

## Preamble

Members of the media have a duty to maintain the highest professional standards.

The Code of Practice, which includes this preamble and the public interest exceptions in Section 1, sets the benchmark for ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry in Bermuda has made a binding commitment.

Freedom of the press is indivisible from, and subject to, the same rights and duties as that of the individual and rests on the public's fundamental right to be informed and to receive and to disseminate opinions freely.

The primary purpose of gathering and distributing news and opinion is to serve Bermuda by informing citizens and enabling them to make informed judgments on the issues of the time. The Code serves as a reference point for the public and also as an essential guide for journalists in Bermuda.

It is vital that this Code be honoured not only by the letter but also in spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

It is the responsibility of editors, publishers and managers to apply the Code to editorial material. They should ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists.

“Public enlightenment,” as defined by the (U.S.) Society of Professional Journalists, “is the forerunner of justice and the foundation of democracy”. This is the guiding principle of this Code.

### 1. The Public Interest

There may be exceptions to the clauses below marked \*\* where they can be demonstrated to be in the public interest. The public interest includes, but is not confined to:

- A. Detecting or exposing crime or serious impropriety.
- B. Protecting public health and safety.
- C. Preventing the public from being misled by an action or statement by an individual or organization.
- D. Where there is a public interest in freedom of expression itself.
- E. Whenever the public interest is invoked, the Media Council of Bermuda shall require editors/news directors/website managers to demonstrate fully how the public interest was served.
- F. The Media Council of Bermuda shall consider the extent to which material is already in the public domain, or will become so.
- G. In cases involving children under the age of 16, editors/news directors/website managers must demonstrate an exceptional public interest to override the normally paramount interest of the child.

## 2. Identification

- A. Unless engaged in undercover reportage, media representatives shall clearly identify themselves, and the organization that they represent, in a conversation that might generate information later used in reporting.

## 3. Accuracy

- A. The media shall take care not to publish/broadcast/post inaccurate, misleading or distorted information, including photographs, video and voice recordings.
- B. A significant inaccuracy, misleading statement or distortion once recognized shall be corrected, promptly and with due prominence, and — where appropriate — the media outlet should make amends by printing/broadcasting/posting, promptly and with appropriate prominence, a retraction, correction or explanation and/or an apology.
- C. The media, whilst free to be partisan, shall distinguish clearly between news, comment, conjecture and fact. Facts are not always clear-cut and often open to interpretation but the media shall present factual information fairly and with due regard to context and importance. Where a report is not based on facts or is founded on opinions, allegation, rumour or supposition, it shall be presented in such manner as to indicate this clearly.
- D. A media outlet is entitled to adopt a forthright stance and advocate a position on any issue.
- E. A media outlet shall report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.
- F. Journalists should use corroboration to verify the accuracy of information from their

sources.

- G. Media outlets must clearly distinguish for the audience the difference between advertising, advertorial and news.

#### **4. Opportunity to Reply**

- A\*\*. Journalists shall ensure that stories are fair and balanced and routinely seek the views of the subject of serious critical reportage in advance of publication. This need not be done where the media outlet has reasonable grounds for believing that by doing so it would be prevented from publishing the report or where evidence might be destroyed or witnesses intimidated. Where critical statements are made in a public setting — at a parliamentary hearing for example — we have an obligation to solicit a response within a reasonable time period, but this should not preclude publication.

- B. A fair opportunity for reply to inaccuracies must be given when reasonably called for.

#### **5. \*\*Privacy**

- A. Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications. Editors/news directors shall be expected to justify intrusions into any individual's private life without consent.

- B. People in public life are entitled to privacy.

- C. Where a person holds public office, deals with public affairs, follows a public career, or has sought or obtained publicity for his/her activities, publication/broadcast/ posting of relevant details of his/her private life and circumstances may be justifiable where the information revealed relates to the validity of the person's conduct, the credibility of his/her public statements, the value of his/her publicly expressed views or is otherwise in the public interest.

- D. Generally, unless there are extenuating circumstances, it is unacceptable to photograph or film or record individuals in a private place without their consent, unless it is justified in the public interest. *Note: private places are public or private property where there is a reasonable expectation of privacy.*

#### **6. \*\*Harassment**

- A. Journalists shall not engage in intimidation, harassment or persistent pursuit.

- B. Journalists shall not persist in questioning, telephoning, emailing/texting, pursuing or photographing or filming individuals once asked to desist; nor remain on their property when asked to leave and must not follow them. Exceptions arise in relation to the movement of accused or convicted criminals (usually under escort and in public places), where the public interest is paramount.

- C. Editors/news directors/website managers should ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

## 7. **\*\*Intrusion into grief or shock**

- A. In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and the information garnered shall be handled sensitively. This does not restrict the right to report legal proceedings, such as inquests.
- B. When reporting suicide, care shall be taken to avoid excessive detail about the method used.

## 8. **\*\*Children**

- A. Young people should be free to complete their time at school without unnecessary intrusion.
- B. Reporters/editors/news directors/website managers should have regard for the vulnerability of children and in all dealings with children should bear in mind the age of the child, whether parental or other adult consent has been obtained for such dealings, the sensitivity of the subject matter, and what circumstances, if any, make the story one of public interest.
  - C. A child under 16 years of age shall not be interviewed or photographed or recorded — especially on issues involving their own or another child's welfare — unless a custodial parent or similarly responsible adult consents. Exceptions arise:
    - At public events such as school plays, parties and streets parades — when there is an implicit understanding that photographs will be taken.
    - When children are sometimes inadvertently photographed or filmed as peripheral elements (eg. bystanders) as part of stories in which they are not the main focus.
  - D. Students shall not be approached or photographed at school without the permission of the school authorities.
  - E. Editors/news directors/website managers shall not use the fame, notoriety or position of a parent or guardian as sole justification for publishing/broadcasting details of a child's private life.

## 9. **\*\*Hospitals**

- A. Journalists shall identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries, unless they have been invited to see a patient by the patient personally or by his/her immediate family or partner.
- B. The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

## 10. **\*\*Reporting of Crime**

- A. Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.
- B. Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

- C. Due care and responsibility shall be exercised by the media with regard to the presentation of brutality, sexual content, violence and atrocities.

## 11. \*\*Clandestine devices & subterfuge

- A. The media shall not seek to obtain material by intercepting private or cellphone calls, messages or emails or by accessing digitally held private information without consent.

- B. If phones calls are recorded that fact shall be disclosed by the journalist at the outset of a conversation.

- C. The use of hidden cameras and listening devices in public places and/or engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

## 12. Discrimination

- A. The media shall avoid prejudicial or pejorative reference to an individual's skin colour, race, nationality (including citizenship), ethnic or national origin, religion, gender, sexual orientation, marital status, disability, illness, or age.

- B. Details of an individual's skin colour, race, nationality (including citizenship), ethnic or national origin, religion, gender, sexual orientation, marital status, disability, illness, or age shall be avoided unless genuinely relevant to the story.

- C. Media reports shall not place gratuitous emphasis on, skin colour, race, nationality (including citizenship), ethnic or national origin, religion, gender, sexual orientation, marital status, disability, illness, or age. Journalists should also avoid stereotyping based on the above.

- D. Nevertheless, where it is relevant and in the public interest, the media may report and express its opinions in these areas, in news stories and commentaries respectively

## 13. Incitement to Hatred

- A. The media have the right and the duty to report and comment on all matters of legitimate public interest. This right and duty shall, however, be balanced against the obligation not to publish/broadcast/post material that amounts to hate speech.

- B. Editors/news directors/website managers shall take care in deciding how to report incidences of hate speech without widening the dissemination of its content.

- C. Hate speech is defined for the purpose of this Code as hateful, threatening, abusive or insulting language intended or likely to cause grave offence or stir up hatred against an individual or group on the basis of skin colour, race, nationality (including citizenship), ethnic or national origin, religion, gender, sexual orientation, marital status, disability, illness, or age.

## 14. Financial/business journalism

- A. Even where the law does not prohibit it, journalists shall not use for their own profit financial information they receive in advance of its general dissemination, nor should they pass such information to others.
- B. Journalists shall not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to their editor/news director/website manager.
- C. They shall not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.
- D. When a media outlet is reporting on a company to which it has substantial links (it might be a parent or sister company), the relationship shall be made clear in the story.

## 15. Confidential sources

- A. Journalists have a moral obligation to protect confidential sources of information.
- B. They also have a duty to take reasonable steps to satisfy themselves that such sources are well informed, have sound motives and that the information they provide is accurate.
- C. Conditions attached to any promise made in exchange for information should be clarified, and promises kept.
- D. Sources shall be identified whenever feasible and when anonymity is granted, an explanation shall be provided. The public is entitled to as much information as possible on sources' reliability, short of compromising promised anonymity.
- E. When people speak to the media and do not state that the conversation is 'off the record' it will be regarded as 'on the record'. In 'off the record' conversations, the two parties must agree on a definition in each case ie. is it for background/edification only and not for publication/broadcast/posting or is it for publication/broadcast/posting but without attribution? The wording used to describe an anonymous source should also be agreed upon prior to publication/broadcast/posting. Particular care must be taken with people with little or no knowledge of how the media works.

## 16. Payments in criminal trials

- The media shall not, under any circumstances, offer any payment to any witness or criminal for a story. (This does not preclude payments to freelance writers, photographers etc who cover cases).

## 17. Headlines and captions

- Headlines, sub-headings and captions across all media should accurately and fairly convey the substance or tone of the report or photo or footage to which they are related.

## 18. Photos & video footage

- A. Editors/news directors/website managers shall not publish/broadcast/post photographs or footage or audio content which has been manipulated without informing readers/viewers of the fact and, where significant, of the nature and purpose of the manipulation.
- B. Situations of grief and shock shall be handled with special consideration for the sensibilities of those affected.
- C. \*\*Taking photographs, filming or recording individuals in private places without their consent is not acceptable, unless justified by the public interest.

## 19. Public feedback

- Selection and treatment of letters, and the choice of — and unpaid air time given to — talk show guests and contributors are the prerogative of editors/news directors/website managers who are to be guided by fairness, balance, and public interest in the contributors' views.

## 20. Conflict of Interest

- A. Journalists should be free of obligation to any interest other than the public's right to know. Participation in political/community groups and the like should be declared to the editor/news director/website manager.
- B. Readers are entitled to expect that content reflects the best judgment of editors/news directors/website managers and has not been inappropriately influenced by undisclosed interests. Where relevant, any significant financial or political interest of a media outlet or journalist should be disclosed. Writers should disclose significant potential conflicts of interest to their editor/news director.
- C. Any perks/gifts/favours accepted by a media representative from a party mentioned in a story shall be declared in the same story.

## 21. Editorial matters

- A. The free expression of ideas and viewpoints is a fundamental and unassailable function of the media.
- B. Opinion columns and editorials carry the same commitment to factual accuracy (see Section 3) as reportage.

## 22. Plagiarism, copyright & embargoes

- A. Media outlets shall not use text, photos, audio, graphics, videos, screenshots from videos – or anything else created by a fellow media outlet - without full attribution and/or prior consent. If any doubt/uncertainty exists with regard to the ownership/origin of such content, the default position is to resist using it. Watermarks and/or logos should not be removed without prior permission.

- B. Copyright on articles/photographs/footage/graphics/audio shall be respected. Inadvertent breaches of copyright should be looked upon more sympathetically than deliberate or careless breaches.

- C. Embargoes on information shall be adhered to.

### **23. User-generated online content**

- A. This Code primarily covers editorial material, i.e. that which could reasonably be expected to be under the control of the editor/news director/website manager.

- B. \*\* Editors/news directors/website managers must ensure that all submitted words/photographs/footage complies with this Code. If content is modified, it should be clearly indicated.

- C. Media outlets should identify an easy way in which people can raise concerns about user-generated content.

### **\*\*24. Social Networking Sites**

- A. Material from social networking sites published without consent can raise privacy issues.

- B. As soon as an editor/news director/website manager makes a decision to publish/broadcast/post material from a social networking site, he/she is assuming responsibility for its content and the manner in which it was obtained.

- C. Editors/news directors/website managers must consider — prior to publication/broadcast/posting — how private the material is; how accessible it is to third parties (including whether the person concerned had restricted public access to the information); and whether or not the subject matter concerns a child.

### **25. Miscellaneous**

- A. Media representatives should examine their own cultural values and beliefs and, in reporting the news, avoid imposing those values on others. Exceptions arise when writing opinion-based commentary and/or if the media outlet targets a specific market.

- B. Media representatives should be especially sensitive when dealing with inexperienced sources/interviewees eg. if a child or elderly person is encountering the media for the first time, the journalist, if asked, should be willing to outline what information he/she intends to make public.

- C. Media outlets should be wary when handling overseas copy/images/footage that run the risk of violating the principles listed in this Code.

### **26. Notes**

- A. This Code of Practice is a 'living' document and will be subject to change once it has been put into practice and its effectiveness evaluated. It will thereafter be reviewed annually, as circumstances demand. Changes can only be made with the collective authorization of its five original co-signatories or their successors.



- B. Amendments: Section 4A was amended on January 9, 2013.