

1 • Who wrote the Code?

Our Code of Practice, based on the code used by the U.K.'s Press Complaints Commission, was drafted by the five-strong Media Working Group, comprised of representatives from Bermuda Broadcasting Company, the Bermuda Sun, DeFontes Broadcasting Company, Inter-Island Communications (HOTT 1075) and The Royal Gazette. It was collectively adopted in June 2010, but revised after constructive input was received from other local media outlets, the public and the government. The amended version was adopted in October 2010.

2 • Why does the Code not cover issues of taste and decency?

Questions of taste and decency are always highly subjective, and if the Media Council were to have to decide whether something was 'tasteless' or 'offensive', it could become a moral arbiter, thereby inhibiting media outlets' right to free expression. Editors/news directors/website managers are expected to be acutely aware of what is and is not acceptable to their readers/viewers. If they do publish/broadcast/post material that causes offence to their readers/viewers, they know that they run the risk of losing them. Also note, however, that [Section 8](#)

of the Code of Conduct demands particular sensitivity when dealing with children while [Section 10](#)

stipulates that in crime reporting, the media shall use due care and responsibility with regard to the presentation of brutality, sexual content, violence and atrocities.

3 • Are there specific regulations in the Code that apply to photographs and filming?

Yes. [Section 3 \(Accuracy\)](#) prohibits the publication of 'inaccurate, misleading or distorted material', which includes pictures. [Section 18 \(Photos & video footage\)](#) makes it clear that media outlets must tell their readers/viewers when they have altered photographs/footage in any material way.

[Section 5 \(Privacy\)](#) of the Code relates generally to 'respect for private and family life, home, health and correspondence' and states that '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'. [Section 6](#)

[\(Harassment\)](#)

states that 'journalists shall not persist in... photographing or filming individuals once asked to desist; nor remain on their property when asked to leave and must not follow them'.

[Section 8 \(Children\)](#)

states that, with some exceptions, a child under 16 years of age 'shall not be photographed... unless a custodial parent or similarly responsible adult consents'.

4 • Can the wording of the Code be changed?

The Code will be reviewed annually but can only be amended collectively by the members of the [Media Working Group](#). The Code is designed to be a living document that will be altered and improved to reflect technological advances and changing circumstances. In any self-regulatory system, it is important that the 'rules' that bind the media are written and produced by the media themselves, rather than by any outside body. This gives the rules much more weight and means that they carry more moral authority among — in this case — editors/news directors/website managers.

5 • Can I make suggestions as to how the Code might be changed?

Yes. Anyone can propose amendments to the Code. It is then for the [Media Working Group](#) to decide whether to implement those suggestions when it conducts its annual review. Any ideas on how the Code could usefully be amended can be mailed to:

The Executive Officer
Media Council of Bermuda
Suite 1235, 48 Par-la-Ville Road
Hamilton HM11

Alternatively you can email: info@mediacouncilofbermuda.org.

6 • How do you define the term 'public interest'?

There is no exhaustive definition of the term 'public interest'. As set out in [the Code](#), the term 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.

The definition is deliberately loose, in order to allow the Media Council to judge each case fully

on its merits.

7 • If the Code of Practice is written by the media and self-regulation is funded by the media, how does the Media Council remain independent?

The Media Council itself, which makes decisions about complaints, has eight members, five of whom — including the chairperson — have no current connection to the news media. Three members are nominated by, and drawn from, the media (one each representing print, broadcast and web). The media representatives, though in a minority, have an important role in advocating freedom of expression. All eight members are chosen by the [Appointments Committee](#) none of whose three members has a current connection to the news media. Also, the Media Council is entirely independent of the government.

8 • What about user-generated content — does the Code cover this?

Yes — see [Section 23](#). The test for the Media Council is whether the material has been the subject of an editorial decision-making process. Comments that are pre-moderated before being published online, for example, would be considered to have gone through a process of editorial control and therefore would generally fall under the terms of the Code. There are public interest exceptions (see [Section 1](#)) but generally, editors/news directors/website managers must ensure that all submitted words/photographs/footage comply with the Code. And if content is modified, it should be clearly indicated. Also, media outlets should identify an easy way in which people can raise concerns about user-generated content.

9 • Are 'citizen journalists' covered by the terms of the Code?

Yes, if they submit material to media outlets that subscribe to the Code. Editors/news directors/website managers (who take the ultimate responsibility under the self-regulatory system) are required to take care to ensure that the Code is observed not only by staff, but also by external contributors, including non-journalists. So, for example, this would cover freelancers, specialist contributors, photographers, readers' letters, as well as citizen journalists. An editor/news director/website manager intending to publish material from such sources would need to make whatever checks necessary to ensure it complied with the Code.

10 • Can I complain about cartoons?

Yes, provided that the complaint relates to an alleged breach of the Code of Practice, rather than to matters of taste and decency.

11 • Can a media outlet put out stories that are biased in favour of one political party over

another?

The Code (in [Section 3c](#)) allows media outlets to be partisan. The selection and presentation of material is a matter of discretion for individual editors/news directors/website managers — provided, of course, that the Code of Practice has not otherwise been breached.

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