'

Q: Does the phone-in bring problems of privacy, or is it more the wind-up?

'It's more the wind-up because people who take part in the phone-in know – it gives rise to a lot of offence complaints because people ring up with views that are offensive, or the banter with the presenter means that the presenter comes up with views that are offensive, but there is a feeling that everyone knows what they are doing.'

Q: What about surreptitious recording?

'It does happen, and in some ways the wind-up call is surreptitious recording, because if people don't know that they are being recorded, they will quite clearly say things that they wouldn't otherwise say, so in many ways it does bring us back to that.'

3.9 Public interest frustrated

It is worth noting that the defence of public interest is not necessarily, or at least in a strict sense, the only justification that we came across for making surreptitious recording. Sheer frustration at the inability to collect information was another; namely, where the person would refuse to give an interview and it was felt that the person, given previous conduct, had no right not to talk. In discussing journalistic practices with the interviewee from BBC radio, it was mentioned that the only time such recording was done was to illustrate points. A few examples were given, but one will suffice.

‘Now, the Phillips Report into BSE, took years and years to do and during that time one of the ministers responsible, John Selwyn Gummer, continually said, when asked about BSE, “There is a report being drawn up and I will be happy to comment when that report is delivered” – seven years. When that report was finally delivered, Gummer said, “The report’s out, it’s in the public domain, I have nothing to say”. And indeed, one couldn’t contact him. We tried and tried. What we eventually did was surreptitiously record his wife telling us where he was, on a mobile phone. Now that is by press standards a minuscule invasion of privacy, by the BBC standards, a large one. It’s a surreptitious recording, and it’s not with Gummer, it’s with his wife, who is blameless one might argue, but we thought it was justified to demonstrate to our audience that this man was deliberately avoiding an issue for which he was culpable.’

It is interesting that this was done, as he says, for ‘our audience’. For ‘audience’ here one must read ‘public’. What he is saying is that the BSE issue was of public interest, if nothing else because there was, and still is, a possibility that it will affect the health of hundreds, if not thousands, of people. John Selwyn Gummer’s unwillingness to talk, to answer questions that one presumes the public would wish put to him, was a frustration of the public interest. In that situation the intrusion of privacy by surreptitious recording was, if not strictly speaking in the public interest, then something the public would be interested in. Indeed, the two here become inseparable. It is a case, furthermore, where public interest extends to the obligation of public figures to fulfil their public duty to speak at key times.

3.10 Public interest and context

The above intrusion of privacy by surreptitious means is a good example of how, in judging any intrusion of privacy, it is vital to understand the context within which it occurs. This was stressed by the Radio Authority interviewee. Asked about the intrusion of privacy, as perhaps being governed by different rules depending on the position held by a person, he replied:

‘There is a difference, and it’s the same criteria that we would use when dealing with any sort of complaints, or any sort of behaviour of radio professionals. That is entirely down to the context of it, and that’s our mantra in the same way that estate agents would say, “Location, location, location” we would say, “Context, context, context”, and it’s very difficult to answer any sort of generalisations like that without the context.’

Much does depend on the context, hence, the benefit of case law to illustrate the various contexts or situations of past judgements to guide decision-making. All is not context, however. All context does is inform how principles have been applied in practice. When asked: *'Is there any other defence of the intrusion of privacy, other than public interest, or is it the only one?'* the reply was:

'I think it's the overriding thing, because without it, it is not worth discussing and with it, that probably is the justification. Again, it depends on each individual case, but I think if one could define public interest, it's if it is of justifiable benefit to the listener. OK, what's justifiable? – and off we go again.'

Q: What's a benefit?

'Well, yes, quite. I didn't say it was a good definition. What we are not about is making privacy laws, but part of the problem of trying to define public interest is whatever it is, it quite clearly changes an awful lot because we know that, and in research we've done – the Radio Authority and the BSC together – we know how offence has changed in quite a bizarre fashion, in that you can tell jokes about paedophiles, but yet you can't tell jokes about Welshmen.'

This reference to changes, which he relates to public interest, but then gives the case of what might be considered taste and decency, or political correctness, is very valid and something that we take up later. The idea of what is in the public interest is in part a dependent of social values and these values do change with time, in the same way, but by no means as rapidly, as ideas concerning what is decent or in good taste.

3.11 Public interest and changing attitudes

It was mentioned that we would, in the course of the research, be talking to lawyers *'to try and pin down what is in the public interest'*, to which the Radio Authority interviewee replied:

'Well, we're looking towards whatever wording is likely to be used in OFCOM and in the Communications Act, and there the word 'community' keeps cropping up, which on a personal level I'm not particularly happy with because I think that clouds the issue yet again in that the way we protect everyone's rights to be whatever they want to be or say whatever they want to say – I can see people sitting down and saying, "Well this is happily acceptable to a community of paedophiles", which I would say is not what you mean by community, but then you start saying, "Well what do you mean by community then?" and so to me it just creates yet another diversion, which might allow a lot of things through.'

Although it is true that in talking with regulators, practitioners and others a clear definition of the public interest was not forthcoming, it was quite clear that what might be termed an operating understanding of public interest existed. If this were not the case then it would be impossible to mount a defence on such grounds for the intrusion of privacy. A senior figure within CRCA, the trade body of commercial radio, however had concerns:

'One of the things that we do have at the moment is that there are so many people working in the media. There are more people working freelance than ever, which means you are as good as your last story, which means you work particularly hard in prising up the pavement. The pressures are now far greater and because of this barriers are being eroded and things that people used to assume would never be reported on 20 years ago are now being swept away and I don't think I've got some moral philosophy that says, "So far and not further", because I don't know what that is. But it's just a fact of life. And doesn't one instinctively know when something is wrong? But then you'll say, "What you instinctively know is wrong is not what a 25-year-old instinctively knows is wrong". I certainly think that the younger generation today are pretty well relaxed and a lot less uptight about a number of things that were terribly important to us 25 years ago. Because I think the blessing is that the more nonsensical crap that is in the newspapers and to a certain extent on the radio and television, the less it matters. And so, although the prospect of grief on the part of the person whose privacy is being invaded is still there, I think the actual damage caused is nevertheless much lower, because yesterday's news becomes yesterday's news halfway through the morning that it first appears.'

In terms of an occupation, to 'instinctively know when something is wrong' is really to say that one has been successfully socialised into the values and norms of that institution in the manner in which it determines good practice. The use of freelance journalists is, therefore, of importance in that, competition aside, to have a story accepted, it is not likely that one will be socialised into the norms and values of an organisation to the same extent that a 'staffer' is.

This statement was closely mirrored by the BBC Radio interviewee who was pushed a little further by suggesting that changing content has altered attitudes to the private:

'Yes, I think boundaries have been broken down and the tabloid press is responsible for a lot of that, [but] television is responsible for even more. As you say, Big Brother is a good example, and the moves in recent years where ordinary people, both drama-doc, and those awful fly-on-the-wall documentaries, have in a way made public the private to the degree where we all now think we're celebrities or capable of being celebrities. But I think that's different, [an] unwitting invasion of privacy... it's the notion of consent isn't it?'

3.12 Public interest and the public good

The *Daily Telegraph* interviewee mentioned that:

‘There isn’t in this country a law on privacy. We’ve got a code of practice which governs all the national press and invasion of privacy is one thing, along with intruding on people’s grief, anything involving children, which is the most difficult matter, but any of these things can be overridden if it’s something which is in the public interest.’

‘It almost passes for a definition [of the public interest], that we have at the back of our code of practice, [phrases that mention] detecting or exposing crime, protecting public health and preventing the public being misled by a statement by an individual or an organisation. That’s three things.’

This, however, takes us back to points made to the regulators, namely, that such is not a definition, but rather elucidation of areas where it is considered public interest is to be found. This was put to him, with the additional comment:

Q: Exposing crime might be in the public interest, but within that, there’s personal rights to uphold. How does one actually balance that?

‘Well, there’s an old lawyers’ saying which says that, “There’s no confidence in iniquity”, meaning that if somebody’s got a duty to confidentiality that’s overridden by a duty to expose iniquity of some kind. So that’s an element in the public interest defence. To put it the other way round we’ve got a duty in a way to publish things which are beneficial to the public. It’s a question of publishing things for the common good.’

This idea of the ‘common good’ was taken up and used as a basis for discussing the difference between national interest, public interest and community interest. Again, his comments are thoughtful:

‘I would have thought that the national interest was more to do with the interests of the national against the rest of the world, whereas public interest is a question of what’s in the benefit of the nation internally, and I would have thought that would have depended on the constitution of the country in question, which is Britain.’

In talking of constitution he was not referring to the separation of powers and other such matters, but to the structure of the society in a general sense. This became apparent when talking of a community of interests:

'Indeed, it might be the duty of a newspaper to publish something in the public interest which is against the interests of a community. I don't see any difficulty with that really, it might annoy some people, but all this, I mean we take advantage of this. To resort to a defence of public interest is a typical scoundrel's defence, so it used to be the case, when every time a newspaper wanted to run a story about someone being homosexual they would say, "It's a question of security". That's all water under the bridge, but one thing it isn't is what people are interested in. It seems absurd to have to state that, but you still do hear on the wireless or on the television people defending things, which they say are in the public interest, but all they mean is that lots of people are interested in it and it's just a weasel defence – it seems incredible that anybody can get the two confused, but they are often knowingly or unknowingly confused. In fact, very often the public interest is of no interest whatsoever to the public. Most people are not really interested in provision of safe roads or detailed public health matters – most people do not spend their life reading epidemiological studies, do they? I mean they just take their chance.'

The idea of public interest here is that it must include something of general standing, in that it has to include principles, and not specific interests. That is, those principles have got to enshrine that which is valued by all, or at least include an overwhelming number of people and not be limited to some specific interest, such as that offered by a community of interests.

We returned to the difficulty of definitions. The *Daily Telegraph* interviewee further observed that the looseness of a definition did not alter the value and usefulness of a concept:

'Well, if an injustice has been done, then you're right in saying that you publish that story because an injustice has been done. Just because the definition of justice is vague and the borderline unclear doesn't mean... that you were wrong in saying that you were publishing a story in the defence of justice. And just because somebody says something's in the public interest, doesn't mean to say that it is. Any reasonable person can see very often that the story has not been published in the public interest. I agree that there are difficult cases to judge, but that is true of any reality in the world.'

3.13 Public interest and what the public is interested in

For the broadcast media, complaints in relation to privacy were not perceived to be high; charges of bias far outstripped them. For the *Telegraph*, complaints concerning the intrusion of privacy were relatively rare. This was not so with the *News of the World*.

Q: When you get into trouble, what area is it normally?

'Normally it's minor points of accuracy. The next is privacy I think.'

It would seem, looking at the interview as a whole, that accuracy and privacy were not unrelated. The feeling gained was that accuracy was a defence for the intrusion of privacy, or if one intruded into privacy, one had better be accurate; that is, that whatever misdeed was being investigated had to have taken place.

'Quite often we go for things when there's no clear public interest, but quite often we find it along the way. Sometimes we don't, in which case it goes unsaid.'

Q: Do some people have a lower right to privacy than others?

'No. I think we all have that right. A lot of us have less to keep private, but we all have that right and I do get complaints from very ordinary people who object to having their lives in the News of the World. There has to be a reason for it.'

Where it was considered by other interviewees that, in the short term, even if there were no guidelines covering intrusion of privacy, the performance of the broadcast media would not alter radically, this was not the case with the *News of the World*.

Q: Would you behave very differently if there wasn't the Commission?

'Yes. I mean the whole idea of the PCC was to establish a code of practice that we abide by because of the competitive nature of the business. I think people would be transgressing all the time unless we had clear boundaries.'

The concept of public interest was certainly recognised and, furthermore, seen as a valuable defence for the intrusion of privacy, but whether it operated as a principle of conduct, rather than merely being recognised as a defence, is unclear, and unclear because of the nature of its operating logic and ideology. Indeed, why the *News of the World* faces criticism of intrusion of privacy, and why this is reflected in the survey returns, is that the nature of its operations is entirely different from broadcasting and, indeed, many other newspapers.

Q: Does the press have a looser notion of the public interest than broadcasting?’

‘Not looser, but wider. Broadcasters don’t have to dig as far as we do, they’re not competitive like we are, particularly the popular press. We have to win or we go under. The others are going under and we’re winning. Because we’ve pressed things to the limits and tried not to exceed them. But yes, I think we always look for a public interest defence when it applies in the code of practice.’

Two things are worth noting here. First, surviving in the press market is very competitive with the unstated assumption that intruding into privacy gives a competitive edge; something that ought to be held in mind as the world of television becomes increasingly competitive. Is it much easier to hold to ‘standards’ when there is no downside for not doing so? The second point is that his comment suggests that reporting takes place and then the story is examined to see if the defence of public interest can be grafted on as justification for the story. This comes close to the point made previously, that it is not in the interest of sections of the press to have public interest defined in any precise manner, since to do so would cause it to lose its protective strategic value.

The *News of the World* sees itself as an investigative paper:

Q: The styles are obviously different between for example, the *Telegraph* and the *News of the World*. Do you see the *News of the World* intruding on privacy more, or is it a matter of style?

‘I don’t think we intrude more. We investigate more, because they are not an investigative newspaper so they don’t run the risk... they just report what they see. Very occasionally they might have something that no one else knows, but they don’t investigate.’

3.14 Public interest and public morals

It is this approach to journalism that pushes the *News of the World* as an active intruder on the privacy of others. But, there is nothing wrong, as all the codes make clear, with the intrusion of privacy so long as it is justified, the justification, of course, being if to do so it is in the public interest:

Q: What is the public interest?

‘It’s the most impossible thing to define. In every case it’s a matter of judgement. It’s certainly there, and it’s certainly there to a very high degree in some cases and there are marginal cases where I’ve argued it and failed in my arguments.’

What he is suggesting is that the public interest may be served by upholding sets of moral values, acting if one likes, as the moral conscience of society. Although it may make for strange bedfellows, the *News of the World*, in exposing ‘vice’, is close in many ways to the position adopted by the pressure group, Mediawatch. That is, that moral contours for living ought to be laid down and that we have a right to know the ‘moral’ behaviour of public and not so public figures.

In talking to Mediawatch, John Beyer said:

‘We are a community of people who are concerned about broadcasting standards and the influence that has on society as a whole. So one could say that our interest is not being served by the majority of contemporary programming which conveys a very immoral lifestyle, which we suggest is undermining the cohesion and well-being of society.’

In terms of privacy then, this moral approach to what are often seen as mere technical questions provides a framework for enquiry that does not easily separate off the private from the public. For example, asked if it was right for the media to enquire into the BBC Director General’s private life:

‘Yes, I think that is a legitimate course of enquiry because he is in a public position, he is paid out of public funds [...] I think in terms of public interest the phrase ‘right to know’ is an important qualification and I think in that particular case you do have a right to know because you can’t separate your private life from your public life.’

This did not mean that Beyer wished ‘*the media hounding people so that they can’t sleep at night because of people intruding on their lives*’. There was a difference between that and ‘*informing the public about what’s going on*’. Nevertheless, it is a position that moves to see the media functioning as a moral watchdog:

Q: A schoolteacher, he’s married but he also has a mistress, would a local newspaper be entitled to invade his privacy, and write a story on this?

‘Yes. I think teachers have a particular, I think that generally speaking, the public does have expectations about the behaviour of people, and let’s not forget the principles of teacher-pupil relationship, and the trust that implies, and to be a teacher you do have to have, because of the position, I believe that parents have a right to expect high standards of behaviour from those whose care they entrust their children.’

It was his firm opinion that society is undermined by the absence of objective moral standards:

'The Watershed, although it might be approved as a protective device of the young, is symptomatic of the often technical approach to the moral: "Now obviously you don't want children's programmes 24 hours a day but, equally, I think there are objective standards which apply. For example, I don't think that obscene language is not obscene at ten o'clock and it's obscene at eight o'clock. I think it's obscene whenever it's on.'

A clear parallel with this view was given by the *News of the World* interviewee:

'Well, what passes through my mind all the time is that in society some years ago, before the mass media came on the scene, people knew what their neighbours were doing, they knew what they got up to, and it was probably a more healthy society then than now, because people are in their little cells and they don't know what others are up to. Part of our role is to tell people how people do behave – what the norm is, what is abnormal. To describe how people interact with each other.'

Should it be objected that the above is to wrap the *News of the World* in virtue, either on our part or on the part of the interviewee, that would be mistaken. The 'moralising' also sells newspapers and is also a justification of intrusion.

Q: Can you actually say there is something called the public interest?

'There are so many definitions floating around, it's probably something the establishment doesn't want you to know but the nation wants to know. It's like the definition of news, which is something someone, somewhere, doesn't want you to know. And it's the whole nature of our work to dig out things that people wouldn't otherwise know, which is of some importance to them. Or could be. And it's the difference between "of interest to the public" [and "the public interest"].'

This 'digging out' pushes readily into the use of surreptitious methods. We asked about hidden microphones:

'Well, we only [use hidden microphones] when we are pretty certain that we've got very good reason to do it.'

It is not just that without surreptitious recording there would be no story, but the use of such undercover techniques was considered essential if the *News of the World*, with the type of story that they often cover, did not want to find itself in court for libel. The possession of recordings, no matter how obtained, was evidence against fabrication or the accusations of untruth:

'It's absolutely vital. The sort of investigations we do are ones that are likely to be challenged in court. We've had many discussions with the police about this in the past, where they've said, "We'd like to take this up, but where is the evidence? Where are the tape recordings?" So now, to avoid potential libel action, we have to record everything we do.'

3.15 The public interest and community interest

It was decided, because of the currency being given to community interest as a defence for the intrusion of privacy, to interview a representative of *The Voice*, an African-Caribbean newspaper based in Brixton. *The Voice* has a sale of 35,000, and is read nationally as well as in the Greater London area. We asked if *The Voice* received complaints over the intrusion of privacy:

'Very, very few complaints. I think when you talk about public interest and what is in the best interest of the public, a lot of members, or readers, question the ability of anyone to decide what is of interest to them and what is not of interest to them, and we've had this come up time and time again. For example, we had one incident with a local authority, a councillor. And he felt that we had overstepped the boundaries by prying too far back into his private life. Not so much private, but he was a member of a black section group and we felt that it was relevant to the story and important to mention what black section was, and certainly some years down the line we have a new generation of black readers who wouldn't know what black section meant, and we felt that we had to go back a bit to explain what it was, what his involvement was at that time and where he is today, and we were accused of trying to negate projects that he was involved in, which was very far from the truth. Anyway the PCC ruled that we were correct in what we did. That was the first one we've had in terms of public interest... But it seems that there is a vast difference between what we consider the public interest is and what the government's definition of the public interest [is].'

The last observation of *The Voice* is very similar to the earlier statement made by the senior journalist from BBC radio: *'The last person I would expect to know what was in the public interest was a high court judge frankly'*. What we see here is an antagonism towards an 'official' ruling on public interest. But what is particularly interesting about *The Voice* is the recognition that the constituents of the paper had changed over time so that it was not specifically seen as an African-Caribbean paper any more, although that remained its core identity.

He saw *The Voice*, as he put it, remaining *'a campaigning newspaper on racial issues, the protection of children, equal opportunities, employment – those issues'*. It was quite clear that the paper was locked into the lives of its readers in an almost participatory sense. Frequent reference was made to the culture of its readers and the response, often very direct,

that its readers made towards the paper. For example, he said: *'We try not to intrude into people's privacy and there are certain areas, there are standard guidelines here. For example, if someone was killed in a shooting, we would not send a reporter out to the family's home unless we were asked'*. When we suggested that for some papers that would seem a bit unusual, he stressed the nature of the community to which the paper sold. He said that to send a reporter would be *'an intrusion into grief'* and then added a rather pragmatic point: *'And if you really know the Afro-Caribbean culture, you are likely to get battered at the door for being heartless for a start'*. The other reason was an appreciation of the readers' taste: *'Secondly, it's not what our readers will want to see – that in a time of grief you are speaking to a broken family, unless you have been asked... So it goes back to social responsibility and feeling for the community that you are supposed to serve and more importantly, knowing what the needs are in a situation like that, especially in times of grief.'*

Here we have *'social responsibility'* and *'feeling for the community'*. This all makes for good journalistic sense, in terms of being 'in tune' with one's market. That, however, is not the point we wish to explore. Being 'in tune' with one's market is one thing, in this case the community, but the issue arises of whether the interests of the community, the values of a group of people may be restrictive when seen in terms of values that either exist outside of that community, or clash with values of groups proximate to, but not necessarily of, that community.

To use the appeal to community means that one would have a 'value drift', that is, no absolute standard by which to judge the merit of intruding upon privacy. The intrusion of privacy is based on beliefs that there is a right to intrude into someone's privacy drawn from a set of values that determines what is right. Where one has a community whose values stand in distinction to the rest of society, or to other communities, then the question arises of what is the 'court of appeal' to which one turns for the resolution of a grievance.

3.16 The public interest and the new media: the internet

The rise of the internet constitutes a significant change in the nature of 'publication', given its ability to deliver material from anywhere in the world, possibly anonymously authored, and largely unregulated. The possibilities opened up by the internet also might mean increases in intrusion into privacy arising from the ability of any user to post material on to the internet in one form or another (e.g. website, bulletin board, e-mail) without any ethical, moral or regulatory hindrance. Not all the internet operates in this way. Most service providers (ISPs) and website owners are bound by existing local (national) laws, and most adhere to agreed codes of practice.

The internet is different from traditional publishing outlets in that it is a re-publisher rather than a creator of material, as a senior figure within BBC Online pointed out:

'We tend to aim at target [interest] groups. We do more technology, which the rest of the BBC doesn't, we do more entertainment news, again, which the rest of the BBC doesn't. We don't do much news gathering, so when it comes to privacy, the practical part of that – going out and getting stuff, maybe invading somebody's privacy, is probably done by radio and television. We then publish that.'

The fact is that BBC Online is a very filtered production:

'There is a lot more information [than for most news organisations] but it is filtered, it's all rewritten by BBC journalists, none of it ever goes up uncut, or it shouldn't, because we don't have the contract. There is a lot of information but it is coming from trusted sources. A lot of it comes from the World Service. We then filter that because you just can't put up scripts from radio and television, you've got to make it readable and literate. It's pretty well filtered.'

The main BBC television and radio news go out live as webcasts and are then archived until the next day's editions replace them. This could present particular difficulties in that archives can be seen time and time again until taken off by the bulletin that replaces it. It must also be noted that BBC Online has no Watershed. The latter, however, is more relevant to questions of taste and decency than privacy. However, BBC Online also offers links to external websites, which could potentially carry troublesome material:

'If there's any worries about a site then you would look deeper into it. The thing, of course, [is] that sites change and could change dramatically after you have linked to it. Now there's not much we can do about that, which is why we have a disclaimer saying that we take no responsibility for any material on this site.'

Q: In terms of privacy, how difficult is it to control the net itself?

'Well, it's very difficult. It's impossible to control anything. We find increasingly, people are doing spoofs on our site. It's not a privacy thing, it just illustrates the fact that there isn't much you can do about it.'

Q: I think the conclusion was that it was your responsibility once you knew about it?

'As I said, we don't publish anything unedited at all, even our user-generated material is filtered and edited, but BBC Online do have bulletin boards where people can say what they like and some of those are post-moderated, the rule being that offending material has to be taken off within an hour of being broadcast, but where you stand legally on that, I have no idea. And for the big operators, the people whose livelihood depends on literally being a filter between the user and the viewer of huge bulletin boards, where they stand on libel and slander is anyone's guess.'

Even though 24-hour broadcast news services mean that images are repeated throughout the day, the archiving of material that occurs on BBC Online presents, if not a new form of publishing, at least new questions relating to publishing. With readily accessible archives, an intrusion of privacy, or even an issue in the realm of taste and decency could be re-enacted time and time again during the period that it was archived. The collapse of the dance hall floor in Israel was taken as an example, since it offers issues both of taste and decency and of invasion of privacy.

Q: Did you cover the incident in Israel, the wedding where the floor collapsed?

'Yes we did. We showed everything the television news showed because we're committed to that, and to stop we would have had to intervene because the Ten O'Clock News goes out live on the internet and it's archived on the internet. So in a sense, whatever decisions they make on the Ten O'Clock News, we follow because it goes out live. Then you're faced with a decision about whether you actually take the stuff and highlight it. In a news bulletin it comes and goes. On television you can't see it again, but on the web you can see it as many times as you want and you can take it out and say, "Look, isn't this great!" and watch it over and over again. You have to think about these things because, as I said, there's no Watershed.'

This led to interesting observations on his part about the changing nature of news gathering, or, more precisely, the increased presence of footage available to news-rooms.

'The problem [is] the goal posts move all the time and the reason why we are discussing the collapse of the floor is that, firstly, the chances of anyone filming that 15 years ago are pretty slight. [...] The technology allows you very often to get stuff that you wouldn't have before, so there are more decisions to make.'

This means that one of the central tenets of news values, the dramatic, is now more readily furnished than in the past. Hence, some defence is required and one defence, where it involves intrusion of privacy, is that of 'in the public interest'.

What is interesting, and points to a very real difference between the press and television, something we had not considered, was that the intrusion of privacy by the latter is often by proxy. In referring to the pictures from Israel the BBC Online interviewee said:

'I think the view throughout the media was that it was worth showing and I think we would defend ourselves by saying it was in the public interest, because there was clearly something wrong with this building and it may well be a much wider spread issue. However, we may be kidding ourselves in that because it was hugely dramatic and it would have been very difficult not to use it... it's sort of invasion of privacy by proxy. You've got the pictures there – we didn't take them, you have to make a decision to do it. The newspapers invade privacy, very often, to get the story, which is a direct invasion of privacy. But what we were talking about in Israel – we weren't there, we didn't do it deliberately. So very often for us anyway, it's one step back when you're making that decision. But you're right about this idea that it is the journalist making news decisions as they go along and they have to take into consideration what the current state of play is and it moves all the time.'

The reference to 'the current state of play' is a reference to changes in the number of potential news gatherers that now exist. But, in discussing changes brought about by advances in technology, it was his consideration that such advances have assisted in changing the notion of the private. He considered, when discussing what people take the private domain to be, 'I'm sure that it's changed', and, to reinforce previous points, that:

'By the very nature and number of cameras you're not going to be able to control what is being filmed.'

Yet, it was his view that sensitivity to being filmed was not as high as in the past:

'I mean if you're in a public gathering of some sort, like a wedding, it's almost certain someone's filming you. A wedding is perhaps not a good example, because you had stills before, but there are other places where you would be filmed and you wouldn't object anymore.'

In the interview with the representative of Freeserve, the changed nature of publication was raised. It was suggested to him that a possible point of difference between internet content and more traditional publishing was that a person was '*very unlikely to inadvertently bump into internet content*', in contrast to a newspaper headline, or a broadcast. He replied:

'I think that within the context of the way regulators seem to be viewing it, they're quite clear that internet service providers are publishers and they're looking to find ways to avoid ISPs picking up the responsibility of the publisher, because they happen to have served as the conduit through which the information has been conveyed. But I think there is also an obligation that if we find ourselves, through the act of being a medium, presenting information which is obscene, which is defamatory, then we have an obligation to remove it as quickly as possible So not only is there an issue here for me in terms of what is contrary to or pro the public interest, but I have to ask myself the questions of "Well, let's assume that something is contrary to the public interest, what's my judgement in terms of how we should deal with that?" And I can't look to anything under the threat of litigation and damages as being the arbiter of how the company responds. Whereas I think I'd prefer to be directed to something a little more concrete than that, but I am not sure, because what is in the public interest varies.'

If regulation is unclear and little clarification exists concerning the precise definition of public interest, then journalists must fall back on their personal judgement about the areas in which public interest is considered to operate. This does not create a consistent environment and may lead to the same situation creating very different outcomes.

This interviewee is unclear about what the public interest is, or, more accurately, of what the definition of public interest refers to. Therefore, since his medium is faced by confusion as to what its legal responsibility is in carrying information, it is not surprising that to take action on the grounds of 'in the public interest' would not be of utmost consideration. The very fluidity of the internet means that it does not make particular sense to run it in accordance with regulations which have been developed for established media who know their legal position in terms of publishing much more clearly.

In interviewing a leading lawyer, who advises on regulatory matters relating to the media, it became obvious just how unclear the whole area of what constitutes the public interest is, and how it might be used as a defence for the intrusion of privacy. The lawyer was not unclear on points of law as they related to reporting, but as to the central usefulness of the term 'in the public interest'. The point was made:

'I think the law's very good at stating the principle that certain things are overridden by a higher public interest. But our legal system, as you probably appreciate, being a common law system going from precedent, is very good at leaving judges to develop, meeting it on a case-by-case basis... [for example] in litigation, relevant documents have to be exposed to your opponents. But there is a principle of public interest immunity that says that certain documents shouldn't be disclosed because the public interest in them being disclosed to allow a fair trial between individuals is overridden by a greater public interest in keeping certain things secret.'

Applied to the media and the intrusion of privacy then, an individual interest can be overridden by a higher interest. The problem is in deciding what that higher interest is. A difficulty with the media and privacy is that, as the interviews show, there is such a wide range of situations and different media. It is difficult to see how they can be squeezed into a mould that would allow a single judgement of something being in the public interest. The areas to be adjudicated are so different to each other at times that it is not obvious that the same principles of intrusion are being applied – they can go from the trivial to the serious, from entertainment to national security. At times it looks as if the intrusion of privacy is really one of taste and decency and would have no place in a court of law for a decision to be made concerning whether higher interests were involved. At times the intrusion of privacy appears necessary simply to inform the public about general happenings in the world, which people may consider they have a right to know, but not a right that is overriding of anything.

3.17 Conclusions

The central purpose of these interviews was to gain an understanding of what the interviewees understood by the defence of public interest in relation to the intrusion of privacy. In the course of these interviews a whole variety of matters relating to privacy were discussed, but the primary aim was to carry the ‘idea’ of public interest over to the focus groups and survey stage. We wished to know whether media figures and the public shared the same understanding of public interest as a defence against intrusion of privacy. It was our hope that we would have a working definition gained from these interviews that we might then ‘test’ for agreement in the focus groups.

4 The focus groups

4.1 The idea of privacy

All the focus groups started with the straightforward question, 'Have any of you had your privacy intruded upon or invaded?' This was not so much to gather examples of intrusion, but rather, by the examples, to determine how respondents viewed or defined privacy. In the first group, the 18-25-year-old males in Leeds, the immediate answer given came as a surprise to the interviewer:

'Burgled.'

Q: Sorry?

'I've been burgled.'

Q: Burgled, yes. In what way is being burgled an invasion of privacy?

'If they go through your house, go through your stuff; go through your drawers. There's documents in there and clothing and you don't particularly want somebody else to have their hands on them. Generally you've got your own drawer, you've got your own belongings and you don't want other people to be reading your letters.'

The manner in which burglary is discussed indicates that, for these young men, it was not so much the invasion of secure space that was bothersome, but rather that letters, documents and so on might be read or examined. In other words, someone has entered their lives without permission.

Other groups (Leeds, 50-60-year-old men, London, African-Caribbean 50-60-year-old women) also spontaneously mentioned burglary as an example of one form of invasion of privacy.

There is growing recognition that what is private to you, is a commodity to others. Information has become a commodity. After mentioning his privacy being intruded upon '*when you get some circulars through the door*', one man in the 50-60-year-old male Leeds group continued:

'They seem to know a hell of a lot about you and you get phone calls from insurance companies that know that your car is due for insuring and you've never even contacted this company before.'

Q: How do you feel about this?

'I think it is more annoyance... I suppose you feel the [Orwellian] Big Brother thing that people have access to all this information. I mean you know they do it and they can get it a lot easier now than they used to do. It bothers me. I don't like people knowing my business.'

Q: Has this increased over recent years?

'I think we're finding that now more with the internet and computers. You can go on, I mean I can go on myself now and find out different things about people, especially where they live and telephone numbers, things like that, it's just a matter of putting names in and I think it's very easy.'

One point here is the increased ease with which information about an individual can now be collected, but what seems to bother some people is the 'selling on' of information between agencies. Again, the main complaint was about failure to seek permission in collecting this information, and of agencies knowing things about individuals that they do not wish these agencies to know. If asked to give the information, they would have refused. The attitude, at times, comes close to viewing this collection of information as straightforward theft – such information is theirs, and theirs alone, not to be taken away from them by others. At the heart of privacy is the principle of protected space that nothing or no one should enter without permission. Linked to this is the idea of publication, in the sense of the giving of personal information to unknown others without one knowing.

There is little advantage in documenting the range of intrusions mentioned, but one or two more will assist in showing how, although the private is valued, it is not readily found. In the male 30-45-year-old London group, one man who did not, apparently, object to straightforward selling, objected to the 'false' conversations that often accompanied a sales pitch. He said:

'It was someone trying to sell... it is not necessarily double-glazing, it is like they then try and slide in before they actually mention double-glazing. They try to engage you with something else you know... invade my privacy at home.'

However, the 'mystery' of obtaining telephone numbers and breaking the barriers deliberately constructed to protect privacy prompted another man to add:

'I had a letter from the Labour Party thanking me for voting Labour last time. I thought, "Hang on... is there a list somewhere as to who voted." I am not a member of the Labour Party and I rang them up and said, "I didn't like the idea of being on a list somewhere saying which way I voted".'

These examples, and other similar comments made across the groups, show that people are sensitive about protecting their privacy in the home. In fact, the home is the area where people considered privacy existed. This has important ramifications for the intrusion into privacy by the media. It was not, however, the home as a place that ought to be hidden from the gaze of others, in the sense of providing a space for being alone, but the sets of relationships within the home. Thus, concern was expressed, even where the defence of the

social importance of a news story justified intrusion of privacy. For example, phone calls between a person's office and his home could not be listened into, even where that person was a 'legitimate' target of attention, in case conversations were overheard that related to family or personal matters and were not relevant to the investigation.

4.2 Openness and privacy

All the groups were asked how open they considered they were with other people. They were asked, for example, how open they would be about themselves if they met someone on holiday and they became friendly with them. It was stressed that this friendship did not mean a sexual or romantic friendship. There was hardly any difference between the age groups in their responses. They were quite guarded about what they would tell the other about themselves in terms of personal matters. Asked, if there had been a death in the family, was that the type of thing they might mention, the response from a 18-25-year-old Leeds man: *'In some circumstances, yes, if it was part of the conversation, or whatever, but you wouldn't go out of your way just to make sure that they knew that type of thing'*. A woman of the same age in London commented: *'It just depends on what sort of things come up and what you might have in common as well. Cos, I mean, if they had spoken about their parents you might then lead on something, "Oh, yeah, I lost my father".'*

Openness is related to privacy. How open one cares to be will influence that which one considers private. This overlooks the question, however, of who we will be open to; we are not very open to strangers, or to those where, although we have established a friendship, it is not a deep or long-standing friendship. A reporter is a stranger, and so are viewers, listeners and readers. For most, taking part in something like *Big Brother* – with the inability to create a private sphere – would be as unthinkable as it would be psychologically impossible.

However, it appears that modernity has produced increased openness of the self to the world as a means of establishing trust. This cannot be quantified, but the focus groups revealed that increased openness does appear to have taken place within the home; that is, what was once considered private between members of a household is no longer so. This has both a gender and an age dimension. It is worth examining briefly since, if we are discussing rights to privacy, we need to know attitudes towards privacy in the most private of spheres, the home, which might give an indication of attitudes towards privacy in general and what intrusion is considered legitimate.

All the women in the groups who were married, or had partners, knew how much their husband or partner earned. As one member of the 50-60-year-old London African-Caribbean women group stated: *'It's our money, but we have separate monies from each other because I don't want to be saying, you know, you've bought that so I want this – we do pool it together, but we have our own private accounts.'* This openness about income

had changed and they attributed this to the fact that, 'In the past the man was the breadwinner and he was the one who worked, but I mean now in the majority of families the women work as well'. The 50-60-year-old men in Leeds shared these views:

'I think the system has changed in that at one time the man was always the breadwinner, whereas now, often, in most households it's a joint effort and you know the wife is often working... it's a team effort from that point of view, whereas before the financial side of it was the man's domain...'

This is a notable contrast to the account given by one woman in the Leeds group, aged 30-40, of the situation when she was a girl: *'I remember my dad used to come in and put a set amount on top of the telly or the mantelpiece and she [her mother] didn't get any more or whatever'*. Evidently she now handled all the family accounts and said, *'So I know exactly how much he's [her husband] got'*.

This democratic image of the household that has produced more openness, especially on the financial side, is no doubt why all those with partners knew how much each other earned. Also, technological change had assisted in opening the private to household gaze:

'And in the way we're paid as well, it used to be cash and now it's all shown and is clearer. It goes straight into the account and obviously if anybody wanted to be secretive about what he was earning then he could but... [it would be difficult].'
(Leeds men, aged 50-60)

The increased openness between partners concerning financial matters stretched, in many cases, to include their children. It was not that the respondents were sensitive about financial matters, but that they objected to others having this information without permission.

4.3 Publication and privacy

The question of publication, especially with developments in electronic communications, is a difficult one. As far as most individuals are concerned, whether privacy can be considered to have been intruded upon is largely a measure of the concern generated by publication. Publication here is taken to mean reception of material by others, and also possibly the scale of the reception. The point to emphasise, and one which has great importance for media intrusion of privacy, is that it is not just a question of what right to privacy one has, but what right one has to be sensitive to the intrusion. The nature of sensitivity to privacy has changed over time. This is demonstrated by reactions to a relatively recent technological advance that impinges on privacy; namely, the mobile phone. The following comes from the 30-45-year-old Leeds women:

'I don't know if it's classed as privacy – but mobile phones. I've got one, but I hate people talking on them on the bus. They're like just having a conversation with the whole bus. I'm like, "Just say you'll ring them back" – do it when you're off the bus. You know what I mean? I don't want to listen to this at eight o'clock in the morning.'

Q: Is that an invasion of privacy?

'Yes. I get up and move, I'll go sit upstairs out of the way.'

The notion here is very much one of the right to privacy in public. However, it is difficult to disentangle whether it is considered that one's privacy has been invaded, or one is annoyed because it disturbs the peace. One might consider it bad manners, but is it an invasion of privacy?

Q: Is it an invasion of privacy, or is it just annoying?

'I think just annoying.'

'I think it is the other way round – that you are sort of somehow invading their privacy.'

'Yes, you're listening in.'

The idea of invading someone else's privacy by listening into conversations is an intriguing one and goes some way in helping us unpack the detailed aspect of privacy. The intrusion of privacy in the above accounts entails annoyance that one is not left in peace to get on, unmolested by the presence of others, with how one wishes to travel. It seems also that it is the presumption that one's private world can be 'forcibly' imposed on the private world of another that annoys.

If listening into the mobile phone conversations of others embarrasses a person, then it would, perhaps, be expected that they ought to be embarrassed by watching *Big Brother*, finding it somewhat uncomfortable, even if gripping in the way that the women quoted found themselves listening into the mobile phone conversations. *Big Brother* shows how ideas of privacy have changed, or, more precisely, what private behaviour it is permissible to see now. It is unimaginable, even a decade ago, that *Big Brother* would be acceptable fare for mainstream television. Acceptable here is used in two senses; acceptable in terms of taste and decency, and acceptable in the sense that viewers would accept it sufficiently for it to gain a satisfactory audience size. Something has occurred: definitions of appropriate behaviour and acceptance of publication – in the broadest sense – have changed.

The groups' estimations of people who volunteered for *Big Brother* were less than flattering. They certainly did not consider the filming in any way an invasion of the participants' privacy, because 'they volunteered to do it'. It was considered that 'they wanted the publicity', but most of all, *'Everyone who goes on it are full of themselves and showy anyway, so they deserve it'* (Leeds men 18-25 years), meaning that they had no right to complain even if their privacy was invaded.

4.4 Physical privacy

At the physical level, the need, if not actual right, to privacy in the home has increased over the generations. Young people's demand for their own space has grown; a space that, with technological change, can form a self-functioning place of residence, namely, the bedroom. The television set in the bedroom, the computer, telephone, either as landline or as a mobile phone, and so on, means that the bedroom is no longer a place simply to sleep, but a place to live. The feeling given in the groups was that this was not simply because people might be in a state of undress, but due to the recognition of its special significance as belonging to the individual who sleeps there. As one of the older men from Leeds said: *'My son's just been back home in the last 12 months. I wouldn't go in his bedroom. I'd give him a shout, give him a warning that I was coming in, but I wouldn't wait till he said, "Come in". My younger ones, my daughter definitely, when she was about 14. "Nicola, hello, can I come in?"'* Clearly gender differences enter, but in terms of embarrassment to his daughter such sensibilities appeared misplaced: *'On the other hand my daughter she walks about in the nude, she sits on the toilet with the door open and I say "Nicola, close it"'. Even so, he said, 'Yet, I still knock on her door'. The younger London women (aged 18-25) gave the clear impression that their bedroom was theirs, and out of bounds even to their mothers, other than to the most perfunctory entry. Asked what they considered a really private area of the house, all members of the group responded, 'bedroom'.*

This concept of the closed space within the home is in sharp contrast to past times: all the older men from Leeds (aged 50-60) said that when they were young no such space existed for them: *'[Our homes] weren't that big in some cases, so you had no choice'.*

Only in one group, the 18-25-year-old Asian men, was there a marked difference on this topic. Their bedrooms sounded more like a continuation of the rest of the living space of the house: the household was closely knit and this closeness precluded the allowance of distinct closed space. This absence of physical privacy appeared not to bother them. When asked the opening question put to all the groups, *'Have you ever had your privacy intruded upon?'* this was immediately countered by one participant with a question, *'In terms of like parents or what?'* We simply replied, *'Any invasion of privacy'*, which set the group off talking about their parents entering their bedroom. One man said: *'Well personally, yeah, especially my parents. They can come into my room whenever they want to. My privacy is invaded at times, but I'm not too bothered about that, especially if it's my parents'.* Asked as a group if this bothered them, there was general agreement that it did not.

In discussing the idea of privacy, a clear distinction emerged in this group of young Asians between 'home' and 'outside', in terms of which events were public, for out-of-home use, and which were reserved for the immediate family.

'Personally there are some things that I would like my parents to know and some things I would like my friends to know, but not my parents. It all depends on what it is really.'

'I wouldn't like to tell my friend what's happening at home, because I would like to keep that at home.'

'And then whatever happens outside, if it's not important, I won't want my parents to know about it, because it's not important and it's not affecting them.'

What one witnesses is a very closely shared life, and this shared life extends outside the home in terms of parents wishing to know what their offspring are doing. The outside world is brought into the home in the form of 'intelligence', but family matters are not taken out to the world. On personal observation, this seems the reverse of young white youths where the goings-on in the home, the misunderstanding of them by parents, is the subject of detailed and agonising discussion outside the home with friends.

One of the most obvious changes that has occurred in public spaces is the rise of the CCTV camera. In all the groups, the general principle of CCTV was welcomed, albeit with specific reservations. The older men from Leeds (aged 50-60) all supported the use of CCTV cameras. Having mentioned that he was wary about the type of financial information companies collected on individuals, discussed earlier, one man commented: *'I think that [CCTV] offers security as much as you're being watched kind of thing – visibly watched. I prefer that kind of security that maybe deters crime'*. Someone else added: *'I think they are great personally – if you have got nothing to worry about'*. As a check to see if such a response was age-related, that perhaps older people felt more worried about personal security, the same question was put to the younger Leeds men (aged 18-25). Their response was the same; all agreed that to have cameras in city centres was a good thing: *'They do it on the streets of Leeds and there's people walking around, but it's for the public isn't it. It's to catch thieves. To stop violence'*. When it was suggested that they might be captured on tape themselves, the response was that the onus was on the individual not to be doing things that would give cause for them to be bothered: *'If you shouldn't have been doing it, then you shouldn't have been doing it, so it's your own choice'*.

For most, this idea of one's movements being captured on camera had a straightforward pragmatic base – it was a good technique for ensuring personal safety.

It is also clear, and again this is important for where and how the media can operate when it comes to privacy, that the group did not consider open public space to be areas where the notion of the private held sway. There was nothing to intrude upon, and those who had a need to be concerned were only those who were behaving in an anti-social manner. The continuous surveillance of open public space was, therefore, not a problem and, indeed, without constant surveillance, the effectiveness of the protection of the public would be reduced.

Yet it was discomfoting to consider that one might be under constant surveillance in the immediate home neighbourhood. This was seen as restricted public space and an extension of associations with the home. In the cases where there was support for such 'intrusion', then it was invariably based on protection against crime. In short, it depended upon the type of area one lived in and the incidence of crime and anti-social behaviour, or, perhaps, on the simple fear of crime.

The 30-45-year-old Leeds women were, like others in different groups, divided about supporting surveillance cameras in their street. One woman did not want CCTV in her street on the grounds that, *'I just don't want people spying on you all the time'*. Another woman was equally certain that she did: *'Well, there's many people go around burgling houses and pinching cars and things nowadays. If my car went missing it'd be caught on camera'*.

There is also here an element of the intrusion of privacy, the idea of being spied upon. But this is not necessarily a negative point. For example, the 50-60-year-old London women were in agreement with having CCTV cameras in city centres for the reason: *'Well, for your safety as well as anybody else's'*. Interestingly, however, another woman added her support on the grounds that: *'They can't accuse you of stealing or anything or abusing someone's child or anything. If you haven't done it... it's a very good way of checking up on things'*. To remain private, in other words, for this woman, is not to be protected, while to go public and be on record is to be protected. The advantage of discussing attitudes towards CCTV cameras is that it has allowed the development of a three-way classification of the private; namely, open public space, restricted public space and closed space. In practice, of course, it may not always be easy to say, with absolute precision, what actual point of the continuum we are looking at and, therefore, where it might be permissible for the media to enter and publish material gained from that sphere.

4.5 Community

It must be said from the outset that the term 'community' does not appear to be an organising category of thought, or, at least, was not found to act as such in the focus groups. Communities, in the sense of collective identity, tend to exist only where there is no escape from a common condition, so that the interest of one is the interest of all. Geographic mobility, occupational variances and so on make such communities largely a thing of the past.

This notion of community was picked up by the African-Caribbean women in London when they explained why they did not see themselves as forming a particular community with special interests. Here, filling in the recent census form emerged as a clear example of invasion of privacy: the seeking of certain information about them was considered to intrude into their privacy, especially the ethnic origin question. The group as a whole had definite opinions on this:

'Yes, the descriptions I thought... I remember crossing it all out and putting what I wanted to put. I can't remember, there was something like... was it Caribbean or African like that. Black African. Black Caribbean.'

'West Indian.'

'I think it was just West Indian. I don't think it had Caribbean. I crossed them all out – sometimes people don't actually... classify themselves as West Indians. I've never classified myself as West Indian.'

Q: We often talk about community you know, do you feel a part of the community?

'Absolutely.'

'I've never really given it a thought. I suppose I think that as part of the community where I live... for the first 12 years of my life I was in Enfield, but I feel it's where I live and if it's the community of Enfield then yes I feel part of it 'cos I've lived there.'

Q: Not an ethnic community?

'There isn't, as such, an ethnic community in Enfield. It's just part of living in England. You can't really pin-point an ethnic community in Enfield [...]. I think the issues that affect African Caribbean people, you identify with it and you can identify with it on the basis that you are a non-white person, you know in the white community, if any issue that comes up that affects you as a non-white person, as a black person obviously you are identifying with that. In terms of community, in terms of where you live, I think generally speaking you know you can live in London and not really know your neighbour.'

All members of the group gave support to that statement. To tease out this question of community, and feeling of further identity with a community that might give a community of interests, it was mentioned that there had been a similar group in Leeds among Asian people, which offered a different picture than the one being painted in the London group:

'Well, I don't physically want to live in the same area... I would like black communities to integrate.'

The Asian young men in Leeds did have a sense of community beyond that of neighbourhood – using neighbourhood to mean an association with an area of residence rather than, as community, having interests in common that bind a group together which may stretch beyond the immediate neighbourhood. The word 'community' was used, for example, when one Asian male participant said: *'I personally feel safe in, you know, my own community and that. It's my own area and I feel safe in it'*. But one could see that,

although he did have a feeling of community in a sense of distinctiveness, it did not extend to exclusive immersion in the community. When asked if they read any Asian newspapers, the *Eastern Eye* was mentioned. But, when followed by the question, 'Is it any good?' the reply came: 'No, personally, it just talks about mainly Asian stuff'. It was generally read for the sports news: 'All the newcomers, good boxers, and good cricketers and everything and all sports kind of people, they'll be in it'.

4.6 The media and privacy

In any discussion of the intrusion of privacy by the media we first need to clarify what is understood by 'the private'. It is the breaking down of what is meant by 'private' into its component parts that is so essential in judging the performance of the media.

Every group was asked: 'Think of all the media; television, radio, the newspapers, magazines, which would you say intrudes the most in people's private lives?' In all the groups it was the newspapers and popular magazines that were singled out as the worst offenders, but it was considered that all media invade people's privacy to some degree. To use just the Leeds 30-45-year-old women as an example: 'Newspapers'; 'Newspapers'; 'Probably newspapers'; 'OK magazine'. Even so, this last was a qualified judgement: OK magazine's coverage of the Beckhams was an example offered by the group, but the rider was added, 'The Beckhams are maybe not much bothered who knows about them, but definitely what is known'.

The increase in the intrusion of privacy that people are referring to may be no more than a reference to an increased willingness of people to be famous, or willingness to court attention. In short, there are simply more stories around. Generally, the groups had little sympathy for those people who, by virtue of their position, had deliberately projected themselves into the public gaze: 'Well, I think some people deserve to be.' 'Yes, some ask for it.' The difficulty was, as one London 30-45-year-old man said, referring to celebrities: 'A lot of them go out asking for publicity and don't like it when they get publicity they don't like.' He then added: 'I don't know whether that is justifiable or not.' There is a sense of fairness here. Even though there is not much sympathy for the promotional antics of many celebrities, there is an almost grudging acceptance that even they may have claim to privacy.

This corresponds closely with the findings from a previous report⁵ dealing in detail with individual behaviour, position and so on, which influence people's judgement on what rights to privacy celebrities and public figures might reasonably expect. Each case has to be taken on the facts of the situation. For example, when the London 30-45-year-old men were asked if the media had the right to publicise that an MP was a homosexual, the view was:

'No, unless he is anti what he is. I don't think it matters what his sexual preference is. If he is saying homosexuals shouldn't be allowed in the army or whatever and he is himself, then yes.'

⁵ *Regulating for Changing Values*; Matthew Kieran, David Morrison, Michael Svennevig; Broadcasting Standards Commission, 1997.

The point here is that the media are expected to expose hypocrisy, although of course this would entail the MP's privacy being invaded. But the media would be justified in doing so.

In all the groups, the role and practices of the media were examined in some detail. In several groups, individuals had some direct experience of the consequences for individual privacy of encounters with the mass media. One woman from the 50-60-year-old London African-Caribbean group drew upon her own encounter with her local newspaper:

'My middle daughter [aged 13 at the time] got hit on the head by a pole in Enfield, in the market. The stalls have canopies and they were never bolted together... and she was in the market shopping and a gust of wind took the canopy and the pole hit her in the head, so there was a big hoo-ha as you can imagine and the ambulance and the fire engines squealing and what have you and one of the stallholders told the local Daily Advertiser, so the next minute the journalist arrived at the hospital to find out what was going on and he wanted to know what happened, where she was born, what... everything. My daughter is in there, she's been hit and she's been hurt, and he's asking me all these sensational ideas... the newspaper. I didn't feel that he was in the least bit interested in my child, he just wanted a story.'

Q: Do you think that this was a story that should not have been printed?

'Well, I do think it should have been printed. It was printed, and because of it the environmental health people had to go into the market, and now those things are bolted together so the actual canopy thing can come off, but I think he was just talking to people and he could put words into my mouth – he was talking to an anxious, angry, frightened mother, and I was not pleased.'

Q: Do you think that was an invasion of privacy?

'Well it was an invasion of privacy because he just came storming through – no one invited him in there and he just thought "Well I've got the right to come and ask anything I want to".'

Q: You're saying your privacy was invaded, but at the end of the day it was right that they did it, although you didn't like how it was done – because some public good came of it, yes?

'Yes, it was just sensationalising everything.'

Q: So he wasn't doing the proper reporting?

'No. Because of it some good did come of it but... [the coverage] did say what should have been done, because they did ask us what do you think should be done, there must be a way that these things can be done so that doesn't happen again and, because of it, it will start to get better.'

The key charge against the journalist is one of sensationalism. He was not interested in the version of the story that the mother was interested in, judging by the account given by her. Who, in other words, owns the experience leading to the story? But, she was pleased with the eventual outcome of the story, in that corrections were made to how the stalls were erected and this safeguarded the likelihood of similar future happenings to other people. On this ground, accepting the mother's consideration that her privacy had been invaded through the asking of personal details, which she considered irrelevant, and the sensationalist interest in the extent of the injuries, the defence of public interest can readily be used as justification of any intrusion. Unless the journalist was interested in the public safety aspect, then it is reasonable to say that the mother owned the story, and in owning the story was not prepared to give permission for the use of interviews to sensationalise events. Her privacy had been intruded upon, but in a much more complex fashion than asking the mother to reveal details about herself. The end result was, though, agreed to be for the public good.

Importantly though, while public interest was clearly served in this case, and thus intrusion upon the woman's privacy perhaps justified, at the time of the intrusion the journalist may not have known that the story would turn out to be one of public interest.

One of the men in London, aged 30-45, offered a different example of the experiences of a close friend of his. Before relating this particular story; the conversation in the group roamed around pictures being taken of crowd scenes:

'Everywhere you go now you are faced with cameras on the roads, every building, shop you go in [...]. I mean I know they are individual people in the shot... they are just an illustration... the people might find themselves disturbed by the photo but the rest of the world's looking at the whole event.'

'If it was a football match and they took a picture... they saw someone behind the goal... if there was no comment made about the people in the background it is not an issue, but if you are watching Match of the Day and they pan on the crowd and they focus in on some individual, that is intrusion.'

'But being at the football match you must know you are open to being viewed by a camera.'

Thus, even in open space it is possible to intrude into someone's privacy, but it is doubtful that, in the case of a football crowd, even if a close-up and perhaps lingering shot was taken, it would be considered to be a significant intrusion. Nevertheless, such statements do indicate how intrusion is construed. It is different from CCTV cameras because of the nature of the 'publication'. The CCTV camera recording is private publication, with very few – if anyone – seeing it, whereas publication by television involves being viewed by many.

Following the comment about *Match of the Day*, another member of the group said:

'That happened to a friend of mine. Two or three seasons ago a friend of mine, Arsenal supporter... and I think they had just lost the lead and lost the chance of winning the championship – I laughed, he cried. The cameras panned in on him and the next day Virgin Radio (Chris Evans) put out a call, "Does anybody know his name?" Right, that's my oldest friend and he said, "I don't want to go", but he ended up on television on TFI Friday [...]. The cameras, it must have been Sky, was it, he was crying his eyes out. He is 38-years-old, crying his eyes out, blubbing. He is a great big bloke, blubbing his eyes out 'cos Arsenal aren't going to win the championship and my brother-in-law was watching TV and he phoned me up and said, "Howard is on the telly". He was on about 30 seconds or something, they zoomed in on him. I must admit he said it was really embarrassing, but they actually put a call out on the radio the next day and "Anyone know this man?" and people were phoning up and saying, "Yes, it is Howard"... but he got a good reception when he got back to the Arsenal when he sent in for his season ticket.'

Q: So he went on TFI Friday?

'He did actually, he relented and he went and had a really good day, they treated him well and he got drunk and held up the League Championship trophy or something.'

Evidently, the picture of him crying also appeared in the *Sun* newspaper. We asked: 'So your friend, did he consider, when he saw that picture of himself crying, did he consider that an invasion of privacy?' He responded, 'I didn't ask him, but I know he was embarrassed'.

To be embarrassed in such a way is clearly an intrusion of privacy. As agreed, no one considered that appearing as a member of a crowd at a football match was an intrusion of privacy, it was to be expected. It was not expected, or accepted, that they would be singled out for special attention, especially at a moment of emotional breakdown. True, he then in a sense became an accomplice to his own fate by agreeing to appear on *TFI Friday*, but a hunt was on for him. It takes little, in the circumstances, to imagine the pressure, no matter how friendly, that resulted in this person agreeing to appear on the show.

The idea of being singled out for attention was mentioned on several occasions in relation to privacy. In the same group, another man gave a further example:

'I mean, a friend who I used to work with, his family were totally shocked because they were watching the television one day after an IRA bomb in London and they zoomed in on a bloke being put on a stretcher in an ambulance and it was his brother and they didn't know anything about it and they had this full-frontal, full-face going on. Luckily he was alright.'

Asked if this was an intrusion of privacy, the group continued on this theme:

'... the bloke on the stretcher but it was also a big shock for the family isn't it, 'cos they had been frantically phoning around trying to find out what was going on.'

Q: Did they need to show his face and the pain in his face?

'Probably live was it, live telly?'

'You should perhaps put yourself in the journalist's position, they want to show the pain, to show how bad the IRA are I presume, so I mean, they are obviously balancing things. I think they tend to get it right overall.'

One cannot accuse this group of being unreasonable, or failing to understand the issues involved in covering a tragic or dramatic event. They are very aware that the story has to be told – it has social importance; a bomb exploding in the capital city with people injured by a group that has used terror as one of its major political weapons. Not showing the devastation would have meant not covering the story. Similarly, to not show the consequences of the act upon those caught up in the blast would also be not to cover the story.

Doubts are, though, clearly cast upon whether or not a close-up picture ought to have been transmitted of one of the injured as he was 'stretchered' away. It was considered an invasion of privacy for 'the bloke on the stretcher', but concern was also registered for the shock that such an image had on the parents of the injured, who then on seeing the picture 'were frantically phoning around trying to find out what was going on'. Yet, there is an appreciation that such pictures are necessary and give the journalists' credit, in the sense of attributing to them the desire of trying to show 'how bad the IRA are'. The conclusion is that television tends to 'get it right overall', by which is presumably meant fulfilling the function of relaying events in a manner that captures the horror of what has occurred. Leaving aside the obvious concern relating to the parents, it appears that privacy could be legitimately intruded upon here to the extent that it was necessary to capture what had happened. Also, if the victim had been wounded in the street – open public space – another consideration comes into play, inasmuch as people do require public events to be open to public inspection.

The previously discussed idea of distinguishing open public space, restricted public space and closed space offers a means of conceptualising the type of situations where privacy is felt by people to operate under specific conditions, and can help in indicating what their expectations of rights to privacy would be. Indeed, ‘expectations of privacy’ may be a more appropriate term to use than ‘rights to privacy’. Such expectations are illustrated by another example.

One of the 30-45-year-old Leeds women related what had happened to her at the seaside:

‘We were actually filmed in Whitby years ago. When the kids were really young we’d gone to Whitby and the kids were on the donkeys – we saw them filming on the beach and about six months later this programme called One Summer in Whitby came on, there we all were. On the beach, on the donkeys. The phone never stopped ringing all night – everybody had seen it – it was amazing. They showed it again two years later and we got the same people ringing again. It felt weird.’

[...]

‘Oh, I was really embarrassed. It was awful. People even shouted in the supermarket, “We saw you on TV” and everyone’s looking to see who it is. It was awful. I was just so embarrassed.’

Q: What’s the nature of the embarrassment?

‘Seeing yourself on TV and thinking, “Oh God, do I really look like that?”’

Q: Is that an invasion of privacy?

‘I suppose it is. They didn’t ask for our permission.’

Although she knew that she was being filmed, she did not connect that fact to the possibility of her appearing on television in sufficient close-up so as to be immediately recognised. As with the Arsenal supporter, she was not in the background. As innocent as this activity was, it is quite clear that she would prefer this private pleasure not becoming a public spectacle – she was embarrassed. Her privacy was intruded upon, in that she did not wish for such exposure, but at no time does she really define what happened in any intellectual sense as her privacy being intruded upon. She sees the whole situation in terms of embarrassment, which is a response to the invasion of privacy, to publication of the private.

In comparing the two situations, although embarrassment may have been the outcome of both, the beach scene was harmless. There was nothing for the individual to be ashamed about and a good deal of joking took place among the participants about the situation, reference being made as to whether the donkey was embarrassed. Thus, in deciding whether

something is an intrusion of a person's privacy, one has also got to consider whether the individual had the right to feel his or her privacy was invaded. 'Right' here is not to be taken in the sense of freedom, or in some legalistic manner, but whether or not one ought to be that sensitive, and whether any harm was done in the sense of hurt feelings. Context is all.

What came across strongly in the groups was that places such as beaches were public places and, therefore, the idea of privacy was not really operable. At worst, pictures or filming was low-grade intrusion. Furthermore, acknowledging space as a public place meant that one regulated one's behaviour.

The African-Caribbean women also recognised the fact that that open public space was not theirs to control. For example, one woman said:

'...I think from the time you step out the door you have to resign yourself to the fact that you'll be on somebody's camera somewhere in the same way that once you've put something on the computer it's not private anymore.'

In other words, one did not do things that might, if captured on film, be harmful to one's self-esteem, or cause shame in the eyes of others. The young men in Leeds, aged 18-25, perhaps in line with earlier arguing about changed attitudes towards privacy, were very relaxed about being filmed on a beach. We asked: *'What if you were on a beach sunbathing, unaware someone is making a programme on say Corfu, What a Scorcher... and you appear on the news, would that be an invasion of privacy?'* The answers were unequivocal:

'It's the same as the city centre.'

'There's people milling around all the time.'

'You're in the public, you chose to be there yourself. You know that everybody can see you, so you're not hiding anything from anybody. Most people like being on camera anyway.'

The idea of *'most people like being on camera...'* certainly demonstrates a different attitude to publicity than the previously quoted women. The attitude may well be an attitude of youth. The young men also considered that, although one might be caught in situations that one would not choose to be caught in, any 'downfall' that occurred was your responsibility for having taken the risk of, so to speak, 'going public':

'There's a good story about that actually. Someone we knew once was away for a week sick and during that week they were on the front page of the Yorkshire Evening Post drinking a pint and it was saying, "How good this pub was and how it had won the best pub in the area this week" and he was there, main man. Yet, he'd been thought to be off work sick that week, so that was quite a good story.'

Q: Is that an intrusion into privacy?

'That's tricky 'cos... if he's stupid enough to pull a "sicky" and get himself caught, like on video cameras and stuff, then he's asking for trouble.'

'You know the risk.'

The group was then asked whether it would be different if they had gone for a walk on a hot day in the countryside and found a secluded place by a river to swim – a restricted public space – and they were filmed. Would that be an intrusion of privacy?

'I think maybe it would be if you were out in the middle of nowhere expecting that there's nobody about, then you're gonna do different things to if there's a lot of people about.'

There was little doubt really that this was an intrusion of privacy:

'If it's blatantly obvious that they are taking pictures, say for the news, and they're blatantly taking pictures in front of you when there's another 270 degrees they could take the angle from, then I think that it's an invasion of privacy.'

The countryside example was considered an intrusion of privacy, but not the Corfu example. The latter was acceptable for, as one young man put it: *'You're not in the privacy of your own home though; you're out in the middle of a public place'*. The beach is open public space; the countryside, providing efforts are taken for seclusion, is restricted public space.

The London women in the same age group offered similar views about the beach.

'If you are going to be sunbathing half-naked anyway you must be quite proud of your body. It's like if you are happy enough for everyone on that crowded beach... '

Again, however, there are caveats, in that the public nature of the beach does not give *carte blanche* to the photographer or the film crew:

'As long as it's not like a picture of you on your own on the beach, generally they are like pictures of like so many people that... '

'Yeah I mean if it was just like one or two people on a beach they can't take a picture of you then.'

One of the young women in the London group mentioned she had a child aged two, so it was put to her whether she would mind if a picture of her daughter splashing around without a bathing costume appeared in a newspaper or was filmed. She was adamant that she would object. Asked why, she replied:

'Just because I personally would not like my daughter photographed.'

Q: Why would you object?

'It's like the people reading it – you don't know.'

The unequivocal suggestion was that a reader might have a questionable sexual interest in viewing the picture. This concern was raised when the same scenario was put to the London group of men aged 30-45.

'You've got to be so careful, innocent pictures. It depends what you are using them for, but I wouldn't want one published of my daughter [...]. What reasons are there? I think that has changed. We are much more aware of paedophilia now anyway, possibly veering towards paranoia. If someone was taking a photograph of my child then I would certainly want to know about it.'

If this reasoning is accepted, then, when people complain that their privacy has been intruded by a picture of them being published, the anger of the complaint is more than likely to be accounted for on grounds other than the straightforward desire to be left alone. It is likely to include feelings of anguish or embarrassment at how the picture might be read, and it matters little whether the picture is flattering or not.

4.7 Intrusion and permission to intrude

Fictitious examples based around the police and journalists were used to explore when and why permission might be given for entry into the private world of the home. The purpose of this was to examine tolerance to intrusion depending on the status of those intruding, and acceptance of intrusion into the privacy of others. From the outset, however, the claims of authorities are judged in terms of the status awarded those authorities, but also in terms of the claims put forward for intruding into privacy; roughly stated, the interests that will be served by intruding into privacy. The example below uses the group of 18-25-year-old Asian young men:

Q: The police knock on your door and say they have reason to think you are handling stolen goods and would like to look around the house. Would you let them in without a warrant?

The answers ranged from *'Probably not, no'* to *'No way'*. The reason given for not doing so was: *'They don't have authorisation to come in and search it'*. It would appear that they would be more willing to co-operate with the police in a search of their car. The difference in response was that, *'You see your home is where you've got belongings and stuff. In your*

car you've just got your jacket and tools and your cricket bat'. Here again is a clear formulation of what makes the home private. It is associated with a distinct personal zone captured by the idea of where 'your personal belongings and stuff' are kept. This response, of not allowing the police access to one's home without the authority of a search warrant, was practically universal to all the groups.

The session then continued with a variation on the original scenario:

Q: The police come to your house and say they have reason to believe that the people living next door are planning a robbery and they would like to eavesdrop, to plant a bug in your house to listen on next door. Would you let them?

They were not quite so unequivocal on this. *'No, I wouldn't'*. *'No, I probably wouldn't'*. *'I'd think about it. I don't see any reason why not'*. The hesitation in allowing such access was given by one participant as: *'Well if the police found out that they were wrong and if your neighbours found out that they used your house and that... they won't feel safe with you around. They'll think that you don't care about their privacy'*.

There are some interesting points here, related not just to media intrusion, but intrusion in general. To begin with, the intrusion into privacy requires that you are right to intrude, that is, one has good grounds for believing that something is wrong and requires investigation. This is captured by the statement, *'if the police found out that they were wrong'*. The surveillance of others cannot be a 'fishing expedition'. There is also the element of the duty to protect the privacy of others, captured by the statement, *'They'll think that you don't care about their privacy'*.

But when, for these young men, does caring about the privacy of others cease? They were presented with a case where the police asked to use their house to observe the activities *'of crooks across the road'*. The idea of community now featured strongly in their responses: *'If they're trying to help the community you should give them a chance and let them try'*. *'If it's good for the community at the end of the day, they could be planning to rob my house, or they could be robbing a bank and putting the money in my back garden'*. Caution was offered: *'The rest of the community is going to say, he doesn't trust his neighbours'*. Much was made of how well one got on with one's neighbours, but the key point is that here, once more, a sense of community emerges. Despite reservations offered by some of the group, intrusion could occur when to do so was to protect the community's interests.

Although the interests of the community were raised as a defence for allowing the police to use their house to intrude upon the privacy of neighbours believed to be robbers, the support for doing so was not without question. Yet much of this remaining reticence vanished in the third scenario:

Q: What if you believe there's a paedophile living next door. What if the police came and said not a robbery, but they have reason to believe there's a paedophile? Would your response be any different?

'Yes, that's a bit more serious.'

'I mean, if you've got kids of your own and then you don't care what the neighbours say, you say, "Yes, go ahead".'

In popular consciousness, paedophilia has come to form an organising point in grading human conduct, a summary statement of behaviour that is incontestably wrong, of which the person so charged has little, if any, right to claims of consideration that might extend to other wrongdoers. What we see here, therefore, and we witness it in other groups, is a set of values coming into play that deny the paedophile what is generally held to be the human right to privacy.

The value of the above discussion is that it again assists in emphasising that ideas of privacy are socially dependent – they change with time and change with changed circumstances. It also emphasises that the holding to of sets of ideas might be considered to be in the public interest, and that the intrusion of privacy of those who hold counter ideas to the generally accepted, or dominant, ideas might also be considered to be in the public interest in that it reinforces social solidarity.

The perceived importance of the issue, in this case paedophilia, clearly produced a shift in attitudes towards allowing the police entry to their house to intrude upon the privacy of others. But, also, in allowing the police entry, this gave permission for entry upon their own privacy. Taking this most extreme case only, on the grounds that if it did not apply in this case it would not apply in lesser cases, the Asian men were asked:

Q: If a newspaper wished to expose them [paedophiles]... what would your response be to allowing a newspaper in?

'I'd be a bit sceptical about that.'

'They're just looking for a story aren't they?'

Q: What if a television crew came, let's say from the BBC?

'Same sort of thing isn't it. When the person gets exposed on TV or whatever, he's going to find out where it's come from, d'you get what I mean.'

'If the police are dealing with it, it's private. They don't let it out to the public do they? They don't let it out to the cameras and that.'

Q: So you're saying that you would help the police because it would be kept private, but if you helped the TV it's invading your privacy as well as theirs?

'The police are looking after you, but television isn't – they are there to make a programme.'

Participants could not rid themselves of the thought that others would find out that they had allowed their house to be used by the media for observational purposes. There is a great deal of suspicion about the intentions and actual behaviour of the media in general, television included. Although they consider paedophilia to be a serious matter, and for that reason would allow the police to use their house, they did not consider that the media, in an intentional sense, were operating for the public good, but rather *'just looking for a story'*. The impression is given that the media would not be that bothered to protect their identity, that their concern is simply with the story.

Of course, the intrusion of privacy might well serve the public interest, and the audience might well agree in very obvious cases, for example, the exposing of practices that threatened the safety of rail passengers, but the problem arises in introducing the defence in cases which are not so clear-cut. In short, the lack of credibility, that the interests of the public are at heart, rather than the desire for a good story, undermines the defence.

The reaction to paedophiles among the 30-45-year-old London men, some with young children, was particularly strong. Indeed, there was a rather robust attitude towards policing in general. Even so, they were suspicious about the media intruding into people's lives. They were asked if they would let the police into their house without a search warrant. This, one man explained, would *'depend on the attitude of the copper'*. *'Whenever I've been stopped – if one [policeman] gets stroppy, I get stroppy back, I can't help it... actually coming into your house, I don't think I would let them.'*

In general, these men would not allow their house to be used by the police for eavesdropping where there was suspicion that the neighbours might be planning a robbery, although one man said he would if *'it went through the proper channels'*. Interestingly, he would allow his office – restricted public space – to be used by the police for surveillance purposes:

'At work I did a similar thing. They wanted to film the court next door cos some people were up on a charge and they wanted to see some of their [colleagues]... researchers came to the court and they wanted to film them and they set the camera up.'

In judging whether or not to allow intrusion into the privacy of others, the seriousness of the supposed offence enters, and the consequence of the alleged behaviour for them personally:

'Paedophilia – I find that more threatening to me personally, I would react differently than if you put a listening device on the wall to listen about a robbery. I couldn't give a toss about a robbery, but listening device on the wall to hear about paedophiles and my children...'

His support for such action was underpinned by the fact that, if he suspected such individuals were living next door, he would take direct action himself. Others in the group were clearly not in full support of his response to paedophiles and the idea of vigilantism. Nevertheless, despite the stridency of his position, he would not allow journalists to eavesdrop.

In discussing the defence of intrusion 'in the public interest', what emerged from all the groups was a consistent doubt about the media themselves, most notably newspapers; that what they do is largely done out of self-interest, even though it might be in the public interest. In other words, they are not really to be trusted as the carriers of anyone's interest but their own. Hence, the police, who are trusted as acting on behalf of those other than themselves, are empowered with a right to intrude into privacy beyond that associated with their strict technical role of upholding the laws of the land. They are seen as operating in the public interest: something that the media have failed to convince people about. This lack of belief presents a very real problem for the media in mounting a claim for intrusion into privacy by way of the defence of public interest.

Furthermore, the right to intrude still carries with it a further consideration – the methods used to get information, especially where these are surreptitious. For example, among the African-Caribbean women, even when the police are the agents, the surreptitious gathering of information was not generally welcomed – *'there must be other ways of doing it'*. If this right was not extended to the police, then for journalists to gather information in such a manner it was very weak indeed. Attitudes differed a little in some quarters when the case of a paedophile was raised: *'My reaction would be, "Go away".'* *'I wouldn't under any circumstances because I've only got their word for it that they are paedophiles, you must as a neighbour see something strange'*. What this woman would want is corroborating evidence. Another woman, again illustrating the sensitivity towards paedophiles, and how attitudes to privacy can shift depending on the emotionality or seriousness of an issue, commented:

'My reaction would be different if it's something around child abuse or that, my reaction would be different to a robbery or mugging or something... I won't say I would do it, but I would strongly consider it. They abuse these children all the time even within people's houses you know and nobody knows until this child gets to be an adult and then they tell – so you should help.'

This equivocation did not extend to journalists: *'Not a journalist, no.'* *'Not a journalist'*. When it was put, *'He's doing a serious investigative piece'*, the answer was still the same. Outright entry was not forbidden: *'If it was about the paedophiles and he was with the law, but I wouldn't just let a journalist in, no. Not on their own'*. When we asked, *'Why not?'*, the answer was:

'I'd want to know that they were doing things properly. Not that the police always do things properly, but I'd want to know that everything was covered because a journalist would use all kind of underhand methods to get what they want and I would like to know that they are within the law and I'd still have to consider it, and they'd twist the truth.'

4.8 News values and the public interest

The point to stress is that the image of journalism, from evidence presented so far, is not one that puts them in the position of presenting themselves as operating in the public interest, even though the outcome may be that what is reported is in the public interest. Yet, matters are not uniform, and this is to be expected; trust is uneven between the different media and between organisations.

The group of Leeds 30-45-year-old women gave a slightly different emphasis to the question of the intrusion of privacy, by both journalists and the police. This group also shows that their considerations of what the media can do are clouded by considerations of how they do it. Also, it should not be supposed that people do not like to know the private goings-on of others, otherwise the popular press would hardly be popular:

Q: A well known TV star, who is known to have a terminal illness, is on holiday looking very thin and desperately ill. Is that a story that should be picked up?

'No.'

'No.'

'They probably would. Well they will. They take photographs and publish them won't they. Morally it's not right.'

[...]

'But I'd be intrigued to know what they looked like. I would. So I could go, "Oh, my God".'

[...]

Q: Should they ask this person's permission to take photographs?

'Yes.'

'Yes.'

'I think so, yes.'

Q: Do you think they do?

'Definitely not.'

'No.'

'They're spying on them.'

Within this discussion there are both an 'analytical' position – 'morally it's not right' – and an 'empathetic' position that admits to wishing to see a photograph of the ill person – 'So, I could go, "Oh my God".' The latter was not intended in any venal or hostile sense, she wanted to feel sorry for the victim.

Part of this complexity in practice is that rights to privacy interact with questions of taste and decency. If the story was done 'in a nice sort of way' the feeling is that, although privacy might have been intruded upon, it was acceptable to do so because the public had a strong interest in that person. The question here is whether this is in the public interest or simply a matter of what the public is interested in.

At this level, therefore, it is not true to say that these stories about, or pictures taken of, celebrities and so on have no importance at the social level. They do have genuine social importance for a variety of reasons. The death and funeral of Princess Diana in 1997, for example, showed that the media had a massive role in articulating and choreographing people's emotions and actions, but not necessarily reflecting any clear issue which was 'in the public interest'.

One of the young women, aged 18-25, from London, in discussing pictures of celebrities that are ill said:

'That wouldn't make me feel so bad because I think they are normal, if things like that happen to normal people, people do die, people do get ill and look desperately ill and thin. And I think to myself, "Well at least they are only human" and I know you are dying but at least they are human and it's not just, they are sort of like still got their gorgeous looks and massive boobs and stuff, they are looking ill. I would read that and think at least they are normal.'

Such stories are reminders of some essential features of life. One does not wish to overlay this, since clearly people considered questions of taste and decency at such moments when intruding upon someone's privacy. However, the point must be stressed that what the public is interested in, is not to be dismissed as grounds in mounting a defence of intrusion. That is, the public's interest may well have social importance in the sense of people finding out what other people's life experiences are like, but is unlikely in any adjudication to qualify as 'in the public interest'. Despite this, not everyone rejects a limited degree of intrusion in such matters.

4.9 A case in question: public interest and social importance

Each group was taken through one particularly detailed scenario, fictitious but based on similar real-life events. The case selected for this detailed enquiry was the National Health Service and the scenario was introduced as follows.

The NHS has issued a secret instruction telling doctors that they must not use an expensive new drug treatment on older patients suffering from cancer, and it can only be given to younger patients. Some doctors are obeying this instruction, but others are disobeying.

Respondents were asked a series of questions relating to the scenario, and these were later tackled in the survey:

- Level of personal interest in the story
- Level of public interest
- Acceptable methods for obtaining information
- Appropriate media for publication of story
- Acceptability of possible consequences

Personal and public interest

The first question put to the groups was: **'Is this the sort of story that the media should cover?'** Of that there was no doubt. For example, among the young (18-25-year-old) Asian men:

'Oh, yes. Especially for all those families that know this may happen to them. If they know that less expensive drugs are to be used on older people, they have the same right as young people.'

This was followed by asking how interested they were personally in the story, on a five-point scale from 'no personal interest' to 'very high personal interest'. All, apart from one man, had high personal interest, with one participant opting for a little personal interest. He explained his response by saying:

'My mum's 45, but I don't really sort of bother with it because there's nothing I can do.'

Q: But you don't think you have a right to know?

'Oh, you have a right to know, yes, but y'know it's like there's nothing really I could do.'

They were also asked if this story was in the public interest, on a five-point scale from 'no public interest' to 'very high public interest'. Without going back on the statement concerning the fact that these young Asians did not see themselves, or present themselves, as disenfranchised, they gave the lowest estimation of the NHS story being in the public interest than any of the groups. Even so, nearly all their ratings judged the issue to be of moderate or high public interest. Comments included:

'It should be of interest, but some people aren't.'

'Because you know that only someone who is in power can deal with something like that.'

'There's a lot of old people out there, a lot of people that don't know what's going on.'

It may have been that they were scoring by projecting personal interest on to what they imagined others to be interested in, but there are elements that suggest not. *'Something that is available and appeals to everyone,'* is suggestive of what the public is interested in, but *'there's a lot of old people out there, a lot of people that don't know what's going on'* is suggestive of something being in the public interest. They are not thinking of themselves, since they are young, but of those in our society who are old. In other words, they are thinking of a particular collective that has collective interests. If we now go back to where we asked them if the media should cover such a story, we do see the idea of public interest coming together as a statement of clarification as to what it means. For example, one young man said, *'They [the elderly] still have the same rights as young people do'.*

For something to be 'in the public interest' for this group would seem to mean that the story had to have social relevance, that is, it had to relate to people in general and not simply affect one person. Rights were involved, namely, that old people had the same right to good health care as young people. What we see, therefore, is public interest embodying an expression that something is of common importance. As such, a story may not affect you personally, or even engage one's interest, but it has to have features that are seen as important to some group or another.

The Leeds white young men, of the same age as the Asian men, scored the NHS story much higher in terms of public interest. All scored it 'Very High'. Asked why the story should be told, the response of *'it needs to be'* suggested it simply had a self-evident importance. One man said, however, *'We pay for the NHS'*. This response emerged in other groups also, and provides a nice insight into understanding what is meant by 'public interest'. This story had high public interest because the public were seen, so to speak, to own the NHS. The NHS was public property; therefore, the public had an interest in it. The NHS does not exist, by this account, for the benefit of any one person, but for the collective, and that collective includes the old.

The African-Caribbean women in London, aged 50-60, gave a somewhat similar account to the above young Leeds men in terms of the importance of the story and why it should be covered – like them, the NHS was seen as public property and what went on in the service was in the public interest to know. When asked, **'Even though it's a secret instruction'** should the media reveal it?

'Yes, it should, because it affects the nation as a whole because most people are dependent on the NHS and if something is wrong with you, you like to get the best treatment there is – well if they give you the drug that is probably more expensive, but it will help you and probably arrest the cancer or whatever I think it should be known [...]. I mean it is a health service, we contribute and pay in throughout our working lives, therefore, we should be able to have access to whatever is available and their decisions shouldn't be financial, we all contribute to that.'

Here is a very clear example of public interest. Perhaps because of their age, a great deal of passion was generated in discussing the story. What the passion suggests to us is that one can have layers of public interest, yet, on reflection, it is not layers of public interest in the sense of 'in the public interest', but layers of public being interested in the story. That is, it was unequivocally decided that such a story was in the public interest and that took on the nature of an objective fact since it *'affects the whole nation'*, but it does not affect the whole nation equally, or not equally at any one point in time – only when one is old.

Acceptable methods of information collection

Participants were then presented with a series of cards listing a range of methods which might be used to obtain information:

- 1 Hidden newspaper photographer
- 2 Hidden television camera
- 3 CCTV footage
- 4 Hidden microphone
- 5 Reporter disguised as someone else
- 6 Intercepting post
- 7 Recording phone calls where reporter identifies himself
- 8 Recording phone calls where reporter pretends to be someone else
- 9 Tapping home phone lines
- 10 Intercepting email
- 11 Interviewing family and friends
- 12 Interviewing work colleagues
- 13 Interviewing persons' children
- 14 Doorstepping
- 15 Going through rubbish for relevant documents
- 16 'Leaked' information from anonymous sources

Some of the above techniques of information collection are illegal, but the point of including them was to see just how far people agreed that privacy could be intruded upon. Quite a few of the items on the list were simply considered inappropriate for this story and, therefore, were dismissed. For example, it was not thought that going through a rubbish bin would reveal anything of use for the story.

Asked what methods were acceptable in gaining information for the NHS story, the Asian men's responses were varied:

'I don't like the hidden stuff. I think it should always be open. I'd go for doorstepping and leaked information from anonymous sources.'

'I quite like the idea of reporter disguised as someone else – being inside at all times. I quite like the idea.'

To try and focus the discussion, to get at the essence of what was appropriate, we asked what they considered was '*completely out of order*'.

Tapping home phone lines was rejected on the grounds that, *'Cos you might talk about work, but most of the time at home you don't usually bring work home'*. Intercepting post and intercepting email were also rejected: *'It's too personal'*, *'They're private things like post is your privacy'*. *'Chances are it would have nothing to do with the story'*. *'It's bordering on theft. If the information is not there you're stealing it from somebody, when you have no right to that sort of thing'*.

None of the groups wished for children or the partners of the 'target' to be interviewed: for most individuals in the groups these were completely unacceptable under virtually all conditions: *'Interviewing the person's children or family isn't right'*. It was not considered right because: *'That's not what the story's about, that's not the NHS thing is it? That's like a personal story about the doctor or whoever made the statement themselves. It's not relevant.'*

Attempting to get interviews with friends and family was also held to be wrong by the group of African-Caribbean women *'because they might not necessarily know or be involved in that person's decisions'*. This is a very similar position to that adopted by the young men from Leeds, that, whatever method was adopted it had to focus on that which was germane to the story, which in effect meant those directly involved.

It was put to the African-Caribbean women that children often overhear the conversations of their parents and, thus, might make a good source of information for journalists. In the case of the NHS story, when asked if it was permissible to interview children, one woman commented:

'Well yes, but you shouldn't do that because the decision to do this was not the children's. The decision was the board's so whether they've overheard a conversation between adults or not they are not the ones who have made this decision.'

The children are not culpable, nor other family or friends, therefore, they should not be intruded upon, even though the information gained might help to construct what was going on. We might make a principle here: only those directly involved in a story can be intruded upon; others, although related to the participants in the story, have the right to privacy. One very certain fact can be drawn from this, namely, that when it comes to children and their privacy (our example was around ten years old) they have a very privileged position. Yet, it is also clear that for some it was acceptable. The privacy of the child could not be directly assaulted, but surreptitious means could be adopted to overhear conversations. In other words, what the child does not know will not harm him or her.

Pretending to be someone else was considered *'alright'* – *'The deception is OK – 'cos you still think he hasn't really invaded privacy. It's just deception'*. Such deception was not automatically considered an intrusion of privacy because to be intrusive it had to involve the gaining of information that the person would not expect others to have access to. Although if one had known the person was a journalist information would not be given, it would be given to the type of person represented by the disguise.

Intrusion of privacy here involves gaining access to anything that is not considered relevant to the story, and protection is to be given where there is a possibility of collecting information – phone tapping or opening mail – that might include material that has nothing to do with the story. This idea of privacy coloured their judgement of surreptitious recording. Doubts existed about hidden microphones, but this was corrected by adding, *'It depends where it is'*. The consideration was, *'If it's in a person's home then its not...'*, but that it would be acceptable in his office: *'That's his work place, it's a work place decision'*. Even so, one person had doubts: *'But you've got other patients coming in with their problems and there's patient confidentiality. They haven't given their permission...'* This only serves to reinforce the point that material must not be gathered that is not in the public interest, that is, material not germane to the story.

Did this 'heightened interest' lead to differences in how far intrusion could proceed in terms of techniques? It did not seem to do so. In fact, the African-Caribbean group of women in London was pretty reluctant to sanction many of the intrusion methods at all, apart from one woman who considered practically all the methods to be appropriate given her passion over the wrong she felt was being committed:

'If he can stand and say, "I've decided you're too old, you've had your innings, you've had two years more than you should have anyway," and you've got the front to say that and stand up and say it, don't hide yourself – by whatever means.'

Appropriate media

Having selected what methods could be used to investigate the story, participants were asked to select which media sources would be the most appropriate to carry the story by the methods agreed to. They were then asked to select which media sources were most likely to carry the news story by the non-approved methods. The list of media given were:

- 1 Television news
- 2 Television documentary
- 3 Television chat show
- 4 Broadsheet newspaper
- 5 Tabloid newspaper
- 6 Internet news site
- 7 Magazine
- 8 Radio news
- 9 Radio programme

Because of the importance of the story they considered that most media would cover it – television news and television documentaries, radio, the press, and even the internet. It was also considered that shows such as *Kilroy* and *Esther Rantzen* would handle it. Magazines might not, though:

‘Magazines are just gossip really whereas that is probably news.’

The inclusion of the internet is interesting in that recognition was given to different sorts of sites. It was mentioned that on a news site it would be *‘a very, very brief, story. Just two paragraphs.’* But that *‘a site giving information on cancer might run the story saying, “You know. Did you know this drug was available?” sort of thing. It depends what sort of site it was’.*

Although it was considered that the story was important enough for all newspapers to carry, how it was handled was seen to depend on the type of newspaper. Referring to the tabloids, one of the young Leeds men said: *‘It’d be on page 23 or something like that. They’d be more interested in which doctors had been doing it and who they have been seeing for the past three years’.* This was added to: *‘They’d still cover it, but they’d make a totally different story out of it the tabloids. They wouldn’t be saying, “Oh why aren’t they administering the drug?” They’d say, “Which doctor’s not administering it.”’*

When asked about those methods that were considered unacceptable, what medium they considered most likely to use such techniques of information gathering, newspapers were mentioned. Would this include the *Guardian* or the *Times*? *‘No, I don’t think so. No.’* However, television documentaries were singled out *‘Because they have to have lots of evidence. They have to show first time things’.* Given the strictures of documentary making, which these young men identified, we asked if it would be right for a television company to adopt such methods; the answer was, *‘No’.*

Possible consequences

Subsequently, participants were presented with possible consequences of publication for the person or persons to whom the story relates – assuming that the privacy of the individual has been intruded upon:

- 1 Financial ruin
- 2 Suicide
- 3 Divorce or breakdown of relationship
- 4 Consequences involving children of person
- 5 Nervous breakdown
- 6 End of career
- 7 Acute embarrassment
- 8 Social ridicule
- 9 Criminal consequences
- 10 Suffering or distress
- 11 Unwanted public notoriety

Participants were asked if any of these consequences might justify the editor or producer changing their treatment of the story.

The eventuality that the Leeds young men had qualms about was if publication led to suicide. In fact, this group had a wider view, considering that the real story was not about the doctors, but about *‘explaining the financial restraints and blaming it on the government’*. In summary, it was mentioned: *‘Virtually anything has consequences’*. *‘You’ve just got to run it how you think right’*. *‘It depends how you put it across. It’s a serious job’*.

4.10 Public interest and curiosity

However, not all stories involve matters of such social importance. Much of the news is made up of human interest stories which on the surface do not appear to offer justifiable public interest grounds to intrude into privacy. To explore the area of human interest stories being capable of falling into the category of public interest stories we introduced to the group a card reading:

A well known television star who is known to be terminally ill is on holiday looking very thin and desperately ill.

The group of Asian men were particularly informative and articulate on this topic. The same sets of response cards for the NHS story were used. The edited comments below give a clear picture of how this story was received.

‘I wouldn’t go out of my way to buy the newspaper to read it, but if I saw it was in there then I might have a look. Actually, it depends on who the superstar is.’

'Even though it's like getting into their personal life it is of interest to the public, y'know what I mean?'

'You know what it is if he or she then dies you're like, "Oh, why didn't you know, why wasn't it in the papers?'"

'You know when you're following a TV star, you know so much, you know through papers about his life, yeah, you sort of do feel that you know him – y'know what I mean?'

'It should be in the papers when it gets to that point, when it's really important that people should know, like the fans.'

The other groups did not differ in any real respect in their opinions.

The older men from Leeds, aged 50-60, were asked if they had seen coverage of the Jerusalem wedding disaster. The footage was dramatic, taken by one of the guests as the dance floor gave way, and many of those present fell to their death. They had seen it and could remember the incident:

Q: Some say this was an invasion of people's privacy, showing people screaming. Would you defend showing that? Do you think it was right to show those pictures?

'You see that to me is a newsworthy item. Not that it's spectacular, y'know, but it's something that's happened that people are concerned about. They're showing concern. You don't necessarily have to show all the gory details... they can just edit certain items out, couldn't they?'

'Y'know obviously we're interested if a certain number of people have been killed in an accident. It's just human nature that you would show an interest in something like that.'

Q: What is the point in showing this?

'Well, I suppose it's what's classed as news. It doesn't happen every day does it? It's a one off. If suddenly a wall falls down.'

'We think could we have avoided it, can we avoid it again? Like these people caught up in fires in the night. That does need publicising. There is no escape route.'

'It's basically something out of the ordinary.'

The important point to be taken from this is that not all intrusion into privacy appears to require the defence of being ‘in the public interest’. This aspect of human nature – call it curiosity or *schadenfreude* – has a major role in the relationship between people and the media. This is well known to the media practitioners, as the earlier interviews showed.

4.11 Privacy as taste and decency: September 11

The terrorist attacks on the World Trade Center (WTC) and the Pentagon could only be discussed with the London groups since the Leeds groups pre-dated September 11. The insights gained from these groups do, however, help greatly in showing how the issues of privacy and decency can and do come together. This is particularly well-illustrated by the African-Caribbean women’s group. The group was shown a range of the special newspaper editions which featured the WTC and Pentagon attacks: the pictures of the hijacked planes hitting the twin towers, people jumping out of the towers as the fires grew, close-up shots of terrified people running away from the centre of the disaster, and of exhausted firemen and rescuers. Those fleeing from the WTC area can clearly be seen and, if one knew them, identified. We asked the group of young women in London about this coverage.

Q: Is that [newspaper pictures] an intrusion of privacy?

‘No I don’t think so, no, I wouldn’t think so.’

Q: Why not?

‘Well I think it’s only an intrusion for a good reason.’

Q: What?

‘It is a tragedy, it is something bad that has happened and I don’t think they were sent over there just to take photographs of the people running or anything like that, they set out to show people the horror of what is happening, the people caught in the feature is just a by-product of what they are trying to do. I don’t think it’s an invasion of privacy. I don’t think that at all.’

‘I think it is an invasion of privacy, but I think you can justify it.’

Q: On what grounds?

‘On the grounds of the act, as the lady said, you’re actually trying to show the horror of the situation and to an extent it’s probably justifiable.’

Q: You are saying, it's not about them it's about the tragedy?

'Yes, I think it is [an intrusion] but it's justifiable, that's what I mean, yes, it's justifiable for showing, but then it's about where you draw the line – I think that's fine.'

There is, in the above, a slight difference of opinion as to whether the pictures did amount to an intrusion of privacy, but even where it is agreed that intrusion has taken place it is in effect discounted as not 'real' intrusion. The reason for this is that the pictures are not about the individuals, but about the enormity of the event, which could only truly be captured by the horror and fear on the faces of the individuals running from the carnage. The pictures taken were not so much of individuals, but of people caught up in events. The story was clearly, and is seen to be by these participants, of massive importance, not just for America, but also for the rest of the world.

We are not suggesting for a moment that a defence for any 'intrusion' is necessary with regard to the pictures. The whole point of raising the question with the group was not so much to see if they considered that an intrusion of privacy had occurred, but to use it as an opportunity to explore *in extremis* how they saw privacy, and how they saw intrusion.

What they were saying is that the September 11 events were so important and held such political implications that it was in the public interest to capture, as best as possible, what actually occurred.

Having said that, there is still the question posed in the group – '*about where you draw the line*'. They were asked whether pictures of (unidentifiable) people jumping from the WTC windows should have been shown.

'Yes it could be shown because it shows the horror of the situation.'

Q: I have never seen anything like it – you saw the bodies jumping out, was that an intrusion of privacy in any way at all, the moment of death, these people leaping out?

'Unlike the other pictures these people are faceless, but it's still an intrusion on that person's privacy, but I don't see it as a problem in that respect.'

'I think it's painting the horror, isn't it. It's the whole thing it made me think "My God, these people must have been so terrified of what would be in that building they would rather get out of it", so I didn't look at it at all... it didn't occur to me that it would be an invasion of anyone's privacy. I just think, "Oh my God, it's a good job you can't see their faces", because can you imagine if their families were watching.'

Q: If to get the true horror over they had to show more close-ups, would that have been permissible?’

‘I don’t think that is necessary.’

‘No, that wouldn’t have been right at all, that would have been totally unnecessary because it’s bad enough that you see this happening, but to actually have this picture of their faces as these people are dying, there is no need for that.’

Q: What are we talking here, are we talking here about privacy or a question just of decency?’

‘I think looking at the faces close-up when we’ve already got pictures like that. I think we’re coming into decency really.’

Privacy and decency interact here. All agreed that any intrusion of privacy that did occur was acceptable on the grounds given, indeed, although the term ‘intrusion of privacy’ was used, it was not used in any really meaningful sense. What is seen is that the conversation moves from a question of privacy to one of decency, and showing close-up pictures of the faces of the dead or dying is simply not decent. It **‘would have been totally unnecessary’**, because *‘it’s bad enough that you see this happening’* from the pictures as shown. Cast in terms of privacy, then it is not decent to intrude upon that person’s privacy any further than had been done so. When we asked again whether this was a matter of privacy or taste and decency, the response was:

‘I think both.’

‘Yes, privacy and decency, I think both, yes’.

At the same time, these women were unsure about whether it was right or not to interview people who were clearly distressed: whether, because they had consented to give the interviews, these could then be classed as an intrusion of privacy. One woman pointed out that, in a particular instance where the mother of a victim was interviewed, the interviewee must have consented to the interview herself: *‘It was her son. Her son rang her [from the doomed aircraft]’*. Asked if it was right to get the mother’s reactions, the response was:

‘I think for the person concerned, if the person... when you’re in a situation like that maybe you might not be thinking straight, but if the person consented to the interview, I think that’s fine.’

‘I’m making the assumption she got the phone call, she obviously relayed that to someone and told them what it was about – you know in the public arena – that’s the assumption I am making. Yes, she had a choice. I don’t know.’

This is not an easy question to resolve, clearly shown by the point above that the mother had a choice and so it was correct to broadcast the interview, but then she adds – ‘*I don’t know*’. The difficulty is what, in the context of receiving a phone call from a son who is about to die, does choice mean? Choice under normal circumstances suggests a rational decision-making process:

‘They are sort of getting you at the moment when you’re not thinking straight, they’re catching you when you’re at your very lowest ebb and sometimes you just want to talk and maybe months after this she might be thinking, “Oh God, why did I ever do that”, but at the moment... this is where I think sometimes the reporters they know, and they jump in when something like that happens and they get you, whereas another time you wouldn’t give them the time of day, so maybe she’s done it – not instigated it – but she might have done it because you know she might have thought I want to tell the world how awful these people are, but then a few months later when things have calmed down a bit she might...’

‘I mean I personally would like to think that if I were ever, God forbid, in this situation, that I would have someone close to me enough to say, “No, no thank you very much”, but we’re talking in an ideal world. I would like to think one would have a certain amount of decency and give people time to grieve.’

There can be no resolution to this question of broadcasting interviews with people in shock or trauma at events that have overwhelmed them. Indeed, this was shown in the interviews made with broadcasters. Whether a particular example is an intrusion of privacy revolves around consent – would the mother have consented if she were not so emotionally upset? We talk about not intruding into private grief, and this is, on that score, if not other counts, an intrusion of privacy, but the consent alters that – it is agreed that we can witness her private anguish. Although this situation does involve issues of privacy, it is again overlain with decency.

As with showing close-up shots of the dead and dying, one of the participants refused to countenance close-up shots in making such interviews on the grounds that it added nothing of real substance to the story.

A similar discussion took place with the London male (30-40-year-old) group, where one man said: *‘If you can identify individuals, then that shouldn’t be published, but as an illustration it certainly brings home the horror of the situation’*. The voice left on the answer phone, whoever’s property it becomes, was not an unidentified individual, but had a name attached and was often accompanied by biographical detail. These were real people in the strict sense of representation, not people trapped in aircraft or about to become bodies falling from a building that ‘stood in’ for the horror of what was happening to all the victims. Would, for example, the person on the aircraft have granted permission for his last words to be made public?

The defence of 'in the public interest' in the context of September 11 was applied because this was an event that is in the interest of all to know about. It offered repercussions of major importance beyond the United States and, therefore, it was essential to get over the story as to what was involved in the fullest possible manner and what happened, which was then captured by individual accounts. But then, as the groups demonstrate, the question arises of how much 'detail' it was necessary to relay in substantively telling the story.

4.12 The internet and publication

The London 30-45-year-old male group talked about the scenes surrounding the destruction of the twin towers. In talking of the bodies falling from the building, one man, in recalling his horror at viewing the pictures, said:

'You see it in the movies, don't you? You see a body go out of the window and bangs against the wall, but that [the WTC events] is real, you're actually watching people. To see a body go out of the window, go down a couple of storeys and crash into the side of the wall, and this is real. Horrifying.'

As horrifying as these pictures were, they thought more horrifying ones might turn up on the internet:

'I think there will be some pictures... which might then appear on the internet.'

'Things do have a habit... I was watching, I think it was NBC on satellite yesterday and the reporter said we've got footage we can't possibly show because it was showing broken bodies at the bottom of the building, basically, and there was lots of amateur cameramen around so that has started appearing now... so some stuff is probably going to start appearing on the web as it always does. After Diana died it did.'

This did not appear to cause him too much concern, or perhaps, more accurately, he saw publication via the internet as different from other publication:

'Well people on the internet – if they want to see it, they are going to look for it, aren't they? The telly is coming straight in the house and you can't stop your family watching it.'

Q: Talking of the intrusion of privacy, is it the same on the internet as the newspaper or television?

'On the internet, if you are in the know – visiting the sites that might pick up on that sort of thing, then you will get to know a bit but... [it's] much more of a two or three stage process. You have to go out and look for the stuff, whereas the national press or television, it is there.'

'It depends on the site... a site which is viewed by millions of people everyday then it is exactly the same thing, if it is a website that is widely known.'

In some ways this looks as if it is a taste and decency question, of who at what age and so on can be exposed to what material. But it is more than that, and does relate to the issue of publication and privacy, in a novel manner. What he is saying is that, with broadcast publication, the consumption of it is public, whereas publication by the internet is consumed privately. The same might be said of print material as of the internet, but print material is left lying around.

It is quite clear that the internet was seen as a different type of publishing exercise than that of newspapers. But, this was only up to a point. The major difference appears that one has to search for material. What this respondent is saying is that the publication has to be actively sought out and, therefore, intrusion of privacy is not of the same order as if material was produced in widely available form. The technology, the existence of a multitude of sites, only acts to limit the degree to which 'publication' of the intrusion of privacy occurs, but the intrusion of privacy has nevertheless occurred. By the accounts given, the lack of control means that it is more likely that privacy will be intruded upon. One participant was well aware of the changes that had occurred in the recent past, and by implication the alteration that had occurred in the communications landscape as it relates to the intrusion of privacy:

'Invasion of privacy is probably a phrase that was generated before the introduction of the internet so it doesn't allow for that new media.'

It is interesting that this man refers to the internet as a medium, showing that he sets it alongside, rather than apart from, the more traditional media. In terms of publication, it is not seen as something different, indeed, although it is recognised that one has to search for material, which may mean information is less immediately public than newspapers or broadcast media, internet-based material can be 'viewed by millions of people everyday'.

4.13 Defining 'in the public interest'

The manner in which the groups discussed the issue of privacy and the limits of intrusion not only raised public interest issues, but at times brought the definition of public interest into direct play. The approach was to have participants discuss the question of privacy and media performance in the expectation that we would gain insight into not simply how they saw rights to privacy, but gain understanding of whether or not some sense of public interest operated in coming to decisions of when it was legitimate to intrude upon privacy. One can clearly see from the accounts given that notions of public interest did exist. However, it was decided that we would also ask participants directly what they understood by the term, 'in the public interest'.

At the end of the session with the London 30-45-year-old men, we asked:

Q: Journalists, they actually say, it is in the public interest... what to you does that phrase mean, if it is 'in the public interest'?

'Something that belongs to the public we should know about. Is it in the public interest for someone to say, "There is a bomb heading for London right at this moment" and everyone panics?'

The London young women, aged 18-25, said:

'Newspapers treat it as anything basically that we are interested in and we want to read, but if someone said to me "It's in the public interest", then I would think that it is something that helps the public.'

'Or the public needs to know, like there is a paedophile living next door.'

'You need to know so that you can protect your kids from it you know, but the fact that Victoria Beckham bought a new pair of shoes and a matching handbag... OK – interesting, but it's not very in the public interest to know it, you know. It isn't going to make a difference to their life, it's not important.'

'Yeah, something that makes a difference to the public's life.'

Similar comment was made by the Leeds 50-60-year-old men:

'It's such an individual sort of thing. What I might think is the best for the "public interest" might be different to what you might think. So whatever the paper might say is going to generate an interest in some people and not others. Which is bound to be the case. So the public interest must be everything. There must be nothing that isn't in the public interest. It's very difficult to try and define it, isn't it? I wouldn't like to try and define it.'

In Leeds, the 30-45-year-old women said:

'If it's going to affect you personally.'

'Yes, if it's going to affect everybody.'

'It's about things that happen to change your life.'

'It's got to affect a good proportion of the population, hasn't it?'

We then gave the example of a male television celebrity under police investigation and asked whether this case was a matter of public interest.

'He's a public figure isn't he because he's on television?'

'He's courted the publicity.'

'But it doesn't affect us though, does it really?'

'Yes, we're interested in it.'

'It's not just what affects you, it's curiosity.'

The 18-25-year-old men from Leeds gave similar definitions of 'the public interest':

'Not just affecting a single person, a single life.'

These exchanges demonstrate just how elusive the term 'the public interest' can be, or perhaps, more accurately, the confusion that it causes. At some points the term refers to something that has an impact on large numbers of people, and equally, at other times, it refers to material the public is interested in. It is undeniable, however, that amidst the statements concerning the nature of public interest there does rest a sense of public interest referring to matters that cannot simply be of personal interest, or, where it is of personal interest, it must also be not only of interest to others, but also in their overall interest. Equally, a 'public interest' story could exist that hardly anyone was personally interested in, but, nevertheless, the information given was in their interest. This, however, seems somewhat optimistic when set against news values: it is difficult to imagine a news organisation, at least with any frequency or taking pride of place, publishing material that its readers, viewers or listeners, were not interested in, even though it was in their interest.

Two final cases put to the groups can help here. The first one involves an airline pilot who is suspected of drinking in the non-permitted time before flying. The second is about a schoolteacher who assists pupils by giving answers to exam questions before the actual exams take place.

At first the 18-25-year-old Leeds men were somewhat doubtful about whether or not the story of the pilot was of high public interest, and this may be accounted for by a youthful attitude to drinking in general. They did not appear to consider that the after-effects of alcohol were very debilitating: *'I personally wouldn't have thought if someone had been drinking heavily in the last 24 hours before they fly the plane (he or she) wouldn't necessarily be effective while they are driving it.'* It was likened somewhat to *'taxi drivers and traffic accidents'*.

As the conversation progressed, the situation was seen as more serious, and they began to talk about the consequences lending a high degree of public interest.

'But then that's different. If a plane crashed that would be high public interest.'

'It's like you say that you shouldn't be driving and in the car there's you and you may just affect anyone who's in the accident with you, but not on the same kind of scale as if you're flying a jumbo with three or four hundred passengers or whatever... if you make a mistake and you're flying the plane, everybody on the plane has no way out. They can't say, "Oh, you shouldn't have done that." You can't swerve round them or anything like that.'

The scale of the potential disaster enters here, but there is also the suggestion of the pilot being responsible for others who have placed their safety in his hands. Even so, when asked if this story was of high public interest to the same degree as the NHS story, it was considered not to be so: *'I wouldn't say it's as high an interest'*. Someone else added: *'I would say they're both potential life and death stories.'* The fact that they were life and death stories did not, however, make them equitable in terms of public interest: *'The NHS, we all pay towards that, it's everybody who's involved in that. That [the pilot's story] is not the public as in, we pay tax – NHS is there for our health. That is completely different.'*

This demonstrates the possibility of different degrees of public interest – some stories are more important than others, even if they are all about matters of public interest. The airline story, should the plane crash due to pilot error, may be a tragedy, but as one man said, *'you only fly once or twice a year'* whereas with the NHS, the way described, we are all involved. The NHS impacted directly on the whole of society, the pilot drinking in the proscribed period before flying was only a potential harm to those who boarded that pilot's aircraft or, in the most generous definition, those who fly. Further, when asked once more if it was of high public interest, it was said to be 'middling'. One of the reasons put forward for this was: *'It depends how you see those rules, as being fair or not, y'know. I personally think that's a bit strict.'*

Consequently, intrusion into the pilot's privacy had to be limited: in this context this would break the 'rules'. CCTV cameras in the bar – a public space – were agreed to, but intrusion into the privacy of the pilot's bedroom by hidden camera was not sanctioned: *'With a hidden microphone if it's in their personal bedroom, no. If you're walking around in the bar with a pint in your hand a couple of hours before you are due to fly a plane then you'd expect to get caught. I wouldn't expect to have cameras in my bedroom watching me.'* It was put to the group that maybe the pilot drank in his room from the mini-bar and did not enter the public arena of the bar. Other methods, it was felt, could be used for collecting the information: *'Well, the person who stocks the mini-bar could tell you – stuff like that.'*

There is a valuable point made here concerning intrusion: the degree of intrusion, such as surreptitious recordings, must not occur if the ‘evidence’ can be gained by other means. The following comment also shows the concern that material will be collected, the more general the intrusiveness is, that is not germane to the story. In objecting to either hidden microphones or hidden cameras in the pilot’s bedroom, one man said:

‘Because that’s purely on what’s been drunk [getting the mini-bar count] and not on his general life in his bedroom and what he’s been doing... it’s not his life; it’s just how much he drinks before flying the plane. That is all you should be interested in, that’s the problem.’

This type of qualification arose time and time again in the way that privacy was handled by the groups; the core concern over the intrusion of privacy is that to collect information by surreptitious means involves going beyond the legitimate parameters of the story and into aspects of a person’s life that have no bearing on the story. That is where and how privacy is intruded upon. Only in cases of absolute social importance, such as that which might be said to be in the national interest, the apprehending, for example, of the terrorists responsible for the attacks on the World Trade Center, can such activity be readily justified. The other point to draw from the above is the idea of ‘fairness’

Another aspect of ‘fairness’ is that of justice of treatment. This issue was explored by presenting the case of a teacher who, for self-promotion, provided pupils with exam paper answers prior to the exams themselves. The motive was given as the teacher hoping that as many pupils as possible would pass and so bring credit to the teacher. A variation on this theme again presented the teacher giving the answers to the exam questions not for reasons of self-advancement, but because the catchment area of the school was deprived. The intention of the teacher was to compensate for having poor home study facilities compared with pupils in more advantaged parts of the town.

In the event, very few differences existed in group responses to the two cases. It was asked if the teacher’s name should be published in the first case (self-promotion). The 50-60-year-old Leeds men agreed unanimously that the identity of the teacher should be published. They also all agreed that a picture of the teacher should accompany the name. In the second case, where the teacher’s intentions were to help the pupils with no thought of personal gain, they argued that there should be no difference in treatment:

‘What good is it going to do the children?’

‘It’s an impossible situation, because they could appear to have a greater capability than they actually have. They get the job whatever that matches their capability and in the end they can’t do it. So he hasn’t done them any favours.’

When it was put to the group that in both cases it came to light that the teacher concerned had a lot of personal problems, pressure of work and so on, that had led to suicide attempts in the past and it was believed that such publicity might, ‘push him over the top’, uncertainty existed whether they would still publish.

‘I would. I’m not sure.’

‘It’s like a death sentence.’

‘The problem is still the same... that crime of what he’s done is exactly the same for me. He’s made the same error of judgement.’

In all the groups, no one wished to go any further than publishing a picture, and some did not even wish for that, being content with naming the teacher. It was not considered necessary to interview family or friends and so on. The fact that publicity might result in the teacher taking their life, although it clearly bothers the group, is not a factor to enter the frame. An offence has been committed, and harm done. Indeed, it is the harm that is important – the children will not, in effect, be properly equipped for the world. The good intentions of the teacher in the second version counted for nothing, since whatever the motives, the harm was the same. It was in the public interest that such occurrences ought to be revealed. It was the social consequences that took precedence over the individual consequences to the teacher by publicising the case. What these men demonstrate is a fine appreciation for the social over the individual. When rights clash, the individual rights must give way.

This idea of harm was graphically recounted in the London group of 18-25-year-old women. Given the ‘teacher’ examples, one woman recounted a real-life parallel from her local school:

‘Mrs X at School Y – she cheats. She gave us the answers to my German exam, [GCSE]... I got an A for it. I was over the moon, and then I went for my A level and I thought, “Yeah, I am brilliant in German”. I failed it because I weren’t that good. So it messes up the rest of your life. In my eyes she has ruined my life because I couldn’t sort of go to university or do another A level. She sort of made delusions that you were really good at it and you were not. It’s just that she cheated to make herself look better and in the long run... ’*

This young woman had an obvious bitterness about what had happened to her. Others in the group agreed that, *‘Yeah, she cheated you.’* Nevertheless, although she was very happy indeed for Mrs X to be exposed and her picture put in the newspaper, she drew the line at extending the story to include interviews with her family: *‘The whole family, no. But no, I would have shown a picture of her.’* Here, even with the bitterness, the idea of fairness comes in. She could not agree to the story being extended beyond the individual responsible

for her misfortune. The punishment, in a sense, must fit the crime, and only those who are participants to the crime need to be exposed. Yet the reason for exposing Mrs X is not restricted to the harm inflicted upon her as an individual. She saw the giving away of answers as having a social dimension, in that such activity affected others:

'I don't dislike the woman but... to make people aware of what could happen and how things could get so out of proportion because I mean it's not just GCSEs – yeah, I know they are a big thing, but say it's degree level. If you give someone a First and they are no way as good as that then they go into whatever because they have got a First.'

This is a clear case of the individual considering something to be important because it is in their interest, only to discover on further examination that their interest is joined with others' interests. The individual interest is truly a social interest and the story is important not just because it affects them alone, but because it has immediate social consequences, directly affecting real people. This echoes the earlier example of the African-Caribbean woman who wished the story of her child's injury told in order to protect other people from possible future injury through faulty construction of market stalls. It is the social – the lived-in context – that makes a story important and, the higher the deemed social element, the greater the permission given for intrusion of privacy.

5 Survey research

5.1 Overview of the survey

The focus group stage of the research offered a good understanding of what public interest referred to in broad terms, but we were not especially close to identifying any clear definition. Indeed, the introduction of the term ‘public interest’ was surrounded by some confusion as to what, as a term, it referred to.

The groups certainly clarified the likely lay of the land relating to media performance, expectations of the type and style of coverage of the different media, and a rich variety of opinions about the intrusion of privacy and limits to such activities. Privacy, public interest and intrusion were all seen as important matters.

Focus groups are very good at reflecting the range of existing opinion, but cannot provide findings which can simply be generalised from, say, 60-odd individuals to the UK population as a whole. A series of groups might well give the impression that a particular opinion is widely-held, either by the groups as a whole, or by a particular section of the types of people recruited for the focus groups. However, the more representative survey method – asking essentially the same questions of a much larger and individual-based (rather than group-based) sample might well show that such distributions of opinion are not reflected in the wider population, indeed, although present, the holding of the opinion may only be present at low levels.

Equally, surveys do not aim to match the richness of qualitative data. Importantly, though, the approaches complement each other. Groups provide detailed understanding of the dynamics of opinion and belief, as well as a good guide to the terms and concepts people tend to use when discussing issues. They also highlight topics which might well be overlooked when designing a survey questionnaire from ‘cold’. For example, the attitudinal questions asked in the survey were largely based on the topics used and examples raised and discussed in the focus groups.

This survey was designed to provide a reliable and generalisable account of UK public opinion on key issues arising from the theoretical framework developed and informed by the previous stages of the study. The questions asked aimed to provide information and answers which can have a direct role in the formulation of policy.

5.2 Survey design

The questionnaire covered a range of topics in varying degrees of depth. In the following sections, four broad themes are covered:

- First, the perceived role and personal uses of the main media, and interest in a range of storylines.
- Second, the survey asked about individuals' perceptions of a range of possible media intrusions into personal privacy, and the primary media sources of such intrusions.
- Third, the issue of defining the term 'public interest'. The survey included more than one method to examine the public understanding of the term public interest, including asking people to define 'public interest' in their own words.
- Fourth, the survey focused upon one particular scenario which had featured in the focus groups: the case of an NHS ruling about treatment for the elderly.

5.3 Overview of survey results⁶

The survey findings show a high degree of similarity between the findings of the focus groups and the population as a whole. This in itself is an important finding, in that it suggests that a great deal of uniformity exists concerning privacy, performance of the media and ideas of intrusion. Within the survey results themselves there was also a general trend towards uniformity of opinion across the ages, sexes and social grades: again this is evidence that the opinions and beliefs studied in most cases reflect something approaching consensus. Certainly, there are real statistically-viable differences found along demographic lines, and these are highlighted where they occur.

Such differences are relatively few and mainly small-scale, though, and there is no evidence in the survey data of systematic demographic differences governing the ways people think about the media, the public interest and privacy. This general trend is in marked contrast to opinions about another key area of concern about the media – that of taste and decency – where opinions, tastes in content and reactions to portrayals are linked very strongly to age and sex.

This tendency to similarity of response regardless of individual people's circumstances can be interpreted as good evidence for a high degree of universalism in the British population about the core issues this study addresses: *the right to know about things which might affect them* is firmly entrenched in the British public's view of the world. Equally, *the right to privacy* is a non-contested matter, and shows a population that agrees with itself in terms of rules by which it ought to conduct social life. In essence, privacy is seen as a basic moral right that goes to the heart of our ideas of social association. This would seem to operate as any deeply-embedded idea does, as something natural. Linked to privacy is a widely-agreed set of *limits to intrusion by the media*, and also a stress is laid on the *protection from intrusion of the innocent*, such as children.

⁶ In the following sections, all figures shown are percentages of the entire sample unless otherwise stated. Percentages may sum to 99% or 101% due to rounding to whole numbers. Where the % figure found was less than 0.5%, the * symbol has been used. Where there were no responses at all, 0 is used.

Further, it is clear that these findings hold a direct implication for policy-making. Unlike the realm of taste and decency, where the key approach tends to be to regulate so as best to cater for disparate ‘taste’ populations – satisfying some will disappoint others – the evidence here suggests that key principles can be established as to what ‘the public interest’ and ‘privacy’ (including ‘unwarranted’ invasions) can be defined as, and that if these principles link with popular sentiment, they will be agreed with by all.

The current survey data have been analysed in a number of ways in order to try to look for alternative ‘drivers’ of opinion and belief, such as different sets of personal values, or different beliefs about the role of the media. The methods used have included factor analysis and other multi-variate techniques. However, these in fact revealed very little, and have not been included here. Therefore, the following sections should be read as a summary of the data and associated analysis, and they focus solely upon addressing the main issues and questions underlying the research aims.

5.4 Uses and role of the media

The focus groups showed that the media can and do perform a range of different roles in people’s lives. While this is not a recent phenomenon – it has been researched in many countries and for many different media since the 1940s – the survey gave the opportunity to obtain current data about the UK. The respondents were asked how much a number of different possible personal uses of the media applied to them personally. The items used in the questions were drawn jointly from a number of existing studies and from the previous stages of the project, and reflected both informational and personal gratifications that can be obtained from the media.

Uses of the media

From the replies (Table 1), it is clear that majorities believe they use the media for ‘important’ purposes: getting news and information at local, national and international levels. A majority also clearly value the entertainment content of the media. Other possible uses of the media do not have a clear majority appeal, although large minorities do consider that these apply to their own media use.

Two items in Table 1 are of particular interest – *Keeps me in touch with local issues* and *Helps me feel part of my community* – since they show a clear difference in media role. Information about the local area (which can be taken to include at least some element of ‘community’) is markedly more relevant (67% saying applies a lot/quite a lot) to people than the more specific but linked function of *belonging* to a community (35%). In part, of course, this must reflect the fact that the media focus on local community does tend to be limited, either in general scope, or to specifically local media themselves. But it also reflects the focus groups, where ‘community’ did not seem to be a major factor, other than in the sense of the geographically local area.

A further point to note is the fact that, while the media can and do focus on ‘the human condition’ – reflecting other people’s lives and lifestyles, and offering examples and advice – these media functions are not a major feature of most people’s replies. However, relatively few said that coverage of people – famous or otherwise – applied to any great degree. For example, around 30-40% of adults do have an interest in finding out ‘*how ordinary people live*’, ‘*people I admire*’, or ‘*famous people*’. Equally, few said that their media use was entirely unrelated to these features of the media.

Table 1: Uses of the media

Different people use the media for different reasons. How much does each apply?

	<i>Applies a lot %</i>	<i>Quite a lot %</i>	<i>A little %</i>	<i>Does not apply at all %</i>
Lets me follow important events and crises	46	41	11	2
Keeps me in touch with what’s going on in Britain	42	46	10	2
Keeps me in touch with what’s going on in other parts of the world	41	45	12	2
Keeps me in touch with local issues	21	46	26	7
Lets me see how society works	18	40	35	8
Gives me a good laugh	17	34	38	11
Shows what people in authority are really like	15	35	35	15
Helps me relax	15	32	33	20
Keeps me company	14	25	36	24
Cheers me up	12	31	38	20
Helps me feel part of my community	11	24	41	24
Shows me how ordinary people live	10	29	46	16
Tells me about famous people who I am interested in	9	30	43	18
Tells me about people I admire	7	27	46	20
Gives advice on personal problems	5	14	40	41

The overall conclusion that can be drawn from these findings is that those areas where issues like privacy and intrusion might arise are part of a relatively minor set of media roles which the media can play. The major roles are firmly linked to information about living in the world, rather than to the observation of the lives of others. Again, the points made in the focus groups are reflected in the survey.

Overall, the benefits that people get from the media show a high level of consistency across the different demographic groupings. Within this overall picture, though, there are some genuine differences to be seen in the ways different sections of the population use the media (Table 2).

Among those in social grades D and E (those in unskilled work ‘D’, and the long-term unemployed and state pensioners ‘E’), the ‘observational’ aspects of the media – learning about people – have the strongest role.

There are also some age-related differences, with younger people being most likely to say they use the media for ‘a good laugh’. The over-55s are most likely to value the companionship the media can bring (usually in the form of television⁷) and, since social grade E consists mainly of retired people, these also show a similar trend.

Table 2: Demographics and uses of the media

% in each demographic group saying that statement applies a lot/quite a lot

	<i>Social grade</i>			<i>Age group</i>		
	<i>ABC1</i>	<i>C2</i>	<i>DE</i>	<i>16-34</i>	<i>35-54</i>	<i>55+</i>
Shows what people in authority are really like	44	52	56	No differences		
Shows me how ordinary people live	33	37	47	No differences		
Gives me a good laugh	No differences			60	47	46
Keeps me company	38	36	44	30	36	53

However, demographics alone cannot ‘explain’ differences fully. When looked at in terms of newspaper reading preferences, further differences of opinion are revealed. Detailed statistical analysis shows that these differences are not simply reflections of the different demographic compositions of each type of newspaper read; rather, people read the papers which come closest to their interests.

Table 3: Daily newspaper readership and uses of the media

% in each demographic group saying that statement applies a lot/quite a lot

	Daily paper read most often			
	<i>Tabloids</i>	<i>Mail/ Express</i>	<i>Broadsheet</i>	<i>Local/ regional</i>
Shows what people in authority are really like	55	54	36	51
Shows me how ordinary people live	42	40	25	46
Keeps me in touch with local issues	70	71	55	78
Gives me a good laugh	55	54	45	49
Gives advice on personal problems	22	30	7	21
Keeps me company	37	46	36	44

⁷ Most detailed studies of people’s uses of the media have found that television and radio are the main media as far as companionship is concerned.

Importantly, many people also believe that the media should have a moral role in society. This can be seen in replies to two attitude statements from the survey asking what people believe the media are ‘for’ (Table 4). These statements were both supported by very large majorities of the sample, and less than one in twenty disagreed. In particular, over four in ten adults ‘strongly agree’ that the media should show *‘the difference between right and wrong’*. By comparison, opinions are less strongly-held over *‘reflecting the ways of life of different communities’* – relatively few replies were in the ‘agree strongly’ category’.

Table 4: Media roles

	<i>Agree strongly</i>	<i>Agree</i>	<i>Neither</i>	<i>Disagree strongly</i>	<i>Disagree</i>
The media should show the difference between right and wrong	42	45	8	4	1
The media should reflect the ways of life of different communities in the country	20	63	13	4	*

Taken together with the uses of the media, the firm conclusion can be drawn that the great majority of people expect the media to undertake key roles in imparting information about the physical and social world. Within this overall majority sentiment, there are no real differences between different demographic or readership groups: these views are effectively universal.

Storylines

The survey also asked the sample to rate a range of ‘storylines’ in terms of personal interest in each. These stories included local and national, human interest and political themes. Depending on the specific storyline, levels of personal interest in the 15 items ranged from 95% interested (very or fairly interested) in contaminated food sold by supermarkets down to 10% interested in a pop star’s cosmetic surgery (Table 5). Indeed, there is a clear demarcation between those which attract majority interest and those with minority appeal only.

The minority stories in Table 5 have a common link: they are essentially gossip-based stories of the type usually featured in the more popular newspapers. They serve as a useful contrast, though, with the item about an injured footballer (directly based on comments made in the focus groups). The factor of injury – presumably entailing no blame or self-promotion to the footballer concerned – appears to act to remove this particular item from the general realm of gossip.

Table 5: Personal interest in media storylines

I'm now going to read out a number of media stories. For each, tell me whether you personally would be interested in it.

<i>'Majority' interest</i>	<i>Very interested</i> %	<i>Fairly</i> %	<i>Not very</i> %	<i>Not at all</i> %	<i>Don't know</i> %
Foods sold by a major supermarket have been contaminated with bacteria	76	19	3	1	*
Many electrical appliances sold across the UK may be unsafe	71	24	4	1	*
A High Court judge has large investments in foreign companies linked to the illegal drugs trade	54	31	9	5	1
A sex offender, recently released from prison, is living somewhere in the UK under a new identity	52	29	12	6	1
A local bus driver has a history of drink-driving	48	32	13	8	1
A local person has been charged with supplying drugs	46	38	10	5	1
A schoolteacher has been passing on exam questions to her students to help their GCSE grades	43	35	16	6	1
A company testing medicines is suspected of cruelty towards animals	40	40	13	6	1
A local council has greatly overspent its budget despite warnings from its staff	35	39	18	7	1
A leading footballer is badly injured in a car crash	12	58	29	22	1
<i>'Minority' interest</i>					
A well-known TV actor who is known to have a serious illness is seen abroad looking very ill	5	32	38	24	1
A film star is rumoured to be having an affair	3	10	31	54	1
The diaries of a dead politician suggest that he had an affair with a woman who is still alive	2	9	30	58	1
A celebrity's daughter is found drunk in public	1	10	31	56	1
A member of a leading pop group has cosmetic surgery to change her face shape	2	8	23	66	1

However, these results also are evidence of the fact that it cannot be taken for granted that there is such a thing as universal interest in any particular story among the public – different individuals can and will have different interests, just as for some topics there is a high degree of general interest. While there is agreement over broad areas – shown in the previous section – reactions to these more detailed examples are more idiosyncratic. Some of these individual differences are, however, linked directly to individual circumstances, and examples of these are set out in Table 6.

Table 6: Demographics and interest

% in each demographic group saying that they are very/fairly interested in each storyline

	<i>Children at home</i>		<i>Sex</i>	
	<i>Yes</i>	<i>No</i>	<i>Male</i>	<i>Female</i>
	<i>%</i>	<i>%</i>	<i>%</i>	<i>%</i>
A well-known TV actor who is known to have a serious illness is seen abroad looking very ill	No differences		28	45
A company testing medicines is suspected of cruelty towards animals	No differences		73	87
A sex offender, recently released from prison, is living somewhere in the UK under a new identity	90	76	77	85

5.5 Attitudes towards privacy and intrusion

From the focus groups, it was clear that people’s rights to privacy are regarded as important, almost sacrosanct under some circumstances, and as a potential source of friction between the media and the public. The sample were asked how much they agreed or disagreed with a wide range of privacy-related issues in the form of attitude statements (Table 7). The items used were derived primarily from issues raised and statements made in the focus groups and industry interviews.

Among the various statements, the sample’s response to one item in particular stands out from the rest: 91% felt that the media should not involve children, while only 5% disagreed. Moreover, most of the responses were ‘strongly agree’ rather than the milder ‘agree’. The rights of children are held to be effectively inviolable in terms of media attention. This pattern is not seen for any of the other statements dealing with privacy and intrusion, although opinions about relatives’ rights and partners’ or friends’ rights show majority – but markedly milder – support.

Table 7: Privacy and intrusion

	<i>Agree strongly</i> %	<i>Agree</i> %	<i>Neither</i> %	<i>Disagree</i> <i>strongly</i> %	<i>Disagree</i> %
No matter what someone has done, the media should never involve that person's children	56	35	4	3	2
When the media want to cover the life of someone who has died, the relatives should have the right to prevent it	32	50	12	5	1
No matter what someone has done, the media should never involve that person's partner or friends	24	49	16	10	1
The media should always respect people's privacy, even if this means not being able to cover an issue fully	27	39	17	15	1
If some people want to be celebrities, they have to accept some intrusion into their personal lives	19	61	8	10	2
People in important positions have to accept some intrusion into their personal lives	13	63	10	12	2
It's better for a few people to be upset than to stop important issues being covered fully by the media	12	54	20	12	2
Sometimes, the media have to ignore people's privacy in order to report important issues	10	44	22	41	3
Sometimes, the media have to use underhand means in order to report important issues	6	35	19	32	8

However, most people also believe that the rights to privacy of adults can be put aside if there is sufficient cause. Celebrities and important people are, in effect, fair game and have to accept this. At the same time, a clear majority support the view that the media should always respect people's privacy. Our interpretation of this is that it can be perfectly possible to hold to a principle while admitting exceptions to it – the principle survives but can be softened or amended depending upon circumstances, rules can have exceptions.

Three of the items covered the topic of public surveillance in one or other form (Table 8). CCTV cameras are almost unanimously held to be a good thing. As the groups' comments about these suggested, CCTV is a physical example of a balance between a certain degree of risk of being 'caught on camera' when perhaps you would not want it and the direct benefit of security in *public* places – an important proviso – which these cameras are felt to bring. Nor is there any evidence of a widespread antipathy towards the recently-mooted proposal to introduce a formal system of identity cards.

The third item – being photographed in a public place – produced a very mixed reaction, with opinions effectively split. Our suggestion is that the question itself is most likely too general and should have been extended to include the differences between close-up, long shots and so on featured in the focus groups' thoughts on this issue.

Table 8: Attitudes towards surveillance

	<i>Agree strongly</i> %	<i>Agree</i> %	<i>Neither</i> %	<i>Disagree strongly</i> %	<i>Disagree</i> %
Security cameras in public places are a good idea	51	39	6	3	1
It is a good idea for everyone in the country to have identity cards	40	38	10	8	4
If people are photographed in a public place, the media should be free to use the pictures	6	28	21	36	9

Media intrusion

A further question asked about the likelihood of media intrusion into people's privacy. The replies show that, in overall image terms, the popular tabloid daily press and to a slightly lesser degree the Sunday newspapers are firmly entrenched in the public mind as the leaders in intrusion. For both, clear majorities said that these were very likely to intrude. However, television and the other daily newspapers, while clearly not as likely to intrude as the tabloid press, are not seen in a particularly flattering light. Radio and local newspapers, by comparison, are generally believed to be less likely to intrude on privacy than the national press or television. However, the dominant response for nearly all the media asked about was that they were at least 'fairly likely' to intrude. These general opinions about the internet reflect the fact that many people have no experience and little knowledge of it, hence, the very high level of 'don't know' responses to these two items. If these responses are excluded, the resultant figures of at least one-third saying the medium is 'very likely' to intrude puts it alongside television news and current affairs.

Table 9A: Media intrusion

How likely, if at all, do you think these various media are to intrude into people's privacy?

	<i>Very interested</i>	<i>Fairly</i>	<i>Not very</i>	<i>Not at all</i>	<i>Don't know</i>
	%	%	%	%	%
Popular daily newspapers (Sun, Mirror, Star)	68	22	3	2	4
Sunday newspapers	52	33	7	2	6
Television current affairs or documentaries	35	43	15	4	3
Television news	34	43	17	4	2
Other daily newspapers (Mail, Express, Telegraph, Guardian, Times, etc.)	31	47	13	2	7
Local newspapers	18	39	33	6	4
Radio current affairs or documentaries	17	41	29	6	7
Radio news programmes	14	42	32	6	6
Radio music or chat programmes	11	26	38	16	9
Internet chat rooms	18	15	11	5	51
Internet news pages	17	20	11	4	48

Base: Total sample

Table 9A above represents the image of the media among the whole adult population. In some ways, this could be an unfair basis for comparison, in that readers/listeners/net users themselves are possibly the best qualified to judge the media they know and use. The data in Table 9B are based on users (readers, listeners, internet users) of the various media.

In fact, there are few real changes to the overall patterns seen in the previous results. Readers of the popular press are fully aware of their papers' reputations. The only large-scale changes are seen in opinions about the internet. Despite some internet users (around one in four) not having an opinion on intrusion, maybe because they are not users of these services, around 50% believe that internet news pages or chat rooms are likely to intrude on privacy. This level of opinion puts the internet in line with many of the more established media. At present, though, among non-users, the internet remains somewhat of an unknown quantity, whereas the older media have firmly entrenched images among the general public.

Table 9A: Media intrusion (users)

How likely, if at all, do you think these various media are to intrude into people's privacy?

	<i>Very interested</i> %	<i>Fairly</i> %	<i>Not very</i> %	<i>Not at all</i> %	<i>Don't know</i> %
Popular daily newspapers (Sun, Mirror, Star)	66	27	4	1	2
Sunday newspapers	56	35	6	1	2
Television current affairs or documentaries	35	43	15	4	3
Television news	34	43	17	4	2
Other daily newspapers (Mail, Express, Telegraph, Guardian, Times, etc.)	31	54	13	1	1
Local newspapers	22	35	36	5	2
Radio current affairs or documentaries	16	42	31	6	5
Radio news programmes	10	44	37	5	4
Radio music or chat programmes	12	24	42	17	6
Internet chat rooms	25	23	19	6	26
Internet news pages	25	31	17	5	22

Base: Users of each medium/type listed, except TV (entire sample)

Every person who said that broadcasters or national newspapers were very or fairly likely to intrude into people's privacy were also asked whether they had any particular service in mind. In most cases, relatively few could name any specific channel, service or publication (Tables 10A to 10D). Rather, they felt that all were equally worthy of blame.

Among the television channels, ITV, BBC1, Channel 4 and Sky News were named more than the other channels, as far as intrusion of the news was concerned, by those respondents who said that television news or current affairs programmes were likely to intrude. The Sky News finding is interesting, given that only around 40-50% of the population can receive this service. When the views of satellite television viewers are singled out, Sky News, in particular, becomes the channel most likely to intrude in terms of news coverage (12%). Channel 4 was the most singled-out channel for intrusion in documentary and current affairs.

Table 10A: Sources of media intrusion

Is there any one particular TV channel where the news is more likely to be intrusive?

Is there any one particular TV channel where current affairs or documentaries are more likely to be intrusive?

	<i>TV news</i>	<i>TV current affairs/ documentaries</i>
	%	%
No, no specific TV channel	55	49
ITV	12	12
Channel 4	8	16
BBC1	8	10
BBC2	1	3
Channel 5	3	3
Sky News	8	4
CNN	5	2
Other TV channel	1	1

Base: All saying TV news/TV current affairs very/fairly likely to intrude

For radio services, again most people could not nominate any one service as being intrusive. Commercial local radio and BBC Radio 1 were the most-nominated in terms of intrusion in the news, but at relatively low levels (Table 10B).

Table 10B: Sources of media intrusion – radio

Is there any one particular radio channel where the news is more likely to be intrusive?
 Is there any one particular radio station where current affairs or documentaries are more likely to be intrusive?

	<i>Radio news</i>	<i>Radio current affairs/ documentaries</i>
	%	%
No, no specific radio service	64	67
Commercial local radio	11	10
BBC Radio 1	10	6
BBC Radio 4	2	6
BBC Radio 2	2	3
Virgin	2	1
BBC Radio 5	1	1
BBC Radio Wales/Scotland	1	*
Talk Sport	1	1
Classic FM	1	1
BBC Radio 3	0	1
BBC local radio	*	2
Another radio service	2	2

Base: All saying radio news/radio current affairs very/fairly likely to intrude

However, where the press is concerned, a strikingly different picture emerges. In contrast to broadcasting, most people could name specific sources of intrusion. Moreover, there is one clear ‘culprit’ among the national dailies – *The Sun*. Few people believe any other papers intrude, and the only other dailies attracting more than minimal criticism are the other two tabloids.

Table 10C: Sources of media intrusion – daily newspapers

Is there any any particular daily newspaper which is more likely to be intrusive?

	%
No, no specific daily newspaper	20
The Sun	61
The Star	7
The Mirror/Daily Record	5
The Daily Mail	2
Daily evening paper	2
The Daily Express	*
The Guardian	*
The Daily Telegraph	*
The Times	*
The Independent	*
The Financial Times	0
Daily local/regional paper	0
Another daily paper	1

Base: All saying daily newspapers very/fairly likely to intrude

Interestingly, *Sun* readers themselves did not greatly differ in their views of their chosen paper: 56% named the *Sun* as the daily paper most likely to be intrusive. Despite acknowledging the *Sun* as the ‘guilty man’, *Sun* readers’ views on what is acceptable media practice over intrusion are not markedly different from the average: for example, identical proportions – 41% – of the entire sample and of *Sun* readers agreed that ‘*sometimes the media have to use underhand measures in order to report important issues*’. Similarly, 68% of *Sun* readers as against 66% of the sample agreed that ‘*the media should always respect people’s privacy, even if this means not being able to cover an issue fully*’. Indeed, for all the various issues relating to intrusion which were used, there were no consistent differences of opinion to be found between tabloid readers (daily or Sunday) and other papers’ readers.

Clearly, there is a more complex issue underlying these opinions. It would seem unlikely that *Sun* readers were simply lying when they answered the survey questions. What is far more likely is that there are subtle shades of meaning involved in what constitutes ‘intrusion’ into privacy. As the focus groups showed, there is an important element of ‘deservedness’ at play in such judgements. The previous study conducted for the BSC – *Regulating for Changing Values* – identified some of this, whereby the status of the individual determined the treatment given. The key distinction may need to be drawn between warranted and unwarranted intrusion – and the current results can be argued to reflect warranted intrusion rather than unwarranted. If this is the case, *Sun* readers are neither lying, nor are they being inconsistent.

Similar results to those obtained for the daily press can be seen for the Sunday papers (Table 10D). One title – the *News of the World* – dominates, and the other Sunday tabloids account for almost all other replies. Analysis of *News of the World* readers' views on intrusion (as was the case with *Sun* readers set out in Table 10c) did not show their opinions to be any different from the general view

Table 10D: Sources of media intrusion – Sunday newspapers

Is there any particular Sunday newspaper which is more likely to be intrusive?

	%
No, no specific Sunday newspaper	21
The News of the World	62
The Sunday Mirror/Record	7
The People	5
The Mail on Sunday	1
The Sunday Express	1
The Observer	*
The Sunday Telegraph	1
The Sunday Times	1
Sunday local/regional paper	*
The Independent on Sunday	0
Another Sunday paper	2

Base: All saying Sunday newspapers very/fairly likely to intrude

5.6 The media and the public interest

The survey approached the issue of defining 'public interest' using four separate routes. This strategy was designed to avoid reliance on any single measure in order to minimise the possibility of the question wordings themselves unduly influencing the type of response given by interviewees.

Storylines

In the first approach to establishing what the public interest means to people, the set of storylines discussed in a previous section (5.2) were used again, but this time asking the sample to decide whether each was in the *public interest*, rather than of *personal interest* to them. (Tables 11A and 11B.)

Table 11A: Media coverage and public interest
Tell me if this is a matter for public interest

<i>Majority public interest</i>	<i>Definitely in the public interest</i>	<i>Probably</i>	<i>Probably not</i>	<i>Definitely not</i>	<i>Don't know</i>
	%	%	%	%	%
Foods sold by a major supermarket have been contaminated with bacteria	90	9	*	*	1
Many electrical appliances sold across the UK may be unsafe	85	12	1	1	1
A sex offender, recently released from prison, is living somewhere in the UK under a new identity	67	24	5	2	2
A High Court judge has large investments in foreign companies linked to the illegal drugs trade	62	30	5	2	1
A local person has been charged with supplying drugs	59	32	6	2	1
A schoolteacher has been passing on exam questions to her students to help their GCSE grades	57	35	6	1	1
A local bus driver has a history of drink-driving	55	34	8	2	1
A local council has greatly overspent its budget despite warnings from its staff	49	39	9	2	1
A company testing medicines is suspected of cruelty towards animals	45	44	8	2	1
A leading footballer is badly injured in a car crash	12	40	27	19	2

The results show a close match with those found for personal interest in the items (see Table 5) in terms of those items getting a majority 'vote' (Table 11A). However, apart from the 'footballer' item where the split was more even, the proportions saying it was 'definitely' or 'probably in the public interest' is markedly higher than the proportions saying they were 'very' or 'fairly interested' in the same item, and with lowered levels of disagreement.

This suggests that for many people, public interest is understood to mean something beyond purely personal interest. At the same time, there does also appear to be a fairly direct link between the two concepts, since the overall rank order of perceived public interest closely matches that given for personal interest.

Equally, those items where there were low levels of personal interest (the ‘gossip’ items on stars, etc. in Table 5) are marginally elevated when considered from a public interest perspective, but the view of clear majorities (63-80%) is that these are not of public interest (Table 11B).

Table 11b: Media coverage and public interest

<i>Minority public interest</i>	<i>Definitely in the public interest</i>	<i>Probably</i>	<i>Probably not</i>	<i>Definitely not</i>	<i>Don't know</i>
	%	%	%	%	%
A well-known TV actor who is known to have a serious illness is seen abroad looking very ill	6	29	34	29	1
The diaries of a dead politician suggest that he had an affair with a woman who is still alive	4	16	34	44	2
A celebrity's daughter is found drunk in public	4	16	34	45	1
A film star is rumoured to be having an affair	4	15	32	48	1
A member of a leading pop group has cosmetic surgery to change her face shape	3	14	29	54	1

Amount of coverage

The second approach used a different criterion for judgement, this time requiring the interviewees to say how much media coverage should be given. The items used are not specific stories, but represent general categories of content. No specific medium was mentioned, merely the media in general. The underlying principle is that the degree of coverage – on a scale from ‘maximum coverage’ through to ‘no coverage at all’ – is a reflection of the degree of public interest (or similar) which is implied by each content category given in the question. The results are shown in Table 12 overleaf.

As with the previous results, it is clear that people can and do discriminate strongly between different types of coverage. Two broad trends can be seen in the results. First, there are several topics which are widely believed to warrant high levels of coverage (maximum or quite a lot). These particular topics involve issues and actions which can impact on both individuals (e.g. crime, local community) and the larger population (e.g. corruption, incompetence).

There is also evidence of a clear barrier to coverage where privacy is concerned – the contrast between politicians’ official activities and their private lives is strong: 88% want coverage of the official while only 40% want the private revealed (and only at the lowest possible level). However, there is not such a strong feeling about the private lives of other people in the public eye such as sports personalities, and rock and media stars.

Table 12: Opinions on amount of coverage

The various media – both local and national – can give you many different types of information and coverage. How much coverage do you think the media should give to this type of material?

	<i>Maximum coverage</i>	<i>Quite a lot of coverage</i>	<i>A little coverage</i>	<i>No coverage at all</i>	<i>Don't know</i>
	%	%	%	%	%
Details of serious crimes	42	43	12	1	2
Exposure of incompetence by officials	42	38	15	3	2
Exposure of corruption and hypocrisy	40	38	15	4	2
Exposure of fraud and cheating	37	42	17	2	1
Information about events in the UK	35	50	12	1	2
The lives of people guilty of serious crimes	29	30	28	12	2
News about your local community	28	52	17	1	2
Showing the effects of crime on the victims	28	39	26	6	1
Information about events outside the UK	21	46	28	4	1
Politicians’ official activities	13	42	33	10	2
Showing how people cope with misfortune	11	37	41	8	2
The lives of ordinary people	8	26	49	15	2
The lives of sporting personalities	4	14	54	26	2
Politicians’ private lives	3	6	31	58	2
The lives of pop stars	3	9	47	40	1
The lives of TV and film stars	2	10	56	30	2

Here again there is evidence of a broad consensus on some issues, coupled with split opinions on others. Yet, it is quite clear that the general public do not wish for tame media. People do see the media as having a watchdog function in line with democratic ideas of the media as the fourth estate. Some of the highest overall scores are for the media to ‘*expose corruption and hypocrisy*’ with 40% considering the maximum exposure should be given to this type of reporting, followed by 38% considering ‘*quite a lot of coverage should be given*’, similarly, 42% and 43% respectively considered that maximum coverage should be given to the ‘*details of serious crime*’ or ‘*quite a lot of coverage*’ should be given and that the ‘*lives of people guilty of serious crime*’ should be given great attention, 29% considering maximum coverage be given with a further 30% believing ‘*quite a lot of coverage*’ should be given.

This role given to the media of ‘exposing’ as a legitimate part of its performance suggests that permission is given to intrude into privacy, as documented in the qualitative section of the report.

Defining the term ‘public interest’

As the previous sections of this report show, the term ‘public interest’ is both conceptually complex from an *a priori* basis, and may not have a commonly agreed-upon meaning as far as the general public are concerned. The third approach used in the survey to explore ‘public interest’ was the most direct, and asked people to define the term ‘public interest’ in their own words, as a further way of establishing public knowledge.

It should be borne in mind that the definitions given in the survey interview are not directly comparable to conversation and comments arising in the more informal and in-depth setting of a focus group. The survey setting has its own rules, with the interviewer controlling the structure of the session, and having to write down the verbatim reply. Thus, the statements tend to be more cursory and formalised.

Equally, the overall structure of the survey questionnaire will have an impact. This particular question came after a series of questions asking about media intrusion into personal privacy. This placement was deliberately undertaken in order to ensure that the broad context of the question was clear: the relationship – if any – between media intrusion into privacy and ‘public interest’.

Over 90% of the sample did offer a definition in their own words of what they understood by ‘public interest’ in this context, demonstrating that the broad term at least is recognised, even if it is not particularly clearly or consistently articulated.

These verbatim replies were then inspected and content-analysed into broad categories. The categorisation focused upon the underlying rationale of the definitions given by the sample, and up to two different categories were coded for each. There was no clear shared majority definition to be found in the sample’s definitions. Rather, there were disparate categories of themes, shown in Tables 13A and 13B, together with examples of each category.

The largest proportion of the replies (34% of the sample) fell into the category we have called **Public rights**. A defining feature of this category is the use of ‘imperative’ terms – needs, rights, should, and so on – used in support of the principle of public, democratic rights to information.

The next largest category of definitions – **Public effects** – centres around the issue of effects and impacts. Essentially, the argument is that large-scale effects on the public at large are a priori a matter of concern.

Table 13A: Public interest definitions given by survey

Sometimes the media argue that intrusions into privacy are justified because they are in the public interest. What do you understand by this term – ‘the public interest’?

Category	Examples
Public rights 34%	It's information that the public has the right to know. Something going on needs to be brought to the public's notice. Government officials should be accountable for their mistakes – the public should be aware of this. There are certain issues that the public should be made aware of – this is what ‘public interest’ means. That it's important for people to know about what's going on in the world and for them to make informed decisions and opinions. To make things common knowledge.
Public effects 28%	Issues that affect ordinary people directly. Something affecting others rather than just that person. If it's important to other people and it is likely to affect or harm other people. If it would affect you as a member of the public like war, disasters or floods. Where the issue has a direct effect on people's lives.
National interest 3%	If it's to do with the security of the country – deviousness by politicians – that sort of thing. Something basically important – in the national interest or the people at large. General public as a whole, all 60 million of us. In case of danger to the public or the country and national security. What it means is security of the country. If [popular singer] is wearing pink knickers that's not important to the country, but if she was a spy, that is in public interest, national security.

A second grouping of replies (Table 13B) illustrates clear confusion for some people between the more abstract concept of the public interest as a form of public good and the specific interests of members of the public, either *en masse* or as individuals. These replies hinge around public interest being defined by the opinions and interests of the media consumer, rather than taking the more abstract form demonstrated by the replies in Table 13A above. Within this broad grouping of interest-led definitions are three distinct divisions into the **public**, **personal** and **community** levels.

Table 13B: Public interest definitions given by survey

Sometimes the media argue that intrusions into privacy are justified because they are in the public interest. What do you understand by this term – ‘the public interest’?

<i>Category</i>	<i>Examples</i>
Interests of the public 15%	Some news like war news and New York towers information is interesting. Good for people to know and we can discuss it with friends.
	Things that the public would be interested in hearing about, celebrities’ and politicians’ private lives.
	Anything the public would be interested in reading about.
	Kind of what people are interested in reading about, what people want to see or read.
	Giving the public what they want.
Personal interests 7%	[Public interest] is not easy to define, some subjects may be of interest to some members of the public and others may be not.
	Something that is going to interest you or benefit you.
	Only way would be a paedophile situation because that would affect me, it would be in my interest to know as I have children.
	If it doesn’t affect us we don’t need to know.
	If it’s going to affect you.
Local/community interest 2%	Nowadays people often don’t know their neighbour, so they need to know what is going on in their neighbourhood to protect themselves
	The local papers, news, etc. does this, this is ‘public interest’.
	Relevant to particular sections of society.
	If there is a local crime or paedophile in the area, anything like that.
	What is happening within your local area.
	The people in the community should know what’s going on if it affects them.

There is a further set of definitions which again reflect a different style of understanding of the public interest concept. These are basically formulated as observations of media practice, rather than reflections upon what form the ideal might take. Two of the categories are unreservedly critical: the media intrude for the ‘wrong’ reasons (unwarranted intrusion); and ‘public interest’ is simply a convenient cover term used by the media for the media simply doing whatever they want (media excuse).

A third set of replies (warranted intrusion) show that media intrusion can be part of the public interest, though, again, defining the concept more by actions rather than principles.

Table 13C: Public interest definitions given by survey

Sometimes the media argue that intrusions into privacy are justified because they are in the public interest. What do you understand by this term – ‘the public interest’?

<i>Category</i>	<i>Examples</i>
Unwarranted intrusion 16%	<p>Just like to be nosy. Not always in public interest.</p> <p>Good reporting shouldn't be intrusive.</p> <p>I think they want to be nosy – delve into people's private lives.</p> <p>Anything you think of, there is anything in public interest.</p> <p>I think due to public interest, newspapers take advantage to expose privacy of the person.</p> <p>Public interest means that some of the things that come out will be detrimental to the people involved. Sometimes they don't have the facts right.</p> <p>It's just gossip, and telling people what they think they want to hear.</p>
Media excuse 12%	<p>Statement media use to absolve them of all sin. <i>Carte blanche</i> because they say it's public interest.</p> <p>They are still just trying to sell their newspapers saying it's public interest.</p> <p>Public interest is just a way of broadcasting what media want.</p> <p>It's a catch-all term that gives the media <i>carte blanche</i> to do what it likes.</p> <p>Public interest is when they get a story and make some money out of it.</p>
Warranted intrusion 5%	<p>Anything that people are interested in, particularly in other people's lives, particularly celebrities and such like, just human instinct to be nosy, particularly if it is not good.</p> <p>If the matter of the subject transcends or supersedes the individual's right to privacy.</p> <p>I think, have a right to know what famous people get up to as people i.e. children look up to them. The politician found out doing dodgy deals, etc, the public have a right to know.</p> <p>You know the full character of the person involved, whether they're entirely honest and reliable.</p>

What these verbatim definitions given by sample show particularly clearly is the lack of a common, shared definitional base for the term ‘public interest’. This conclusion is reinforced by considering the fact that this question was preceded by others which did raise the general issues of public interest – these replies were not given *in vacuo*.

Several broad conclusions can be drawn from the various lines of evidence in the survey.

First, people need and value information which tells about events, threats, things of interest and life in general. Second, the media are supremely important for providing content which is valued and needed, but may not be performing exactly as desired by their public. Third, the precise nature of what constitutes media coverage which is felt to be firmly ‘in the public interest’ varies greatly from person to person. There is no clear or widely shared definition.

Serving the public interest

The sample were asked to give their judgements on how well the main media ‘serve the public interest’. Despite the previously-demonstrated lack of agreement among people as to what exactly constitutes ‘public interest’ in terms of formal definitions, it is clear that people can make judgements about media performance in these terms. For each service or medium asked about, those who could make a judgement other than ‘don’t know’ tended to say that the public interest was well served.

As was the case when considering intrusion, this broad comparison based on the entire population may be unhelpful as far as the less widely-used services are concerned. Table 14 shows the opinions of those people who use each service asked about. All bar one of the services are regarded as serving the public interest as far as their actual users are concerned. The exception is Channel 5, where opinions are more mixed. The television channel results are based on the entire sample, which could affect Channel 5 to a small degree in that some people cannot receive the service (and it also has a relatively low audience share). However, the balance between ‘very’ and ‘fairly well’ would be unaffected by this, and it is the comparatively low level of ‘very’ responses which helps to set Channel 5 apart from the other services listed.

Table 14: Media performance – users
Overall how well does... serve the public interest?

	<i>Very well</i>	<i>Fairly well</i>	<i>Not very well</i>	<i>Not at all well</i>	<i>Don't know</i>
	%	%	%	%	%
BBC TV	53	40	3	1	3
BBC local Radio	53	33	2	0	8
BBC national radio	47	41	3	*	9
Satellite TV	45	38	5	2	9
ITV	40	52	5	*	3
Daily newspapers	34	54	8	2	2
Local newspapers	33	55	7	1	4
Sunday newspapers	32	52	11	2	3
Cable TV	29	36	15	3	16
Internet	27	38	10	4	21
Commercial local radio ⁸	22	53	10	3	12
Channel 4	21	46	17	2	14
Channel 5	9	31	23	6	32

Base: Users of each medium (TV users = entire sample)

5.7 The NHS scenario

The focus groups all discussed this specific scenario in considerable detail (see Section 3 of this report), and it formed a key element in all of them. The survey also featured the basic scenario, using the concepts and categories employed during the focus groups.

Virtually the entire sample said that this topic should be covered by the media (96%), and a similarly overwhelming majority (98%) also thought it was in the public interest. Nine in ten also said they would be personally interested in this issue – an example of personal interest matching public interest. There were no major differences in opinion found between the main demographic sub-groups.

⁸ The sub-sample size of listeners to *Virgin*, *Talk Sport* and *Classic FM* were all less than 25 individuals, and were too small for further reliable analysis. Their replies have been included in the overall commercial local radio category.

Table 15: The NHS scenario

A senior manager in the NHS has issued a secret instruction telling doctors that they must not use an expensive new drug treatment on older patients suffering from cancer, and can only give them cheaper and less effective drugs. Some doctors are obeying this instruction, but others are disobeying it. The media want to report this story.

	<i>Yes, definitely</i>	<i>Yes, probably</i>	<i>No strong view</i>	<i>Probably not</i>	<i>Don't know</i>
	%	%	%	%	%
First, is this an issue that should be covered by the media?	84	12	2	1	*
Would you say that this is an issue that is in the public interest?	85	13	1	1	*
Would you personally be interested in this issue?	74	16	5	4	1

The next step was to ask people which of a wide range of possible methods were acceptable means for the media to obtain the information needed to cover this story. The list used was the same as that used in the focus groups, with a few minor wording changes to suit the survey setting.

The results show a clear demarcation between a limited number of tactics thought acceptable for information-gathering and others which were thought unsuitable by majorities of the sample (Table 16).

Those generally thought appropriate include basic journalistic techniques: interviewing or telephoning those concerned at the workplace, and the affected patients and their relatives. The use of 'leaked' information was also deemed acceptable by the majority.

Those techniques thought to be unsuitable by majorities included all of the covert methods listed, such as disguised reporters, hidden cameras, searching rubbish. Other less legal strategies such as phone-tapping, mail and email interception are approved by minorities. It might have been expected that CCTV material might be regarded as beyond the pale, but this is clearly believed by most to be a legitimate source of material.

Table 16: Ways of getting information

There are a number of different ways in which journalists and programme-makers might be able to get information. In this particular case, the media would try to get information about the senior manager who is responsible for the order on drugs. For each of the different ways of getting information, how acceptable is it to use it in this particular case?

	<i>Very</i>	<i>Fairly</i>	<i>Not</i>	<i>Not</i>	<i>Don't</i>
	%	%	<i>very</i>	<i>at all</i>	<i>know</i>
	%	%	%	%	%
Interviewing relatives of elderly patients affected by the decision	41	35	12	11	2
Interviewing elderly patients affected by the decision	40	31	13	14	2
A reporter telephoning the person's office	36	39	13	10	2
Using security camera pictures from the office	28	37	16	15	3
Reporters waiting outside office	24	47	15	12	2
Interviewing person's work colleagues	18	46	17	16	3
Using 'leaked' information from anonymous sources	17	43	20	17	4
Hidden microphone at the person's office	14	28	28	28	2
Hidden TV camera at the person's office	14	27	30	27	2
A reporter at the office disguised as someone else	13	33	27	25	2
A reporter telephoning the person's home	12	32	24	30	2
Hidden photographer at the person's office	12	29	30	27	2
A reporter telephoning the person's office pretending to be someone else	11	29	29	29	2
Going through office rubbish for relevant documents	10	28	27	32	3
Reporters waiting outside person's home	8	28	27	35	2
Tapping office phone line	8	22	25	42	2
Interviewing person's adult friends and family	7	26	28	37	2
Intercepting office email	7	23	25	41	4
Intercepting post at the person's office	7	17	30	42	3
Going through person's home rubbish bins for relevant documents	6	16	31	45	2
Hidden TV camera outside the person's home	6	16	30	47	1
A reporter telephoning the person's home pretending to be someone else	6	12	31	50	1
Hidden photographer outside the person's home	5	19	30	44	2
Intercepting home email	4	8	36	58	5
Tapping home phone line	3	8	24	63	2
Interviewing person's children	1	3	16	78	2

One important point of principle does emerge from these findings: the home is a protected place. In this particular scenario, it is abundantly clear that for most people, the professional responsibility of the NHS official to answer for his or her decisions does not extend outside the workplace. This distinction can be clearly seen in the contrast between identical methods in the work and home contexts, where the levels of approval for the home-focused methods are far lower than for their office-focused equivalents. And, above all, the manager's children are effectively sacrosanct.

Table 17:
Work versus home

	<i>% saying very/ fairly acceptable</i>
A reporter telephoning the person's office	76
A reporter telephoning the person's home	44
Reporters waiting outside office	71
Reporters waiting outside person's home	36
Interviewing person's work colleagues	64
Interviewing person's adult friends and family	33
Interviewing person's children	4

These results closely mirror the findings from the focus groups. There are clear 'rules of engagement' operating here. But the precise application of these rules must be assumed to be unique to this particular scenario and the particular circumstances it encompasses. If the scenario changes, the ways in which rules are applied or become capable of variation, even abandoned, will also change. Certainly, had this scenario been about severe medical malpractice, or about drug dealing or child abuse, there is little doubt that the patterns of acceptability found would be strikingly different from those seen in this case.

A similar argument can be applied to the questions above of the consequences of media coverage of the NHS scenario (Table 18). As with the methods of information-gathering discussed above, these results show a marked gradation from being acceptable to large majorities to almost complete rejection of the 'harsher' possibilities.

Again, the demarcation between work and home, role and person, can be seen in the data. Those consequences of media attention which bring severe personal hardship, and family hardship, are disapproved of by large majorities. Few, for example, would countenance the NHS manager's marriage breaking up (20%), or the manager's partner being harassed (10%). At the very end of the scale, even less acceptable than suicide, is the prospect of the children being picked on at school (8%).

Table 18: Consequences

Sometimes, media coverage can have effects and consequences for the people involved. Still thinking about this NHS manager, here are some possible outcomes of this issue being raised in the media. Again, how acceptable, if at all, is it if things like this happen as a result of media coverage in this particular case?

	<i>Very acceptable</i> %	<i>Fairly</i> %	<i>Not very</i> %	<i>Not at all</i> %	<i>Don't know</i> %
Acute embarrassment	42	37	12	6	3
Criminal charges brought	39	31	14	10	6
End of career	27	34	20	16	3
Social ridicule	23	35	26	13	4
Unwanted public notoriety	19	40	22	14	5
Loss of friends' respect	19	40	21	15	5
Moving home to avoid attention	16	42	25	13	4
Financial ruin	16	32	30	17	5
Illness	7	22	40	28	4
Nervous breakdown	5	19	31	41	4
Breakdown of marriage	5	15	34	42	4
Partner harassed in public	4	6	26	61	3
Suicide	3	7	19	67	4
Children picked on at school	2	6	13	78	2

These results show the application of rules, which although unstated, can be deduced readily from the trends seen in the replies. As in the focus groups, and in the previous questions about methods, there is a process of calculation, of weighing up in a semi-judicial manner. This works itself out in people's decisions about the questions of 'guilt', 'deservedness' and appropriateness of means to provide people with the information they require from the media.

5.8 The World Trade Center attack

The terrorist attack on New York's twin World Trade Center towers occurred some five weeks before the survey took place (18-29 October). The questionnaire included a limited number of questions on this event focusing on media coverage and the public interest.

Television was the main source of information for nine out of ten adults, far outstripping the other media. This is not surprising, given that the main American television news organisations were on the scene within minutes of the first plane attacking, together with BBC1 and ITV abandoning most of their schedules for live coverage across the majority of the afternoon/evening.

Table 19: The WTC attack

A few weeks ago, the World Trade Center in New York was destroyed in a terrorist attack. Where did you find out most about what happened?

	%
Television	89
Radio	4
Other people	3
Daily newspaper	1
Internet	1
Sunday newspaper	*
Nowhere in particular	1

One in five of the sample said that they had encountered material in the attack coverage which they felt was ‘not in the public interest’. Anyone who said they had seen such coverage was then asked what it was, and the interviewer coded replies using a supplied list derived from comments made in the focus groups. A large proportion of these answers were very general – about how terrible the event was, or upsetting. Many, though, homed in on specific aspects of media coverage, particularly the pictures of people jumping from the twin towers before their collapse, the replaying of victims’ phone calls to relatives, and interviews with victims’ relatives (Table 20).

It is difficult to place the reactions to people jumping from the WTC in a public interest framework – if anything, it is closer to a taste and decency issue, a response to something upsetting. The two other most-mentioned themes are conceptually different, in that they centre around grief and reminders of the dead. Certainly, as far as the focus groups were concerned, these types of coverage do involve issues of privacy, both of the dead and of the living. Essentially private acts – making final calls to loved ones, and giving vent to intense emotions – were on public display courtesy of the media.

Table 20: The WTC attack

Did you see, hear or read anything in the media coverage of this which you thought was not in the public interest?

	%
Yes	20
No	80

IF 'Yes': what sort of thing did you have in mind?

	% of all saying 'Yes'	% of total sample
Pictures of people jumping out of the buildings	36	7
Phone calls from the victims to their families	18	4
Interviews with relatives of the victims	16	3
Pictures of bodies being recovered	11	2
Pictures of injured survivors	8	2
Pictures of people on the ground panicking	8	2
Details of what went on in the hijacked aircraft	6	1
Interviews with survivors	4	1
Other type of coverage	46	10

The question asked was coded by the interviewers into a limited number of categories provided to them, in turn, largely based on the London focus groups' comments about coverage immediately after the event itself. The survey question, though, was asked a month or more after the event. As can be seen, a large proportion of the replies (46% of those who thought there was media intrusion) could not readily be fitted into the categories given. However, there is some evidence from some interviewers' notes of the verbatim answers given which helps us to see what this 'other' category consists of.

Many centred around the 'distressing' aspects of coverage – *'continual repetition of planes crashing', 'aircraft crashing into the building was on day after day, very distressing', 'cheering children and adults in Arab countries, starvation of children in Afghanistan', 'dwelt too long on gory details', 'pictures of families at funerals'*. These are best thought of as further reactions to distasteful material.

Others, interestingly, focused on what can be described as 'public interest' issues: *'Opinion, not facts', 'Spreading panic about a Holy War', 'blaming Muslim fundamentalism before it's had proof', 'attacks on religious groups', 'Giving out too much military information over the media', 'shouldn't know where Tony Blair is at any given time'*.

A third general category within 'other coverage' was that of repetitiveness and weight of coverage: *'repetitive coverage of events', 'continuous coverage', 'over-exposure'*.

Appendix 1: Research method

Industry interviews

Depth face-to-face interviews were conducted with a single representative from each of the following organisations. The interviews were conducted between July and September 2001. All interviews were conducted at the interviewee's offices, with the exception of Mediawatch. The first two interviews were conducted by both authors, the remainder by single interviewers. The interviews were conducted using a broad topic guide to the overall interview. All interviews were tape-recorded and transcribed.

- BBC Policy
- BBC Radio News
- BBC Online
- Commercial Radio Contractors Association
- Daily Telegraph
- Freeserve
- Independent Television Commission
- Independent Television News
- Mediawatch
- News of the World
- Press Complaints Commission
- Presswise
- Radio Authority
- The Voice
- Media Legal (Specialists in Media Law)

Focus groups

Eight specially-recruited focus groups were conducted as part of the study. Each group consisted of six/seven individuals, and were recruited by professional recruiters to a formal specification. Each group lasted approximately 1.5 hours, and were held on weekday evenings in the recruiters' houses. All the groups were moderated by both researchers. Each session was tape-recorded and transcribed. Group attendees were given a payment of £25 (Leeds) or £30 (London) to cover their time and expenses in attending.

- 1 18-25, male, C1C2, use internet, and have satellite/cable/digital TV, Leeds
- 2 30-45, female, C2D, TV users, read daily paper, Leeds
- 3 50-60, male, C2D, TV users, read daily paper, Leeds
- 4 18-25, male, C1C2, Asian, Leeds
- 5 18-25, female, C1C2, internet/multi-channel TV users, London
- 6 30-45, male, ABC1, TV users, read daily paper, London
- 7 50-60, female, C2D, TV users, read daily paper, London
- 8 50-60, female, C1C2, Afro-Caribbean, London

Special conditions:

- Should not have taken part in a group in past six months
- Must not work in media, PR, advertising or Civil Service

Dates:

Groups 1-4 Tue 4 and Thur 5 September

Groups 5-8 Tue 11 and Wed 12 September

Survey:

- A national survey was commissioned from NOP research. The population sampled was Great Britain adults aged 16+. The interview lasted on average 29 minutes.
- The sample was interviewed face-to-face. Quotas were set for region: sex (male, female), age (16-24, 25-34, 35-44, 45-54, 55+) and social grade (AB, C1, C2, DE). In all, a total of 1,049 individuals were interviewed in the last two weeks of October 2001.
- Data analysis was conducted by the University of Leeds.

Appendix 2: Researchers' credits

David Morrison is Professor of Communications Research and Director of Research in the Institute of Communications Studies, University of Leeds. He has worked on a wide range of studies for the BSC and other media-related organisations. He has held research posts at the Centre for Mass Communications Research at the University of Leicester, the City University and the Broadcasting Research Unit. He has also worked at senior level in the commercial sector of media research; Head of Media at the market research company 'Research International'. He has published widely on methodology and the history of communications research.

Michael Svennevig is Director of the Research Centre for Future Communications at the University of Leeds. The Centre was established in 1976 to chart social and technological change in the UK, and to act as a forum to bring academic and industry research strands closer together. He has also worked in the Broadcasting Research Department of the BBC, in the Research Department of the former IBA, and at senior level in commercial media research organisations.

Appendix 3

Broadcasting Standards Commission

The Broadcasting Standards Commission is the statutory body for both standards and fairness in broadcasting. It is the only organisation within the regulatory framework of UK broadcasting to cover all television and radio. This includes the BBC and commercial broadcasters, as well as text, cable, satellite and digital services.

As an independent organisation, the Broadcasting Standards Commission considers the portrayal of violence, sexual conduct and matters of taste and decency. It also provides redress for people who believe they have been unfairly treated or subjected to unwarranted infringement of privacy. The Commission has three main tasks set out in the 1996 Broadcasting Act:

- Produce codes of practice relating to standards and fairness;
- Consider and adjudicate on complaints;
- Monitor, research and report on standards and fairness in broadcasting.

This research working paper is published as part of a programme into attitudes towards standards and fairness in broadcasting. This research, which was carried out by independent experts, is not a statement of Commission policy. Its role is to offer guidance and practical information to Commissioners and broadcasters in their work.

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Appendix 4

The Independent Committee for the Supervision of Standards of Telephone Information Services

The Independent Committee for the Supervision of Standards of Telephone Information Services (ICSTIS) is the regulatory body for premium rate services. Its purpose is to establish, maintain and ensure compliance with appropriate standards of protection for users of premium rate information and entertainment services and, in doing so, contribute towards the development of the industry. In seeking to achieve this, ICSTIS will:

- draw up and enforce effective Codes of Practice
- ensure that consumers are given adequate information to enable them to take sensible decisions about the use of premium rate services
- operate in an independent, fair and transparent way
- reflect its accountability to the public and industry by operating with measurable efficiency and effectiveness
- be adaptable and responsive to developments within a changing industry environment.

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Free Helpline: 0800 500212
Website: www.icstis.org.uk

Appendix 5

The Independent Television Commission

Operating in the interests of viewers, The Independent Television Commission is the public body which licenses and regulates all television services broadcasting in or from the UK, other than BBC licence fee funded services and S4C in Wales.

The Broadcasting Acts of 1990 and 1996 charge the ITC with tasks that include:

- setting standards for programme content, advertising, sponsorship and technical quality;
- monitoring broadcasters' output to ensure that it meets those standards and applying a range of penalties if it doesn't;
- ensuring that broadcasters operate in an environment which encourages innovation and widens viewer choice;
- ensuring that viewers can receive television services on fair and competitive terms;
- investigating complaints and regularly publishing its findings.

Each year the ITC undertakes an extensive audience research programme to help identify areas where viewer attitudes or behaviour may be changing. It liaises regularly with stakeholders, including consumer groups, and takes advice from its own advertising, schools, medical and religious advisory committees.

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Appendix 6

Institute for public policy research

ippr is the leading UK independent think tank on the centre left. Through our well-researched and clearly argued policy analysis, reports and publications, our strong networks in government, academia and the corporate and voluntary sectors and our high media profile, we play a vital role in maintaining the momentum of progressive thought.

Since its inception in 1988, ippr has built up a well-deserved reputation for generating new and imaginative ideas. Our aim is to continue to be a force for change by delivering far-reaching and realistic policy solutions that we hope will produce a fairer, more inclusive and more environmentally sustainable world.

“ippr aims not just to analyse the world but to change it.”

Matthew Taylor, Director, ippr

Appendix 7

Radio Authority

The Radio Authority is the statutory body set up under the Broadcasting Act 1990 to license and regulate Independent Radio within the UK. It is responsible for monitoring the obligations on its licensees required by the Broadcasting Acts 1990 and 1996.

The Authority has three main tasks:

- to plan frequencies;
- to appoint licensees with a view to broadening listener choice; and
- to regulate programming and advertising.

It is required, after wide consultation, to draw up, review and enforce Codes which set standards and practices on programming, and advertising and sponsorship. The Authority is also required to draw up and enforce rules on engineering and ownership.

The Radio Authority considers complaints concerning programming, advertising and sponsorship, and transmissions for all non-BBC radio services. If a station is found to be in breach of the Authority's rules, the Authority has a number of sanctions it can impose. It can admonish the station concerned; it can require a broadcast apology or correction; it can impose a financial penalty; or it can, ultimately, shorten or revoke a station's licence.

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