Addressing Convergence: operational, legal and ethical trends in online and cross-media news production

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Images, front cover:
Left: Chris Hutton, AAP Bureau Chief, Brisbane
Centre: iPad camera array, Yutaka Tsutano,
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Right: Andrew Westlake, acting online editor, and Chris Jones, managing editor Digital Media, Courier Mail, Brisbane
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1 Executive Summary

1.1 Overview and purpose

Since 1995, when Australian newspaper companies began to publish on the World Wide Web, their involvement in online news production and distribution has become more diversified and complex. The print sector has increasingly focused on developing new online distribution channels (web, email, RSS, smart-phone and other mobile devices) and sought to enable greater social media interaction between news workers and users via in-house and third party services such as Facebook, YouTube and Twitter. Rapid print industry transformation has been driven by these socio-technical shifts, along with increased digital news competition, regulatory changes, declining print circulation and reduced advertising revenues. Newspaper companies are now searching for efficiencies and new revenue streams in ‘convergent’ operational strategies, which merge print and online production processes and representational techniques, and in new digital publishing opportunities. These developments are having significant impacts on the way news is produced, published, consumed and interpreted.

The primary aim of this study has been to investigate operational, legal and ethical trends in convergent and online news production and consumption that have a bearing on the future of print industry regulation. This research may assist publishers, educators, print industry partners and regulators to understand and respond to the challenges of industry transformation.

Internationally print media are facing new regulatory challenges in convergent, online news environments, with markets now extending beyond national borders and competition from global news aggregation services such as Google News, Facebook, Flipboard and Reddit. Locally, the Australian Press Council is being asked to adjudicate complaints about online content not generated by its members and publications that do not fall within its jurisdiction. It is encountering instances of Australian publication that are no longer limited by geographical markets, and are internationally accessible or consumed in ‘freemium’ and other pay per view online environments. The print sector as a whole is increasingly needing to deal with complaints about video, audio and animated content, material linked to on external audio-visual host services, and user-generated content such as blog comments.

Critically, it is unclear how standards, principles and guidelines developed for print regulation can be applied to online publishing contexts, where content production is intensified and diversified, and news is more rapidly modified and re-circulated, as well as archived and searchable. The increased volume and speed of publication that is enabled online, alongside the competitive pressure to publish more rapidly, can adversely impact on the accuracy and depth of online news. Online-only publishers, bloggers and news aggregators have not been part of a comprehensive media content regulation environment and thus their journalism has not been subject to consistent oversight. Yet their work appears in online formats otherwise indistinguishable from that of publishers who have committed to a set of standards of practice through Press Council membership.

This report identifies shifts in news production and journalistic practices that may impact on the Council’s Standards of Practice - Statements of Principles (2009, attachment 1), Specific Standards and Advisory Guidelines, its mediation of complaint procedures and its public policy role. It contributes to the current review of these
Standards of Practice, their clarity and scope in a convergent media environment.\(^1\) It also provides guidance to industry on emerging media policy and regulation issues in convergent or cross-media journalism, and the growth of web and mobile delivered content channels including applications for smart-phones, personal digital assistants and e-readers.

This study is independent, academic research, which is the sole responsibility of the researchers. Although the Australian Press Council funded the study, this is not an APC report and the findings and recommendations do not necessarily reflect APC views. However we hope our research can assist the print media industry in the search for amended or expanded strategies to meet the regulatory challenges of these complex, novel and demanding publishing environments.

Dr Tim Dwyer and Dr Fiona Martin

1.2 Background to the research
In 2009 we approached the Australian Press Council to assist our research into policy issues in print industry transformation. In 2010 Council contributed funding for a 12-month project with three components: a review of complaints and adjudications related to online news publishing, a survey of international trends in online news policy, production and practice and also of local developments, based on industry interviews.

Based on recent surveys of convergent and online news environments (Domingo and Paterson, 2011; Fenton, 2010; Singer et al, 2011) and Press Council advice we investigated the following issues, which had been identified as issues of concern to industry and regulators:

- changes to workflows and practices to accommodate online publishing
- the scope and forms of online news syndication, aggregation and reuse
- hiring/training of online journalists
- ethical and legal concerns arising from new practices eg. user registration and identification, moderation of user generated content, dynamic ad placement, reputation management, sourcing from social media sites, and video publishing
- processes for developing standards for metadata, copyright notices, attribution and linking

In our complaints review we examined complaints submitted to the Council for two financial years, 2009-2010 and 2010-2011, and their associated correspondence, together with Council annual reports for the years 2007 through to 2011. Our survey of international trends primarily examined US, Canadian, UK and European research, including guidelines issued by regulatory bodies, trade unions and educational institutions. Our survey of local developments was based on 23 in-depth structured interviews of between 40 and 60 minutes, carried out on location with staff at News Limited, Fairfax Media, Australian Provincial News (APN) and Australian Associated Press (AAP) publications in Brisbane, Melbourne, Lismore and Sydney, and by phone to Perth. The researchers spoke to two to three staff in each location including digital group managers, managing and online editors, chief of staffs and senior online journalists.

\(^1\) This study for example supplements community and media consultations about standards of media practice in the industry carried out in August and September 2011.
During the study period, the Federal government announced several major national inquiries intended to review policy and regulatory principles for a digital, internetworked media environment. It was unclear to us at the time of undertaking the research what impact these inquiries might have on the Council’s longer term policy development. Therefore its existing objectives and procedures have informed both the relevant aspects of this research and notable findings of this report.

The outcomes of these Federal inquiries, although not discussed at length in this report, will suggest the shape of Australia’s future media and communications regulation environment, and so should be considered alongside our findings.

During our study period the Senate Legal and Constitutional Affairs Committee Inquiry into the Film and Literature Classification Scheme considered the shape of a National Classification Scheme (NCS), a task then referred to the Australian Law Reform Commission. In its March 2011 submission to the committee, the Press Council has noted the potential of an NCS to impact on online news publications with magazine-like formats, including pdf editions of newspapers and those delivered via third party applications like Issuu. The Council urged the Committee to confirm that news media publications, particularly the online versions of hardcopy news publications, lie outside the ambit of the NCS. In doing this it sought to ensure that any regulation in this area “should not adversely affect the ability of media consumers to have access to information on matters of public interest and concern”, including depictions of terrorist acts and coverage of similarly sensitive topics such as euthanasia.

The Press Council has also commented on the need for new national privacy legislation in light of advances in communication and surveillance technologies that provide increased opportunities for privacy breaches. Minister for Privacy and Freedom of Information Brendan O’Connor has been investigating an ALRC proposal for the government to introduce legislation to enable civil legal actions where Australians feel their privacy has been seriously invaded.

Significantly the government’s Independent Media Inquiry, established in the wake of the UK phone hacking scandal, has focused on the effectiveness of print media regulation, including online publications, and the operation of the Press Council in light of technological change, and the migration of print media to digital and online platforms. Its findings will contribute to the government’s major regulatory review during this period, the Department of Broadband, Communications and the Digital Economy’s Convergence Review.

The Convergence Review will analyse the impacts of media and communications changes caused by the merging of older media technologies such as television with communications platforms such as the internet and mobile phones. As part of its response to the review framing process, the Australian Communications and Media Authority (ACMA) released its Broken Concepts and Enduring Concepts discussion papers. The ACMA noted the majority of legislative concepts employed in communications and media regulation were ineffective or “under significant strain from the effects of convergence”.

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Policy concepts were likely to be useful in ensuring future policy and regulation protects those features of communications and media that are valuable or necessary to the Australian public. The Press Council’s submission to this inquiry supported a unified system for setting standards for, and handling complaints about, news and opinion, irrespective of the medium or platform by which it is published.

This research report more simply examines the legal and ethical concerns that a convergent regulation system may be required to address in terms of online news production, distribution and publishing.

1.3 **Key conclusions**

We have found significant differences between the models for print and online workflow, reporting and production practices developed in each member company that took part in this study. While this variety was to be expected, with newsrooms in a transitional phase of integrating print and online activities, there was an interesting degree of consensus about the types of legal and ethical challenges facing reporters and publishers. The concerns raised in this report stem from new forms of newsgathering, publication and distribution, new copyright and licensing conditions, and new methods of user interaction and social networking.

1.3.1 Complaints about audiovisual materials have increased, although they are still in small numbers. They cover cross-media publication and cross-jurisdictional legal territory, with Press Council referring some complainants to the Australian Communications and Media Authority and the Office of Film and Literature Classification, where the offending publication was not within its jurisdiction.

1.3.2 The handling of user contributions is clearly a cause for legal and ethical concerns in the workplace and a growing source of readership complaints. However user registration and the activation and moderation of user comments is inconsistently practised across different industry contexts and publications. This research suggests amendment of Principle 3 to encourage the transparent and consistent activation of public comment:

**Proposed Amendment to General Principle 3: Publishing responses**

Where individuals or groups are a major focus of news reports or commentary, the publication should ensure fairness and balance in the original article, and right of reply in an online comments section. Failing that, it should provide a reasonable and swift opportunity for a balancing response in another appropriate section of the publication.

1.3.3 User contributions are increasingly a significant and valuable aspect of online news production and publishing, as well as an important feature of democratic debate. In the interests of clarifying the ethical and legal standards expected of user contributions, publishers should develop and distribute plain English user guidelines for participation and moderation as a supplement to their corporate ‘conditions of use’ statement.

1.3.4 A new statement of principles (no. 10) should be drafted to encourage publishers in transparent and fair handling of user contributions, with the aim of securing more civil, equitable public participation in online forums and greater co-operation and trust in online news production:
Proposed New General Principle 10: Fair mediation of user contributions

User contributions to story development and public discussions must be transparently and fairly handled in order to respect individual views and experiences and to prevent unnecessary conflict in commentary spaces. Publications are encouraged to prominently post guidelines for participation, moderation and re-publication.

1.3.5 Advisory guidelines on online corrections, disclosures of interest and graphic image warnings are needed to bring consistency to journalism practice and complaints resolution.

1.3.6 In line with overseas standards it is also advisable that the Press Council consider amendment to the definition of “due prominence” in the publication of resolutions and adjudications online.

1.3.7 The research acknowledges that specialist information bloggers can play an important role in producing, interpreting, analysing and critiquing mainstream media news and opinion. They contribute to media diversity and may play a part in ensuring the accuracy and quality of institutional news production. The Press Council should seek to engage expert bloggers in discussions about the development of its Standards.

1.3.8 This study suggests that all publishers need to develop and communicate a social media policy for their employees, which includes information on responsible use of social media channels and user-generated content for research, clear guidelines for speech in social media environments, and consistent penalties for breaches of corporate and community standards.

2 Online and convergent news production

2.1 The context for industrial and regulatory change

Here we consider macro and micro aspects of industry transformation that are impacting on legal and ethical factors of online news production. It is important to note that trends are not consistent across all markets, as publication and consumption is heavily influenced by local cultural and socio-economic factors.

While reports of hard copy newspapers’ demise are exaggerated, there is an ongoing trend in Western countries for print companies to experience a decline in print circulation, and to introduce and/or move to online editions, paid applications and specialist online information services to compensate. This has allowed them to reduce distribution costs, and seek new subscription and advertising revenues. It has also enabled them to take advantage of internetworked media features such as multimedia reporting, interactive advertising, social media audience development, user contributions, user measurement and personalised content delivery and marketing.4 There is some indication that online readership may be complementing offline consumption, indicating cross-platform readership.5

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The movement of all legacy media publishers online has seen increased competition and the entry of new publishers into the online news market. In Australia Ninemsn dominates metropolitan online markets, but the major newspaper sites are not far behind, unlike the situation in the UK and US, where broadcasters take the lead. Locally, robust competition has seen a diversification of digital titles, with major publishers offering brand variants of their mastheads in web, mobile and in some cases iPad form, as well as launching new web publications targeting specific audiences (including News Ltd’s The Punch and news.com.au, and Fairfax’s National Times and The Vine, Brisbane Times and WA Today). Alongside the major publishers independents have emerged including Crikey, Online Opinion, New Matilda, Inside Story and The Roar, hundreds of niche web news titles such as Anthill, ZDNet Australia, and The Thousands, and numerous specialist individual bloggers, largely in politics, technology, science, business, lifestyle, literature, film and music.

In addition, domestic news media have had growing competition for user attention from international online news services and new publishing models: news aggregators (search engines and publications such as the Huffington Post and Everyblock) and news aggregation platforms (Flipboard and Zite); social media services which support personalised and customised news distribution, notably Facebook and Twitter; and services which encourage specialised, contributory and collaborative news exchange such as Lifehacker and Whirlpool.

While major news corporations continue to provide the bulk of original news reporting and analysis, there has been a substantial increase in the production of independent news-related opinion writing. Research by the Pew Research Centre’s ‘Project for Excellence in Journalism’ indicates that news reported on different social media platforms has its own dynamic and relationship to mainstream news reporting agendas.\(^6\) Headline findings included:

- While social media players espouse a different agenda than the mainstream media, blogs still heavily rely on the traditional press — and primarily just a few outlets within that — for their information. More than 99% of the stories linked to in blogs came from legacy outlets such as newspapers and broadcast networks. And just four, the BBC, CNN, the New York Times and the Washington Post, accounted for fully 80% of all links.

- Twitter was less likely to share the traditional media agenda. The lead story matched that of the mainstream press in just four weeks of the 29 weeks studied. On YouTube, the top stories overlapped with traditional media eight out of 49 weeks.

- The stories that gain traction in social media do so quickly, often within hours of initial reports, and leave quickly as well. Just 5% of the top five stories on Twitter remained among the top stories the following week. This was true of 13% of the top stories on blogs and 9% on YouTube. In the mainstream press, on the other hand, fully 50% of the top five stories one week remained a top story a week later.

The drive to convergent news production in the print industry is primarily an economic response to these market trends: increased competition, new business models, changing media use and the possibilities of technological change. Notably there is a

growing print industry focus on publishing video and multimedia news applications. Associated Press reports a 600% increase in views of its YouTube channel over the past 12 months, and like the Washington Post is using third party services for video news syndication.\(^7\)

Several factors contribute to the pressure for expanded audiovisual production and multimedia content affiliations in the online news environment: the visual focus of the web and multiple possibilities for screen-based delivery; its medium specific characteristics of multimediality, hypertextuality, interactivity which enable creation, exchange, referencing and searching of audiovisual content; the growth in social media tools and services which have lowered barriers to entry to multimedia publishing, and increased user demand for video services and products.

In this environment the Press Council faces several problems addressing its complaints handling and education roles. At present most online-only publishers do not contribute financially to the processes of investigating and adjudicating complaints about online news and opinion. However the projected inclusion of new online-only publishers as Council members will contribute to discussions about legal and ethical standards for online news and opinion. Their inclusion in the Press Council’s complaints processes may initially present some resource, engagement and information difficulties, but it will certainly enhance the Council’s work in monitoring, debating and advocating standards of media practice (particularly in relation to the new standards project), and attitudes to freedom of information and expression.

There are also jurisdictional issues emerging from online news publishing. First, it is unclear whether the Press Council will deal with complaints about news content published by professional journalists on social media services outside the course of their employment. As these feeds often consist of news and opinion, are publicly accessible and may be embedded in the company website it seems inconsistent to exclude them from the Council’s purview. In the UK the Press Complaints Commission has explored a social media "remit extension", consulting with the newspaper industry whether it should be able to rule on content published in reporters’ and newspapers’ official Twitter feeds.\(^8\)

Second, the Press Council has been asked to consider online material which, if produced as broadcast or film, may also be within the domain of the Australian Communications and Media Authority (ACMA) and the Classification Board, or which is relevant to the roles of industry bodies such as FreeTV, Commercial Radio Australia, the Advertising Standards Board and Australian Interactive Media Industry Association (AIMIA). Yet to be resolved in the Federal government’s Convergence Review inquiry process is the breadth of ACMA’s proposed role in online content regulation, given its goal "To be, and to be recognised as, the world’s best converged communications regulator by the end of 2011/12."\(^9\)

At the same time ongoing rationalisation of newspaper operations and reductions in editorial staff over the past five years have sparked complaints about the quality of online media and widespread public debate about the future of quality journalism.\(^10\)

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\(^7\) Beet.TV Online Video Journalism Summit at The Washington Post, February 1\(^{st}\) 2011.


Until now little information has been correlated about the impact of production integration and online news production on standards setting and regulation. The following two sections examine key international and local trends that are relevant to the regulation of media standards in a digital, convergent news environment.

2.2 International trends

The annual *World News Future and Change* report indicates that internationally newspapers are now focused on revenue stabilisation through new product and channel development and production workflow innovation.

“More than 67 percent of survey-takers indicated they will develop new media products in the next 12 months, and half said they are looking for new ways to streamline workflows and processes, so work can be done more efficiently. In fact, six out of 10 respondents said developing new media products has the greatest potential to save money and drive efficiency.”

The report publisher, the World Association of Newspapers and News Publishers (WAN), offers the R&D program of the US Journal Register Company as an example of these trends. The local news focused Register group has produced websites using only free, web based tools; introduced innovation and profit sharing incentive for employees; and has one newspaper that is video streaming its morning news conference to attract greater public input. It has also established a joint convergent development management strategy, Digital First, with the country’s second largest newspaper company MediaNews Group. Its strategy involves a re-thinking of workflows to prioritise online publications and services:

‘Digital first’ is just throwing off the chains of a very rigid print schedule; there’s no logic of why we print the paper at the time we do other than we want to get it to you when you wake up in the morning. There’s a lot of other time in the day to get news to people and we can’t build our entire ecosystem around getting the paper out or else we’ll leave about 18 hours of the day on the floor.”

This suggests a projected increase in the forms of online editorial product produced by newspapers and potentially subject to regulatory oversight.

In Western newspaper markets, the two biggest operational shifts are the integration of multi-platform, rolling deadline news processes into hardcopy production, together with the realignment of product development around more medium and long-term interactive projects. As lead times for consumer electronics product development have shortened (from 12-18 months in 2009 to 6-12 months currently) and international markets for smartphones, wireless computing, real-time, geo-locational services and news personalisation applications have grown, news companies are having to respond more quickly and strategically to digital media shifts.

News product development has so far prioritised paid subscription content apps for mobile devices (the focus of the 2011 international XMA awards) even though back

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end and front end media development skills are often in short supply, investment risks are high and subscriber numbers initially low.

Labour market projections in the US predictably reflect this shifting focus, with a rise in jobs for information technology specialists at a time when generalist journalism positions are in decline. Employment of news analysts, reporters, and correspondents is expected to decline 6 percent between 2008 and 2018 while employment of computer software engineers and computer programmers is projected to increase by 21 percent from 2008 to 2018, faster than the average for all occupations. The OECD notes that traditional newspaper industry employment has declined since 1997, but cuts have intensified since 2008 in the US, the UK, Germany, the Netherlands and Norway.14 Trends are not, however, uniform across countries or titles.

In online news environments rapid changes in journalism practice, news production and distribution are opening up new legal and ethical issues in the following areas:

- news personalisation
- content sharing technologies
- news blogging
- advertorial content

The Daily Me

The WAN report recognises a trend towards greater investment in "customer relationship management", with a focus on more detailed user data collection and service development based on niche consumer preferences:

“The media economy’s shift from scarcity to surfeit has created a new media ecosystem of consumers in control instead of media companies in control of media usage patterns. As media channels proliferate, media users gravitate toward more refined and specific media preferences in usage. By understanding the media usage patterns, media companies can create content at the right time, in the right format, for a variety of targeted audiences.”

The OECD report into online news notes use of some of these technologies conflicts with privacy rights and “there is an ongoing debate about limiting these technical means or creating “opt-in” systems and making sure that users are informed about the use of their data and can opt out.”15

Novel uses of individual profile and activity data may pose both ethical and legal problems as evidenced in recent debates about Facebook, which is becoming a new player in the news distribution cycle through its news media apps. Facebook has attracted widespread criticism for expanding the collection and linking of data through its Open Graph project and particularly with use of biometric face analysis algorithms to index user images. These techniques are unregulated in many jurisdictions, although in Germany Facebook has agreed to a voluntary code of conduct for data protection, and has disabled both its ‘like’ function and facial recognition feature on the basis that both allow unauthorized data collection on individuals.16

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15 ibid. p 79

Aside from the privacy concerns generated by more granular data collection and use, as news customisation functions and services multiply editors are worried that personalisation technologies will undermine the value of professional news judgement and impact on employment. As media studies scholar Neil Thurman writes:

‘Collaborative filtering’, ‘Geo-targeted editions’, ‘Profile-based recommendations’, and ‘Contextual recommendations’ all automate editorial processes, allowing news sites to reduce labour costs or do more without increasing staff overheads. This point is made by Daylife, the provider of ‘Contextual recommendations’ to four of the sites studied, who sell their service as providing ‘unlimited, high-quality, and advertiser-friendly news and content for your website ... all with little or no staffing’ (Daylife, n.d.). An algorithm is cheaper than an editor.17

News sharing: aggregation and copyrights
As newspapers and news wires seek new content licensing agreements with third-parties online, they have hotly protested the re-publishing of their data by news aggregation services. In a leaked draft discussion paper the US Federal Trade Commission (FTC) suggests that there are various legal views as to whether search engines and news aggregators infringe copyrights in news stories or can justifiably cite fair use exceptions.18 At present there is little public data on the types of aggregation that are being carried out in Australia, or of Australian content for overseas markets.

Following the launch of the rNews initiative in October 2011 rights and attribution data will be able to be more consistently embedded in online news using global descriptive standards. rNews, developed by the International Press Telecommunications Council, is a set of metadata terms or ‘resource descriptors’ for news headlines, bylines, publication dates, terms of use and copyright information, which can be added to the web’s Hypertext Markup Language (HTML) documents. These semantic descriptors could help search engines and social networking sites to track relevant data in news stories, and will be the basis for more sophisticated news and information applications. However there is dispute about the eventual take-up of this standard by Google and Bing, leading to scepticism about its utility for aggregators and publishers.

Blogging the news
The OECD report notes ongoing government moves to apply existing forms of news media regulation to bloggers. Both the EU and the US FTC have extended ‘payola’ rules about disclosure of endorsements and testimonials in advertising to blogging. From 2009 US bloggers who review products have had to “disclose any connection with advertisers, including, in most cases, the receipt of free products and whether or not they were paid in any way by advertisers, as occurs frequently.”19 This follows concerns that word of mouth social media marketers were presenting paid endorsements as independent, unbiased reviews. South Korea’s Fair Trade Commission has recently announced a similar initiative. Inconsistencies in the application of speech laws to social media practices are a concern for Australian media

19 OECD, ibid. p.80
workers, for example, where the Federal and State shield laws differently define who is a media worker and has access to source confidentiality provisions.\textsuperscript{20}

In Europe debate proceeds about what constitutes a legitimate and state-recognised online news publication. Legal definitions are being sought in light of the need to reassess the operation of government media regulation and the direction of subsidies to encourage print media diversity:

This discussion is advanced in France via a law which created the status of online news provider (La création d’un statut d’éditeur de presse en ligne) which was validated in November 2009 and applies to the online site of newspapers but also to online-only news providers. By this act, which is meant to foster online news distribution, online-only news providers will be on the same terms as newspaper organisations, with the same rights (state aids) as well as editorial responsibilities. To obtain this status, news sites have to publish original and independent news content (mainly text, as the diffusion of videos alone is not sufficient). Blogging sites and user-created content sites are excluded from the scope of this status however.\textsuperscript{21}

US debates about the inclusion or exclusion of bloggers from news regulatory regimes raise three important points about the definition of news blogging that may be valuable in the Australian policy-setting context:

- Blogging includes such a variety of purposes, practices and business models it cannot simply be equated with journalism or news publishing;
- Where bloggers identify as professional journalists, they may already be engaged in defining their rights and responsibilities through their reciprocal interaction with sources and users; and
- Bloggers most often identify with, and support, self-regulatory policy approaches in line with historic internet development.

**Product placement**
The OECD report notes that in online publishing “the increased pressure on newspapers to generate advertising revenues may also lead to a weakening of editorial standards with respect to praising products and the practice of product placements.”\textsuperscript{22}

It raises particular concern about product placement in audio-visual content, and interactive advertisements that "often interweave marketing images with editorial content and respected journalism brands."

**Speech standards**
In light of the growth in public comment on media sites, political and regulatory bodies have been debating standards for online speech. The United Nations Educational, Scientific and Cultural Organization (UNESCO) in its 2011 report on journalism and self-regulation in South East Europe and Turkey has noted the ethical challenges of enabling free speech in news forums:

While the internet, new media and new technologies have certainly provided more opportunities for freedom of expression, for civic journalism and for enhancement of democracy in general, this freedom has also given rise to new

\textsuperscript{21} OECD, ibid. p.73
\textsuperscript{22} OECD, ibid. p.80
concerns, such as the spreading of gossip, baseless accusations, undue criticism, and in more extreme cases, hate speech.\textsuperscript{23}

The Alliance of Independent Press Councils of Europe (AIPCE) has debated members' jurisdiction to rule on messages on blogs and Twitter. Some regulatory bodies are beginning to develop guidelines for publication and moderation of user-generated content. The Finnish Council for Mass Media, for example, has published brief guidelines for the "handling of content generated by the public on websites maintained by the media".\textsuperscript{24} This Annex to its professional journalism standards addresses the need for editors to monitor their websites and moderate user-generated content to ensure that it is not offensive, does not incite violence or hatred, or violate privacy, and is sensitive to the interests of children and young users. The Annex also recommends that companies enable users to flag inappropriate content to editors and receive "due confirmation" of their post.

\textbf{2.3 Australian trends}

In overview, integration of online and newspaper publishing is proceeding slowly in the majors. There is more reported acceptance of the web and digital channels as an important part of the newspaper business, with breaking news generally going directly online for web and mobile access. Herald Sun editor Phil Gardner reports the digital team leads their morning conference and in most other Fairfax and News workplaces online and paper teams share their news conferences. APN was an exception with reporters encouraged to report breaking news for online first, but the online production team centralised in Maroochydore, Queensland.

Even in workplaces with convergence projects, like \textit{The Age} in Melbourne, editor Daniel Sankey noted integration will take some time due to the differences between the audiences and content requirements for each platform. However he indicates online is making a significant impact on newspaper content development:

\begin{quote}
We’re telling them at two daily conferences what stories are rating, what people are reading, how we’ve developed the story during the day and then that might be influencing decisions on, ‘Well what’s the angle we’re taking at night?’
\end{quote}

News Limited group manager Campbell Reid suggested that newspapers were still not good at assisting an audience to engage interactively with a story and to act on it. However he noted that digital product development was slower than newspaper staff expected because of the lead-times needed for user experience design and integrating new functionality with existing online interfaces. A news editor might complain, he suggested, that: "I can change page 5 six times in a night, launch a new section, change the pictures, do different stories literally at the drop of a hat and yet if I want to change a word on the website or change the colour of the masthead it’s a six month project". This, Reid noted, was because newspaper staffing and operations have evolved to support last minute changes, while digital platforms are not yet staffed or funded to deliver that degree of flexibility.

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The rolling deadlines of digital production are having significant effects on production operations. Meeting the demands of new platforms - particularly online consumption peaks in morning, midday and afternoon - has required changes to reporting and subbing rosters. Both Fairfax and News Ltd are sharing more content internally, particularly world and national stories. Editors report more reliance on AAP coverage of bread and butter non-exclusives, such as press conferences and ongoing court cases, while masthead journalists focus on original, exclusive local content.

Online news platforms are having a small but marked impact on the look of news-papers, with call outs for comments and photos published prominently (Figure 1 at left), reactions feeding back into article research through ‘reverse publishing’, and cross-platform promotion increasing.

Figure 1: blog comment call-out, the telegraph.com.au

Twitter account and email addresses sometimes appear after articles or blog posts although this is not common across the majority of sites.

User generated content is largely confined to comments on articles and blogs and posting of photos. Conal Hanna of the Brisbane Times indicated over 90% of user-generated content used on the BT site was photographic, with some increased recent use of Twitter for comment and for live feeds during Cyclone Yasi. News Limited editors also report successful development of Facebook channels and campaigns.

On employment figures, the MEAA’s second Life in the ClickStream report suggests 700 editorial jobs have been lost in newsrooms generally since 2008, but makes no distinction between print and broadcast. Its figure is a very rough estimate based on cuts at The Sydney Morning Herald, which employed 395 full-time equivalent staff (FTE) in 2008, and 325 FTE in December 2010.

There is little available information about job growth in digital publishing. Kathy Lipari, online editor at The Telegraph online indicates that the emerging job opportunities are in video journalism, front end design and back end web, mobile and apps development, and social media production. The Age’s Daniel Sankey indicated he would like to see investment in full-time moderators to increase the volume of response published:

Obviously engagement is a key metric for us and one of the things that drives engagement is having comments open on stories. It keeps people on the site, it keeps them interacting and coming back.

Interviewees suggested training was required in online writing and publishing, photography and video production, mirroring 2010 MEAA findings that digital production skills were a key concern in transforming workplaces and not being systematically developed. Mentoring strategies could play an important role as one contributor to the MEAA survey indicated:

So many great reporters/editors are still Luddites, so are displaced by techno-savvy bodies with few key journalistic instincts or ethics. Our industry needs to be guided by the few old hands who are tech savvy, leading the two-finger typists with incomparable contacts and news sense to tell their stories in different ways,
with the aid of the new digital crew. This learning from each other will benefit both and equip both groups for productive futures.\textsuperscript{25}

The next section of this report examines major ethical and legal concerns for print media companies in the transition to online and convergent publishing. However workplace and individual responses to these challenges must be understood in the broader context of intensified production and publishing.

As newsrooms adopt 24/7 or ‘rolling’ deadlines online, the speed of publishing and volume of content required has increased rapidly. Interviewees twice described online platforms as “the insatiable beast”. However as the US Poynter Institute recognised some years ago “there is an inherent tension between the value of speed in the online world and journalism’s obligation for thorough, accurate, ethical work”.

In this study reporters and editorial staff noted the difficulties of fact-check stories as a result of work intensification caused by:

- rolling deadlines
- multi-platform production
- increased speed of information delivery and publishing

Reporters and editorial staff are expected to undertake more creation, reversioning and repurposing of stories for different platforms, and to update stories several times as the day progresses. Picture and video desks are dealing with greatly increased levels of content due to rolling deadlines and the visual demands of digital platforms.

Interviewees also used, and felt pressure to respond to, real time reporting technologies which increased the flow and speed of information delivery: live video streaming from press conferences, RSS feeds of specialist information, and the increased us of Twitter and Facebook for press releases. One tech savvy reporter noted that the notion of accuracy was shifting as real-time reporting accelerated:

…it used to be that you went out, you went on the road, you went to your press conference, you got your interviews, you got your first-hand accounts and you only knew later that day when everybody else published at the same time whether or not you were right, wrong or indifferent. Now you can play catch-up and…rolling news means that…there’s a tendency a little bit to make it up as you go along. So it’s the getting it right the first time, there isn’t as much hard emphasis on it...

This reporter was particularly concerned that the pressure to respond to unattributed and unsourced material on blogs and social media channels was undermining accuracy and potentially encouraging rights violations:

You will hear about things third or fourth or fifteenth or sixteenth hand on Facebook or Twitter and then you can’t just report them as you see them, you’ve got to do backtracking to where they actually started, and sometimes people don’t backtrack…and there’s also questions about legal issues on reused stories, like how do we find where this content originally came from if the material isn’t attributed or there’s no details in the metadata about where the original content came from? You know, when people are cutting and pasting paragraphs from previous stories?

3 Legal and ethical issues in online news production

3.1 Web 2.0 and participatory media

There is no doubt that print publishers face new ethical and legal problems when online news staff are engaged in real-time reporting - and even more dilemmas when publishing environments are open to user customisation, control and participation. User misbehaviour may range in severity from the posting of abusive comments to the circulation of fake Japanese tsunami photos and Twitter defamation. Yet traditional news media’s adoption of participatory tools and spaces can be seen as overall as a positive ethical outcome, signalling its willingness to include a diversity of public views and experiences and be more accountable for editorial processes. As UK media scholar Richard Collins argues:

The dialogic potentiality of Web 2.0 media may mitigate, if not solve, some of the problems of trust that beset “one to many” mass media. To make such a claim may seem unusual in the context of the general emphasis of Internet studies, which predominantly addresses the perceived problems and damaging potentiality of the media and the Internet…but attention to these has masked general recognition of the positive potential of the Internet and the trust-enhancing capabilities of networked online collaboration.26

This may be a sanguine view, as the ability to express an opinion or otherwise react to a news item does equate with editorial authority, or act to ensure the correction of inaccurate or misinformed content. It may simply represent the opportunity to put an alternative interpretation of events. Nevertheless with the advent of the Federal government’s Convergence Review, ensuring public participation in media debate has gone from being an industry interest to a political priority. The Review’s second guiding principle is “that Australians should have access to and opportunities for participation in a diverse mix of services, voices, views and information” - acknowledging burgeoning public interest in both social networking and generating media content.27

Cultivating greater trust among readers and users should be a primary objective for news publishers, given Australians’ comparatively low levels of confidence in the media.28 However trust is normally conditional on the conduct of transparent and fair social relations. For example, research into the growth of citizen journalism by the US Knight Community News Network suggests that greater transparency in online news reporting is fundamental to improving public trust in journalism.

Transparency, also a relatively new goal for political and governance bodies worldwide, involves journalists disclosing information about themselves and their reporting procedures, interests and source materials so that the process of newsgathering is well understood. It also involves rapidly admitting, explaining and correcting mistakes.29 Transparency measures can help strengthen accountability online and legitimise professional journalists’ privileged access to information.30

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But these measures alone do not guarantee public trust in online news. They are only the start of a democratic dialogue about how the news is made. Promoting reader trust also requires news media to respond to user communications and to ensure fair use of those contributions to online news debate.

Our analysis of the legal and ethical flashpoints in interactive news production will suggest the shape of some of the possible new measures needed to govern relations between mediaworkers and users in multimedial, participatory spaces, and to encourage transparent and fair handling of user contributions.

The first flashpoint concerns the ways in which media workers use social media sites for news production and promotion. While journalists and editors are becoming more aware of the need to verify information obtained from social media sources, this study suggests they are often unaware of copyright and moral rights conditions constraining their use of this information, and fail to seek permissions to re-publish comments, images and other user-generated content.

Journalists can also be incautious in using social media services for professional communications. The blurring of public and private contexts and the prevalence of casual forms of address in these spaces lends an atmosphere of informality and tolerance – until public figures breach social conventions. Social networking demands journalists exercise more careful ethical judgments about how they present and express themselves, and what information they exchange with others. This is critical for brand reputation management – both individual and corporate.

The second flashpoint concerns handling of user-generated content. Recent research into participatory media suggests a small percentage of registered readers post comments, photos, and video to branded news sites - generally under 15% of total reader traffic, depending on the context. These creative audiences are disposed to share information publicly so they can:

- be recognised for their knowledge/creativity;
- receive feedback from mediaworkers or further information in return;
- establish their status, authority or reputation on the topic;
- compare and evaluate their experience against others;
- effect change on a situation and see the results;
- enjoy socialising with other users.
- redirect users to preferred online publications.

In turn their activities furnish journalists with valuable data about story impact, potential leads and background information, and publishers with detailed readership information that can assist product development, advertising sales and targeted marketing strategies.

The desired, or best practice outcome of this interchange is an ongoing exchange of information about issues of public interest – the so-called ‘conversation’ that US writer Dan Gillmor has argued is revolutionising media practice. A recent study indicates that creating any such civil, cooperative process is a complex task. Users are looking to establish closer social relations with journalists, based on perceptions of:

• Coorientation/homophily: similarity to journalist in interests and attitudes.
• Social co-presence: humanness of journalist.
• Interactivity: responsiveness and collaboration with citizens.
• Friendliness: accessibility and openness to citizen ideas
• Informality: casual tone with audience.

Editorial staff are interested in tapping into informed reader knowledge, allowing users to express their ideas and views, creating communities of interest, developing content that fits and furthers brand objectives, and publishing content that meets reader expectations of relevance and quality. Some local papers, like APN’s Northern Star, have encouraged users to email journalists direct, although this can increase workloads and create expectations around responsiveness. A former Star editor suggested that publishing email addresses has clearly promoted reader engagement:

Quite often you’ll get follow up stories and back up stories as a result of that because there’s easy access to every single person in the paper. We did this big story on Saturday about birth defects etc. then today we did a follow up story, there was a fourth case found. Somebody had seen that in Saturday’s paper, contacted Mel, sent the email to her and had a bit of follow up...

Unhappily, where contributing users are driven by competitive motivations and where they feel uninhibited by not being able to see their disembodied fellow users, they are more likely to display exclusive or negative behaviours, such as posting dismissive, mocking or abusive comments, impersonating other users, hoaxing and trolling. Trolls, for example, are users who make provocative comments designed to cause others anguish, to engage them in fruitless debate or otherwise disrupt normal communications. Recent media industry experience suggests the shield of anonymity or pseudonymity can encourage some users to escalate inflammatory, aggressive and exclusionary behaviours.

Publishers can prevent negative incidents by recognising and controlling exclusive and unethical behaviours - before they impact on user relations and brand integrity, resulting in formal complaints procedures. However, given the possible diversity of users contributing, limited moderation resources, the intensity of publishing deadlines and the speed of content re-circulation, preventative measures are not straightforward. The majority of interviewees (70%) indicated the handling of user contributions – including user registration, moderation, social media use and reputation management – was a legal and ethical challenge for editorial decision-making, or a source of complaint.

The following sections discuss in detail key issues for media regulation in considering how it might adjust or supplement its standards for online news and opinion publishing, and inform industry about best practice legal and ethical approaches to online reporting and production.

3.2 User registration and identification

All online media services oblige contributors to provide some personal information on registration, which is stored confidentially by the company or third party providers. User registration and information collection procedures are regulated by the National Privacy Principles contained in the Commonwealth Privacy Act 1988, while online membership obligations, rights and responsibilities are further governed by specific and extensive conditions of use or terms of service. It is unlikely though that the majority of users read these lengthy documents before accepting them on registration. As one legal writer noted they are not easy to understand or even to find on web pages, the links being in small type at the bottom of each page.34 This means the conditions of using commentary spaces are not easily accessed, regularly reinforced or transparent.

Another area of ethical contention is the linking of user registration details with cookies, or tracking algorithms, for the purposes of contextual or profile based content recommendations, geographically targeted edition delivery, personalised dynamic ad placement and marketing.

Research may be required into industry standards for user data collection and use. There are significant variations between companies in the level of identifying detail requested of contributing users. Commonly publishers require full name, a valid e-mail address, location information, phone contact and password. News Limited has taken a different path to Fairfax and APN, in allowing casual registration for commenting purposes on receipt of a name and legitimate email address.

Internationally location information is important for some news services. Reuters, for example, refuses to provide any service to nationals or residents of Cuba, Iraq, Iran, Libya, North Korea, Syria or Sudan or other countries against which the UK, the US and the UN have trade sanctions. There are also inconsistencies about the age required to obtain a personal account. News Limited and APN do not directly address age statutes in their terms of use. Like Fairfax Media, Reuters stipulates users must be aged 18 or over, while New York Times and Washington Post users must be 13 or older to use parts of the online service, but 18 to contribute content. Of all the publishers mentioned above only the Post requests year of birth information.

Inevitably, given the lack of correlation with other institutional forms of identification, all of this data may be faked and hoax personas created, despite the prohibitions on this that exist in many of the conditions of use reviewed for this study. Many users prefer not to use their real names when registering for and contributing to news and opinion forums, in order to avoid exposure and public censure, and adopt pseudonyms instead. They create a nickname and, where visual images can be shown, often upload a representative picture or ‘avatar’ rather than using the default blank head icon. Pseudonyms or personas represent creative investment in participatory forums and users can attach great significance and ownership to them. Indeed in 2008 the Australian Law Reform Commission recommended the Officer of the Privacy Commissioner prepare guidance on agency and organisational acceptance of anonymous and pseudonymous information.35

Media companies have traditionally argued in favour of allowing anonymous posting in order to preserve the right of whistleblowers and dissidents to speak freely. Anonymity is also a right of media sources (see Appendix 6.1 Privacy Principle 5: Anonymity of sources). However the demonstrated user preference for anonymity and pseudonymity in comments posting has provoked considerable industry debate – mostly about its possible negative impact on civility of those spaces. When Dean Wright, Reuters Ethics, Innovation and News Standards’ Global Editor, invited users to discuss the problems with anonymity and to sign the comments with their real names to improve the quality of discussion his invitation was not welcomed by all users:

“There is no freedom of speech unless there is anonymity. Forcing people to use their name will just force them to lie – as they have to do in the real world.

Posted by AntonBerg, (Reuters, October 8, 2010, 10.26 pm edt.)

The recent consensus in media commentary, and the experience in Fairfax Media according to interviewees, suggests that when users are required to register with their real names and identifying details, the level of incivility decreases and quality of information posted increases, as users take more responsibility for their comments. However recent anecdotal evidence from The Orange County Register’s Facebook comments indicates this assumption needs further examination (see this report p. 24-25).

This study has also noted disquiet about the effect of single users registering multiple personas, and avoiding sanctions for unruly behaviour by creating new accounts. Of greater concern is the reported use of applications to spam comment and blog pages. In early 2011, there was widespread debate in the US about the use of automated “persona management software” by major corporations and lobby groups. Such software enables individual employees to create and manage multiple user accounts for the purposes of astroturfing - spamming comments sections and social media services with targeted campaign or product messages to mimic the appearance of a social movement.

3.3 Moderation of user generated content

As online contributors are not necessarily aware of the codes of practice and standards that govern – however imperfectly – professional media work, content moderation is an essential part of ensuring content accuracy, authenticity and ensuring civility in comments and discussion spaces.

Moderation is primarily enacted to protect corporate reputation by preventing legal breaches such as defamatory, obscene, threatening, harassing, pornographic, abusive, libelous, deceptive or fraudulent actions or copyright breaches as outlined in conditions of use and with jurisdictional differences. Le Monde, for example, includes restrictions on historical revisionism and negationism (Holocaust denial) and in the UK sites such as The Guardian include anti-vilification provisions. So moderation has a role in ensuring the publication’s editorial policies are met. Moderation can also be designed to ensure user trust in industry standards by removing inaccuracies and constraining ethically problematic behaviour such as ad-hominem attacks. Finally it has an editorial


function in aiding the flow of conversation and assisting reader participation by capturing repetitious, overly long or off-topic posts.

Moderation is generally performed by anonymous arbitrators, in order to remove the possibility of personal accusations of bias against the referee. It can be automated where semantic filters are applied to language content and advertising spam. During this research interviewees indicated that various editorial staff moderate in different contexts - journalists, bloggers and senior editorial staff – and some staff have been appointed specialist moderators. Other Australian media companies with high participatory input - such as online games sites, mobile phone services and the ABC - outsource moderation to freelance staff or moderation firms, and these services are a growing sector of the digital economy.

Moderation attempts to strike a balance between ethical expectations for “privacy and accountability, reliability and self-expression, security and accessibility”. Moderation that delays publication of user generated content or hinders the flow of conversation will eventually deter users from contributing. The level and forms of intervention will depend on the nature of the target user group, and must be determined by analysing the risks of the content environment and the possible capacities, motivations and expectations of users. Stricter provisions are appropriate for generalist news article comments where users of varying demographics (including young people) may participate only occasionally and expect careful editorial oversight of standards. Moderation standards may be more relaxed (but comments given no less oversight) in opinion blogs and discussion communities where there are more regular and specific target participants, who expect robust discussion of contentious public issues.

Moderation inevitably involves value judgements and compromise. While publishers will impose moderation parameters for legal reasons, the ethics of posting can also be successfully negotiated via request for comment (RFC) from regular users, in order to achieve their buy-in for standards and practices. Moderation standards and practices (speech expectations, rationale for post deletions, average level of deletions, penalties for breaching standards and editorial contact details) can usefully be indicated in public guidelines (see Appendix 6.4).

There are two general categories of moderation: interventionist and user-led. The former includes:

- registration
- automated spam and language filters
- pre-moderation: posts are filtered before they appear online
- post-moderation: posts are filtered after they appear online
- ID and IP blocking

User-led forms of moderation include:

- reactive moderation: posts are only examined after the moderator receives a user alert or ‘flag’ about inappropriate content.
- distributed moderation: users apply a rating system to vote on the quality of submissions and whether they are in line with community expectations.
- user-to-user policing: where participants address each others actions and advocate adherence to published community standards

Pre-moderation is the default response for small, independent publishers, but restricts the incentive for users to comment, as is evidenced in a recent discussion of

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moderation policy on *Mumbrella*, a popular Australian blog on media and marketing.\(^{39}\)

Pre-moderation, while effective in removing offending content and consistent in applying standards of judgement, has drawbacks, most obviously in delaying the posting of comments. This in turn deters further participation and user-to-user conversation. It also fails to engage users actively and continually in self-monitoring and conduct regulation.

Most large companies use a combination of the above interventions, hoping that each will reinforce the others, and that users will be attached enough to their personas not to offend persistently:

> We know the ones that cause trouble and we just flag it. We don’t worry about their IP address, they tend to like their monikers. We can track it back if we need to but we tend to just watch - they use the same names. So [the idea is] just not let them in, ban them.

User led models are receiving more attention in light of the significant labour costs of intervention models and to reduce delays in content posting for users who have proved they can contribute effectively. In 2010 Reuters updated its moderation practices using a combination of rewards and post-moderation to increase the flow of comments while ensuring more civil and thoughtful conversation.\(^{40}\) Under the new system users who have had a threshold number of comments approved in the past are granted post moderation privileges. Moderators continue to review their work and may remove comments if they do not meet agreed standards. *The Guardian* and the *Gawker* media group blogs also encourage users to rate one another’s comments and then feed those ratings into reputation management software, which ranks posts by community-moderated quality judgments. *Gawker* has released figures suggesting this policy initially led to a drop in posts, but was followed by a rapid, and steeper, increase.\(^{41}\)

In order to supplement the prescriptive conditions of use, some publishers have developed explanatory posting guidelines, which aim to guide users to constructive behaviour and promote positive, respectful communications:

> Be aware that you may be misunderstood, so try to be clear about what you are saying, and expect that people may understand your contribution differently than you intended. ... We want this to be a welcoming space for intelligent discussion, and we expect participants to help us achieve this by notifying us of potential problems and helping each other to keep conversations inviting and appropriate. (The Guardian, Community standards and participation guidelines, May 7 2009)

> “*Respecter l’esprit des discussions engagées, sans interférer par des messages de dérision ou hors sujet.*” (Respect the spirit of the discussions, without interfering by messages of derision or off-topic, Le Monde, “*Chats, mode d’emploi*” March 21, 2005)

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40 Wright, Dean ibid.

Other publications, like the US Orange County Register, have moved their commenting to Facebook in the hope that requiring users to have a verified, identifiable and socially linked account may improve the tone of conversation. However one editor from the US newspaper chain, the MediaNews Group, which switched to using Facebook comments in December 2010, reports this has not been his paper’s experience:

“It’s surprising…’I’d thought that using Facebook comments would make people less likely to pop off, provide less incentive to say rude or cruel things. And quality has gone up slightly on some stories, ones that give people more pause. But on higher-traffic stories (like crime briefs and sports or politics and government) quality’s wobbly.”

Legal resorts may be needed to combat serious breaches of commenting guidelines. Trolling practices, where repetitive, threatening and directed at identified users, may violate federal criminal legislation designed to prevent postal and telephonic harassment. The Crimes Legislation Amendment (Telecommunications Offences & Other Measures) Act (No. 2) 2004, for example, makes it an offense to use a postal or carriage service “to menace, harass or cause offence”.

IP tracking and police intervention can also be required to locate users who behave in a threatening or otherwise illegal manner, but social media services have been reluctant to cooperate with such requests. This was evidenced in two recent Queensland cases of Facebook vandalism to the tribute pages of Elliot Fletcher, a Brisbane boy stabbed to death at school and Trinity Bates, a young girl who had been abducted and murdered. Australian Federal Police assistant Commissioner Neil Gaughan has reportedly requested Facebook appoint a dedicated law liaison employee in Australia to assist with requests for information on relevant criminal investigations.

It is more common that aggressive and dismissive comments posted alongside articles and blogs and in forums will not meet the standard for prosecution. In this circumstance users may seek redress from the Press Council. In anticipation of this trend Council could usefully promote best practice moderation approaches as part of its Standards review. One Fairfax editor indicated he would welcome a public moderation policy:

“We want to encourage people to debate and contribute but maybe we could spell out to them better somehow why we do the things we do, because sometimes their [comment] changes and they don’t really know why and they kind of feel like their free speech has been hamstrung by the powers that be at Fairfax ‘cause then that’s when they start thinking we’ve got an agenda even if...the change has been made for legal reasons...so maybe that’s something that Fairfax could do, is explain why things are done.

This research indicates successful moderation strategies combine existing legal conditions of use with forms of governance developed in social media systems and online communities, in order to encourage exemplary user participation. These approaches include the development and promotion of contribution and moderation guidelines, and where possible, a mix of intervention and user-led moderation, and use of reward or merit structures.

3.4 Social media use

Social media services are becoming an increasingly important aspect of online news production and distribution. Sensis estimates 62% of internet users have a presence on social networking sites such as Facebook, Twitter, MySpace or LinkedIn, with Facebook use dominating for both sexes and all age groups.45

Journalists, in response, are increasingly being encouraged to use social media tools for news-gathering, live reporting and commentary, user interaction, professional networking and marketing. The MEAA’s second Life in the Clickstream report (2010) notes, “social media tools such as Facebook and Twitter are gaining increasing acceptance as ways to source stories (44 per cent) and to reach new audiences (52 per cent).”46 During the 2010 Queensland floods the Queensland Police use Facebook to quickly update road closures and evacuation procedures, and to combat myths and rumours about the disaster, while the Twitter hashtag #qld became a key way to locate eyewitness news about unfolding events.

Social media sites have also been recognised as platforms for media workers to develop a public profile and their own professional brand, capable of generating employment and creative opportunities. Where journalists and editors establish personal channels they must be alert to the blurring of public and private communications contexts in these spaces. They will need to identify their relationship to their employers clearly and exercise careful ethical judgments about how they present and express themselves, and what information they exchange with others. This is critical for brand reputation management – both individual and corporate.

Ethical research practices

Recent research titled ‘Australian Media’s use of Facebook Postings to Report Events of National Interest’ explores how Australian newspaper journalists used Facebook accounts in reporting three different news events: the disappearance of Australian backpacker Britt Lapthorne; the death of 4-year-old Darcey Freeman; and the devastating ‘Black Saturday’ Victorian bushfires.47

The authors argued that it was possible to identify the way in which Facebook information was used by journalists within these news stories, and identified three narrative functions that profile data and postings were used to fulfil:

- to provide an indicator of public concern
- to provide a character profile from the individual’s friend network, and
- to convey community sentiment.

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45 Sensis (2011) Sensis® Social Media Report: What Australian people and businesses are doing with social media, May 2011
Journalists used Facebook as a ‘virtual background tool’ to investigate news subjects. They most often use comments as quotes to give insight into an individual’s character. In these respects the authors noted the social networking sites provide journalists with access to material that may be difficult to obtain through other means.

The authors strongly emphasised the need for this information to be used ethically and responsibly. In particular they highlighted the privacy implications associated with media republishing of postings. They note:

“Facebook contains over 40 pieces of recognisably personal information ranging from sexual preference, relationship status and offline contact information…There is conflicting information about whether members of the public understand the privacy limitations of social networking sites such as Facebook, and the expectations members of the public have about online privacy”.48

The other ethical challenge, as one Fairfax editor noted, was in deciding how and when to use breaking social media information:

If say…Twitter says that there are reports of a plane crash, a Qantas plane crash over in Indonesia and fuselage and photos of a piece of plane being found, is that enough to run a story on your site, that there are reports of this happening or do you have to wait for confirmation from Qantas that a plane has definitely gone down? That was a classic example because they did have photos of shrapnel on the ground and all signs pointed to be there being a crash, but it was obviously when the fuselage ripped off and the plane got to Singapore. How to make those calls, how to balance the audience’s demand for news right now with making sure you get it right, especially in life and death situations?

While journalists are becoming more aware of the need to verify information obtained from social media sources, this study suggests there are still questions surrounding the copyright conditions that apply to the use of social media content, and an assumption that social media content is all in the public domain. Interviewees were divided on the merits of re-publishing social media content:

I think there’s an informal view that a Facebook page is in the public domain and if we wanted to use a photo off it, for example say we’ve done a court story on someone who had pleaded guilty and they’d been sentenced - it was all sort of done and dusted but we didn’t have a photo of them. I can’t see there’d be any problem with finding their Facebook page and using that photo. We don’t take photos off Facebook sites…If anything bad happens there’s a tribute page online and you can normally find it, but generally speaking we don’t … we’re very slow to name people and victims and things like that because we don’t rely on those sites. They can be wrong – not often – but it’s really, I think it’s a privacy and a respect issue and also [our company is] a bit of a stickler for sourcing. We want someone who knows what they’re talking about to say that’s who this person is, and it does put us behind the eight ball a lot of the time because every other man and their dog is flashing up the Facebook picture and the oh, RIP Trinity and all of that stuff and we just don’t seem to do that, which I don’t mind. From a news perspective it’s bad because you look like you’re a bit backwards but I think from an ethical standpoint that that’s a good thing.

48 Ibid.
I mean I love Facebook, I think it’s great, but the way they keep changing their terms and conditions and their privacy regulations and settings, unless you actively patrol and keep control of your identity and your copyrighted material, Facebook is a real trap, and it’s particularly a trap for kids. Like the girl last week who put out the party invite and her site got hijacked and she ended up with 200,000 people saying they were going to turn up. Now whether or not it was a hack or it was her injudicious use of the privacy settings, I don’t know, but as a reasonably sophisticated, mature user of technology the way Facebook constantly keeps changing, I think it’s not easy for users to keep up...

Confusion about conditions of use is widespread. In 2011 Queensland police arrested Fairfax journalist Ben Grubb after he wrote an article about an IT security seminar which revealed how Facebook images could be removed without user permission. Police first questioned, then detained Grubb and confiscated his iPad, arguing inaccurately that receiving a photograph obtained from a Facebook account without the user’s permission “is the same as receiving a stolen TV”.

Terms of service agreements for social media services clearly indicate that copyright in any user-generated content remains with the user, and is licensed under various conditions to the service and third party providers with whom it has service provision or publication agreements. Section 3.6 Image and Video Sharing of this report discusses legal opinions that suggest re-publication of social media content without permission may be a breach of copyright, unless it can be defended under fair dealing provisions.

Alteration of image or video content, or failure to correctly attribute it to the creator (listing user name and link to the original work) may further be judged to breach moral rights provisions. News Limited and Fairfax acknowledge this potential in their online Terms and Conditions. The Australian’s version states “You waive any moral rights in your contribution for the purposes of its submission to and publication on the Site.”

Yet if users post content expecting recognition for their creative work, then unauthorised or unattributed republishing could generate critique and mistrust, undermining a central aim of participatory strategies.

One recent UK PCC judgement suggests that where users post their content in publicly accessible online spaces – that is without applying privacy filters - they cannot then regard it as private and off-limits to media comment. In 2011 after Scottish civil servant Sarah Baskerville complained to the PCC that The Daily Mail had intruded into her privacy by publishing an opinion piece criticising her Twitter activities, the PCC did not uphold that aspect of her complaint:

There was no dispute that the material posted by the complainant was open to public view, and could be accessed by anyone who wished to read it. Although there were 700 actual subscribers to the complainant's account, the potential audience was much greater. This was particularly the case as any message could be "re-tweeted" without the complainant's consent, or control, to a larger subscription list...The publicly accessible nature of the information (for which

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the complainant was responsible) was a key consideration in the Commission's assessment as to whether it was private.\textsuperscript{52}

Ethical self-publishing

A sampling of recent Twitter practices and controversies can further be used to illustrate some of the risks posed by self-publishing where media workers use social media to discuss their work, and particularly where they create personally branded channels for professional communications purposes.

There are obvious problems of tone and interpretation when journalists adopt an informal address in a work-related channel. The stand-up comic, author and popular columnist for \textit{The Age}, Catherine Deveny, was dismissed in May 2010, after a public backlash to derogatory jokes she posted on Twitter. It was reported that \textit{The Age}'s editor, Paul Ramadge said at the time her views were “not in keeping with the standards we set at \textit{The Age}”, two days after she tweeted during the Logie Awards that she hoped 11-year-old Bindi Irwin “got laid” and Rove McManus's wife Tasma Walton “did not die too”.\textsuperscript{53} The consensus in later reporting of the incident was that the sacking was a warning to media companies and their writers about the risks associated with 'stream of consciousness’ comments on new digital platforms.

One interviewee suggested that journalists have to set boundaries around their interactions as they start to engage more intimately with readers and sources in social media settings:

I guess they have to be careful of what sort of relationship they might develop with individual people as far as they can be influenced by people and it can be sort of professional issues and also personal ones. We’ve had some incidents here…where people have written certain stories and they’ve been tracked down through Facebook…or Twitter and been threatened.

Self-publishing has reignited an old debate around journalistic disclosure of interests. In a widely reported recent incident journalist James Massola from \textit{The Australian} was “threatened and abused” by Twitter users after outing the anonymous blogger ‘Grog’s Gamut’ as Canberra public servant Greg Jericho.\textsuperscript{54} Following this identity disclosure there was a long public debate about the ethics of the disclosure of confidential sources, which included discussion about whether blogging was in fact another legitimate form of journalism.

Current Twitter practice suggests journalists are inconsistent in identifying themselves and their relation to their workplaces. Some include their employer's name in their Twitter profile, some use standard disclaimers disassociating their opinions from their employers, and others using more casual disclaimers to show that the account is a personal account. There is a catch 22 in branding an account. Naming an employer could later give rise to questions about the journalist’s objectivity and ability to independently report facts – especially when they express strong opinions. However where journalists do not name their employer, suggesting that the opinions espoused are theirs alone, their employer can still be easily identified and may be associated with their work.


In order to manage corporate and individual reputation in self-publishing environments, most media corporations have developed social media guidelines and IT policies to govern employee responsibilities in making public comment online (see Appendix 6.4). Such guidelines can make a useful contribution to more transparent and fair conduct of online news-gathering and media commentary.

**Employment sanctions**

For organisations who typically will have many staff who are active self-publishers in these new media spaces, it will such guidelines may play a part in developing consistent and legally workable responses to seriously inappropriate uses of social media.

Comments made on private Facebook accounts (which are then accessible publicly) may be used as a ground for dismissal of an employee. A recent ruling by Commissioner Bissett, at the Federal government agency Fair Work Australia found that an employee had been unfairly dismissed because of comments posted on a Facebook status update. Commissioner Bissett noted: "while using social media to display displeasure about an employer is becoming more common, it is different to "a grumble" over coffee or drinks with a friend. She said that posting comments on a website that may be seen by an uncontrollable number of people is no longer a private matter but a public comment."\(^{55}\)

Cases like *Rose v Telstra* have established that an employee may be validly dismissed for out of hours conduct if the conduct is likely to cause serious damage to the relationship between the employer and employee, damage the employer’s interests, or is otherwise incompatible with the employee’s duties. Commissioner Bissett referred to these cases saying:

"A Facebook posting, while initially undertaken outside working hours, does not stop once work recommences. It remains on Facebook until removed, for anyone with permission to access the site to see. A Facebook posting comes within the scope of a *Rose v Telstra* consideration but may go further. It would be foolish of employees to think they may say as they wish on their Facebook page with total immunity from any consequences."

This may also be a matter related to the terms of employment. A Queensland lawyer specialising in social media has offered the opinion that in the absence of a binding social media policy or employment contract:

“...comments that are unsavoury and are connected with an employer can be grounds for dismissal where the employer may be liable for the comments. The questions are therefore:
- whether the conduct is referrable to the employer;
- whether the employer could be held vicariously liable; and
- whether the actions amounted to a repudiation by the employee.”\(^{56}\)

An opinion prepared by Blake Dawson lawyers noted:

“Conduct outside of the work environment or after hours may justify a decision to terminate the employment. Consider whether there is a sufficiently close connection between the conduct and the employee’s work. Posting negative

\(^{55}\) Lexology (2010), ‘Facebook misuse may justify dismissal’. Blake Dawson (Jennie Mansfield, Michael Tamvakologos, Maansi Gupta and Brinda Sundaramoorthy), 8 October.

\(^{56}\) Malcolm Burrows, Associate at Rostron Carlyle Solicitors (@ITCorporatelaw)
comments about an employer on a social networking site may be an adequate reason for dismissal. Questions to ask include:

- Is the conduct is likely to cause serious damage to the employment relationship?
- Does it damage the employer’s interests?
- Is it incompatible with the employee’s duties in some way?

Similarly, disrespectful and negative public comments may also breach the employee’s implied duty of trust and confidence.

The authors of the opinion argued that given the popular use of social media sites employers should consider amending Codes of Conduct and IT usage policies to make sure they are broad enough to cover inappropriate use of social media. Another option is introduce a new policy specifically about using social media, including the employer's expectations of employee behaviour and consequences of failing to meet these expectations.57

Social media policy

Industry best practice is for news outlets to develop a social media policy where they are concerned about being brought into disrepute by employees’ use of social media, or being held accountable for defamation, and if they are going to caution, discipline, or stand down staff member over their personal online comments. They should also provide staff with adequate guidelines for conduct, communicate these guidelines widely and provide training on the appropriate use of social media.

Social media policies are now commonplace in large media corporations. Appendix 6.4 lists references to prominent examples.

### 3.5 Use of live reporting technologies

Since October 2009, when *The Australian’s* Andrew Colley and *ZDNet’s* Liam Tung tweeted a Federal Court copyright case involving iiNet, Australia’s third largest internet service provider, it has been clear that live mobile court reporting is informally sanctioned in some jurisdictions, although no general ruling exists regarding live blogging. At that time, Federal Justice Dennis Cowdroy indicated he did not object to the use of Twitter during hearings as long as the process did not "distract or interfere" with court proceedings. He also acknowledged "Twittering can serve to inform the public in a more speedy and comprehensive manner than may be possible through traditional media coverage."

However different practices may exist across state jurisdictions to constrain SMS and microblogging - for example in Queensland courts all laptops, mobile phones (including Blackberrys), pagers and other communications devices which communicate via a cellular network must be switched off during court proceedings to prevent interference with court recording systems. Those that use wireless networks are permitted providing their devices are muted.58 Standards may also vary between courts. In November 2011 Melbourne magistrate Peter Mealey informed journalists, including *Crikey’s* Margaret Simons, that he would regard tweeting from his court as contempt.59

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57 Lexology (2010), ibid.
58 Supreme Court Of Queensland (2009) Recording Devices In Courtrooms: Supreme Court, Practice Direction Number 1, March 10th 2009
In March 2011, the UK Judicial Office issued guidelines approving the right of both reporters and the public to use internet enabled laptops, smart phones and other online devices to transmit text-based communications from any court, as long as the activity is approved by the presiding judge. Subject to this consideration, the Lord Justice indicated that

"...the use of an unobtrusive, hand-held, virtually silent piece of modern equipment for the purposes of simultaneous reporting of proceedings to the outside world as they unfold in court is generally unlikely to interfere with the proper administration of justice."

However the guidelines indicate that this permission is still discretionary and will be made on a case-by-case basis, possibly only for journalists with press accreditation. This raises the issue of access for bloggers, who may not be employed by corporate media or have media union membership, indicators of professional attachment which may support accreditation claims.

Journalists reporting live via Twitter are presented with the problems of achieving accuracy at speed and within word limit. One News Limited editor thought concision may interfere with fair and accurate court reporting:

The difficulty is getting a news update that's not contemptuous or is legally sound in 140 characters. Unless it's "Jayet Patel guilty, more soon". It's a difficult thing to explain unless it's a very high profile case, what it's about, what happened and this is why, in that limited form. For sports scores, flood updates or whatever, if it's straight up and down, definitely.

Media companies have also been concerned about the legal risks of publishing online at speed without revision or editorial scrutiny. While erroneous or offending online publications can be speedily amended or removed, blogging and social networking are no different to any other form of publication in respect to defamation, contempt or any other relevant media law. Comments are considered published, even if they are protected by privacy settings and are seen by only one follower. Web traffic logs can also be used in evidence to establish exactly how many unique browsers and page accesses content has attracted, duration of visits and browser locations. This information can be used to illustrate claims about the significance of publication and the magnitude of offense.

In 2008 UK TV industry executive Matthew Firsht and his company Applause Store Productions won injunctions and £20,000 in damages against a former friend who created a Facebook page that defamed Firsht and his company. Grant Raphael, who fell out with Firsht over a business dealing, established a group called "Has Matthew Firsht lied to you?" The profile contained false information about Firsht's sexual orientation, his religious and political views, and accused him and his company of shoddy business practices. While Facebook terms of use forbid the use of fake profiles, and the company removed the site when the violation was reported, the offending profile was online for 16 days before it was taken down. A Crikey report on the case noted that "Firsht and his company sued Raphael for misuse of private information, breach of his right to privacy and defamation. He won on all three counts."60

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It can be difficult or impossible to retract or remove offending material where tweets and comments can be copied, re-circulated and posted on third party sites, as well as stored on home computers. While UK footballer Ryan Giggs successfully obtained a super injunction restricting the traditional media from discussing his extra-marital affairs, the subject had already been discussed by tens of thousands of Twitter users.\(^{61}\) However The Giggs legal team has since pressured Twitter to release user registration and internet protocol addresses details for four accounts which allegedly had published libellous messages. Twitter has complied with one such subpoena in the past, where the UK’s South Tyneside council successfully argued in a Californian court that councillors and council staff had been libelled in tweets by several pseudonymous users.

Actionable claims of internet or electronic defamation are becoming commonplace in the UK, Canada and the US, with musician Courtney Love recently choosing to settle out of court against claims she had defamed a Texas designer using Twitter. One US commentator cautions “When posting materials online, one’s words must be chosen carefully, where, as similar to statements contained in books or newspapers, they may provide liability under the law of defamation”.\(^{62}\) The local potential for such cases was made clear when Australian editor Chris Mitchell threatened defamation action against Julie Possetti, a former journalist and now Canberra academic, after she posted Twitter comments about his alleged editorial practices.

### 3.6 Image and video sharing

Photo and video sharing services such as Flickr, Facebook, Twitpic, Youtube and Vimeo become important sources of live, eyewitness and biographic images, which supplement professional photography and video journalism in environments that emphasise visual storytelling.

As mentioned earlier, interviews conducted for this research indicate that media workers still tend to regard visual material taken from social media sites as being in the public domain, despite accepting terms of service agreements. Recently the sourcing and republishing of images from social media sites without authorisation of the creator has been condoned where the material is publicly accessible, or where rapid publication of the images is seen to be in the public interest, and where the authors cannot be immediately located. Yet there are significant legal and ethical dangers for corporate reputation in taking this approach, when we consider recent copyright actions and the potential for redistributing hoax material.

Two overseas court cases illustrate potentially brand-damaging instances of social media users asserting their rights over their original content. In 2009 software executive Joe Neale pursued Sky News in London when it used his image of a crime scene, posted on Twitpic, without his permission and without correct attribution or payment. After initially failing to secure payment from the company, he ran a Twitter campaign among his 20,000 plus followers, which included messages like “Newscorp use your photos without permission but have plans to charge for reading their content”. Sky News then agreed to pay.\(^ {63}\)

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The outcome of a current court battle between award-winning press photographer Daniel Morel and Agence France Presse (AFP) could provide a more important legal precedent for users to assert their copyrights. In January 2010 AFP downloaded, republished and syndicated Morel’s photos of the Haiti earthquake without his authorisation and without attribution to him, after the images had been copied from Morel’s Twitpic account and claimed by another user, Lisandro Suero. Morel has argued that the company knew the photos were his, and failed to use due diligence to verify ownership of the photos by Suero.

In its initial argument AFP argued that Morel provided a nonexclusive license to use his photographs when he posted them on Twitter without any limitation on the use, copying or distribution of the photographs. AFP alleged what many journalists have assumed - that users sanction free republishing of their work if they post it on social media sites. Yet on December 2010 Judge William H Pauley of the United States District Court found otherwise, indicating that "by posting photos on the internet, Morel wanted to break the news of the earthquake, retain his copyrights, and receive credit and compensation for licensing his photos". Justice Pauley indicated that Morel could proceed with his claim that AFP had breached both the US Copyright Act and the Digital Millennium Copyright Act, noting that the latter may have been violated when AFP failed to capture and republish the metadata relating to the image files – namely Morel’s name and his Twitpic credit “by photomorel”.

Image metadata is identifying information added to files. It includes descriptive data such as author details, time of creation, licensing information, watermarks and keywords, and structural data such as file standards and compression information. Metadata is commonly used in content cataloguing and archiving but will be increasingly important publishing information where visual material is sourced from social media service and other non-affiliated online sources. Examining image metadata can also assist in determining the source of images and whether they have been manipulated.

The prevalence of hoax image and video content is an ongoing concern according to interviewees in this research. They were generally confident of their ability to identify the observable characteristics of digital manipulation, but concerned about the volume of photoshopped material that was being posted online and the time required to authenticate images. News Limited has introduced central photo and video desks in order to subject online image material to standardised editorial scrutiny. Source verification of visual material may be critical where multi-author pages, blogs and websites are concerned, as the publisher may not be aware of the content posted, and may not be able to attest to its authenticity or authorise its reuse.

### 3.7 Dynamic ad placement

Although advertising is a commercial matter and therefore not covered by the Press Council’s standards of practice that apply to news and comment, the operation of dynamic ad placement software and its effect on the subsequent meaning derived from a web page layout is an ethical concern and to some extent within the control of the publisher.

Dynamic ad placement refers to the insertion of ads into a webpage or publication template in response to a user commenting activity, search history or request. For

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example Google Adwords creates a simple semantic placement using its Dynamic Keyword Insertion (DKI) function. This inserts search terms into any copy in the Adwords database that lists matching search terms. In member sites ad placement is more often dictated by demographic data or usage history linked to user ID records.

Semantic or contextual ad placement is prone to generate inappropriate and offensive juxtapositions of advertisement and text, such as these historic examples from SMH Online:

![Figure 1.](image1)

![Figure 2.](image2)

Although outcomes are rarely as offensive as Figure 1 illustrates, dynamic ad placement has been a subject of complaint to Council since at least 2006. One 2010 complaint questioned the placement of a sexually explicit dynamic ad, which appeared next to a news article about a school parent protest published by the Brisbane Times (Complaint L1-09 10.4.2010).65

As placement is automated, there is no universal preventative remedy in these cases. However publishers should take measures to ensure that ads relating to sensitive or highly regulated content – pertaining for example to death, abortion, alcohol, children, and sexual services – are not recommended for dynamic placement or that the placement is carefully monitored.

3.8 Reputation management
This report has addressed some major areas of concern for reputation management in online news production, including disclosure of interests, the handling of user-generated content and guidelines for self-publishing. However more general characteristics of online media also suggest new approaches to managing corrections and updates, and handling user-generated content, in order to avoid complaints.

Once published online stories and comments are often persistent, and readily accessible via search engines for indefinite periods. In instances where content is not time-stamped, it may be difficult to ascertain a date of publication, and the contemporary relevance of the information. In one instance the Press Council upheld a complaint from a man who was unfairly associated with extremist political material posted on a website forum he had maintained, but which had been inactive for some years (Balson/Adjudication No. 1380, January 2008). Here the Press Council noted that:

…people active in the political arena can be burdened with past associations long after such connections may have ceased to have any relevance. While the report refers to Mr Balson as a “former” One Nation webmaster, and he does not deny that one of his website forums once carried extremist material, it is important that newspapers identify when these associations occurred, or demonstrate to readers that such associations are held contemporaneously.

This case illustrates the obligation for journalists to carefully consider the relevance and accuracy of archived online content, in light of its current implications for public assessment of personal reputation.

Most senior editors interviewed noted content persistence has also prompted increasing requests for retraction or amendment of content. This may be an editorial priority where articles concern the outcomes of police investigations, court cases and appeals – for example where cases have been finalised:

Reputation management I’m talking about here - so when someone says, ‘Well I went to court and I was found guilty of this but now when you Google me people can just find my name and they realise I was convicted for this so can you remove the article, it was six years ago’ – that’s becoming more of an issue the longer we go and that’s going to be a bigger issue moving forward. I think that’s probably a big one for the Press Council to get its head around. Our current policy is to not delete historic material. We don’t go and remove clippings from the newspaper after a certain period of time.

We’ve had one request from London of a young girl who had been to a charity event here in Brisbane where you dress up like zombies. Job agencies in London were telling her that she needs to get that photo down because people will see her and even though it’s for charity - I think that was an extreme case. It’s becoming more and more of a drain on resources…[so] where there are
legitimate requests for things to be taken down, such as we’ve covered the opening day of a trial and reported someone’s name and things, but then nowhere later on has anyone covered the fact that someone’s been found innocent…

It is unclear whether publishers have a legal obligation to update and link a series of legal stories where trial outcomes exonerate the accused, appeals have proceeded and succeeded, or where earlier incorrect allegations could negatively impact on individual or corporate reputations. One Fairfax editor indicated that it was policy to amend stories with a note about trial outcomes where users can provide court documentation that attests to their acquittal. It is also possible that some of this work can be done automatically within content management systems, which enable searches for semantically related stories to be updated.

How publishers respond to individual contributor requests for removal of comments and comments threads on reputation grounds is a matter for negotiation. Comments may form part of a larger debate and respond to earlier posts. Their removal could contribute to misrepresenting the honest substance of public debate. In this respect the Council of Europe’s 1993 resolution on the ethics of journalism is relevant:

Although opinions are necessarily subjective and therefore cannot and should not be made subject to the criterion of truthfulness, we must ensure that opinions are expressed honestly and ethically.\(^{66}\)

Removing honestly expressed comments because a user has shifted his or her views on a subject, or has experienced negative responses to her position amounts to revisionism. However where users are able to self-initiate discussions threads, and it is clear that they breach local conditions of use or commenting guidelines then deletion forms a normal part of content moderation. Complaints on these grounds can again possibly be reduced through the widespread use of a detailed and well-publicised contribution policy.

4 Online news publishing complaints

4.1 Background

The Australian Press Council takes responsibility for responding to complaints about Australian newspapers, magazines and associated digital outlets as part of its greater role of promoting good standards of media practice, community access to information of public interest, and freedom of expression through the media. According to its Constitution, the Council pursues these goals by:

• considering and dealing with complaints and concerns about material in newspapers, magazines and journals, published either in print or on the Internet;
• encouraging and supporting initiatives to address the causes for readers’ complaints and concerns.

It also invites any online news site to affiliate with it, to assert that it is bound by the Press Council’s Statement of Principles and Privacy Standards, to cooperate with the processing of complaints and to abide by the member obligation to publish any relevant

adjudications arising from complaints about material they have published with due prominence. At the time of writing it had only one online-only member, propertyreview.com.au, but intended to extend membership to digital native publications.\(^{67}\)

As many Council’s members are print media companies, their online publications are primarily text and 2D image-based, but with a growing amount of supplementary video, audio and animation, as well as interactive media features such as timelines and polls, widgets and applications. As such the standards that must now apply to online news reporting must address aspects of both print and broadcast journalism production, as well as the unique characteristics of online media including hypertextuality, multimediality and interactivity.

ninemsn, a leading broadcast-originated online news publisher, acknowledged this cross-media regulatory context in 2008, when it publicly committed to the Press Council’s Privacy Principle for the Print Media. Under the Federal Privacy Act 1988, media organisations can claim an exemption for acts of journalism, provided they are publicly committed to a set of privacy standards. For some years, the Privacy Standards had covered Council members’ online news sites but ninemsn was the first online-only publisher to commit to the standards.\(^{68}\)

4.2 Summary of online complaints to the Australian Press Council

The Press Council records that complaints solely about online publications have risen steadily from a total of 24 in the ten years 1988-2008 to 46 in 2010-2011 alone. As the Council noted in 2008, such submissions “have been infrequent, but some have been quite specific to internet distribution, and it can be assumed that there will be an ongoing occurrence of these kinds of complaints.”\(^{69}\) Given that some newspapers are now migrating wholly online, as APN indicated in November 2011, complaints about online news and opinion writing can only increase.

In this study the researchers examined 103 documented complaints related to online news and opinion publishing that had been submitted during the financial years 2009-2010 and 2010-2011. These included a total of 32 online complaints recorded in 2009-2010 and 46 submitted in 2010-2011, as well as 24 complaints which fell outside the existing online complaints definition but which dealt primarily with aspects of blogging, comments moderation, website presentation, and audio visual publication.

This research suggests that Press Council could, in its standards review processes, more clearly define what constitutes an online complaint. In its annual report this is described as “complaints arising solely from publication on members’ news sites.”\(^{70}\) This includes online-only publications such as the Brisbane Times or the Punch; articles that only appear on a member’s website and not in any print version; and matters where the complaint only concerns the online aspect of publication (such as comments attached to an article). However this definition understates the number and kinds of online issues that the Council deals with.

Complaints examined for this report also include those which raise concerns about online articles and associated content or online reporting/publishing practices, as well as those in which the online version of a story is cited as the primary supporting

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\(^{67}\) Update: As of September 2012, the Council had six online only members including ninemsn.


\(^{69}\) ibid.

\(^{70}\) ibid.
evidence by the complainant. In the latter cases it is sometimes unclear whether the online version or an online news production or publishing issue is the subject of the complaint. It may be simply be that the online copy is the more persistent, accessible text to locate and attach to the complaints form – the disputed material having been first published in a hardcopy newspaper or magazine.

In complaint responses there appear to be ambiguities in the language used to refer to some online publishing practices - for example in the use of the word blog to refer to a unique opinion site, an article and a comment. This slippage of terms is not uncommon in emerging technological contexts. However the application of standard terminology and definitions to Press Council documentation would strengthen the clarity of its rulings and policy recommendations.

In citing complaints, this study also notes that at the time of writing they do not receive a unique reference number during processing. As a result in this report those complaints which are mediated but do not proceed to adjudication are not coded in the same manner as those which are investigated and do proceed. The following analysis indicates the former by complainant surname and adjudication number. The latter are indicated by alphanumerical identifier and closure date (complaint X-10: 01/01/2012), in order to protect the identities of both parties in the process.\(^{71}\)

In this study the complaints provided by the Press Council were examined for explicit or implicit evidence of legal and ethical concerns arising from convergent or online journalism practices.

**Explicit** evidence refers to instances where the Press Council categorises the complaint as online, and in its response:
- acknowledges the contribution of digital reporting or production practices (such as comments moderation or content linking) to the complaint,
- observes online content modifications made in response to user feedback or as a result of the complaint adjudication,
- makes comment on policy or regulation as a result of the complaint.

**Implicit** evidence refers to instances where the Press Council response does not categorise the complaint as online, but where we, or the complainants, identify contentious aspects of convergent/online news practice that contribute to, or are highlighted by, the complaint. These may include poor moderation practices, or a failure by publishers to address or provide user contribution guidelines.

Of the complaints analysed 76.7% referred explicitly to concerns with online production, practice or policy. 23.3% referred implicitly to legal or ethical concerns arising from convergent or online news journalism.

10.7% of the complaints related to web publications that were not published by Press Council members, or not covered by its jurisdiction. Ninemsn was the most mentioned in this category at 4.8%, followed by single complaints about non-member websites such as The Beast, Vex News, and slave.com and sites outside the Council's jurisdiction such as The Drum and Bigpond. One complaint outside the Council's jurisdiction concerned Fairfax Digital's re-publication of an explicit music video dealing with teen suicide, hosted on a third party video site.

\(^{71}\) Unique reference numbers were introduced on 1 July 2012.
4.3 Legal and ethical concerns

Of all complaints examined the most common concerned inaccurate, unfair and/or biased reporting (55.3%). The most pressing legal issue here is the need for speedy right of reply and effective correction, annotation and/or removal of online material, where it is found to be in breach of Press Council standards or principles. The key ethical concern is the development of standards for the recording, moderation and amendment of user generated content such as comments on news and opinion articles.

Replies and corrections

When the Executive Secretary initially responds to complaints, he commonly asks complainants to first seek right of reply in the publications concerned. In the online context we note that enabling comments on stories provides a speedy, accessible avenue of complaint. However there is no consistent requirement that publishers enable comments on stories of significant public interest, in the interests of allowing public right of reply and factual corrections. While this may be due to a lack of moderation resources, or anticipated level of abusive comment, the opening of online comments to provide right of reply merits further examination. Comments also may be closed relatively quickly, to enable equitable allocation of moderation resources across editorial platforms.

Given the propensity for erroneous material to be quickly and widely distributed online, timely, effective correction procedures are increasingly critical. Existing complaint adjudications, and recent industry guidelines, suggest online corrections are most effective when clearly marked and dated, with earlier uncorrected versions of stories removed from co-owned sites, and where possible from third party licensee sites only when information is inaccurate, unfair or otherwise in serious breach of standards.

Recently the Canadian Association of Journalists released detailed guidelines for industry best practice in digital accuracy and corrections, based on two years research and consultation with major media organisations. The guidelines are based on three general principles:

1. Published digital content is part of the historical record and should not be unpublished. News organizations do not rewrite history or make news disappear.
2. Accuracy is the foundation of media credibility. Though we should resist unpublishing, we have a responsibility to ensure the accuracy of all published content. If we err, or if new relevant facts emerge, we should publish correctives and/or update online articles as soon as we verify errors and/or new information.
3. Transparency demands that we are clear with audiences about changes that have been made to correct/amend or update digital content. We should not “scrub” digital content, that is, simply fix it and hope that no one has noticed.72

Our research into best practice corrections policies suggests that where complaints requesting story corrections or annotations are adjudicated and upheld, it is desirable for any relevant web archive content to be amended. A local test case complaint in this regard involved an article in The Age on 15 October 2008, which described a series of allegations by an unnamed woman against former Victorian Minister Theo Theophanous, including that he had "raped" her inside Parliament House (Adjudication

1472/Theophanus). Following the court’s dismissal of this case in 2009, Mr. Theophanous complained that The Age had rejected his request to remove the article from its website archives.

The Press Council considered that at least in some circumstances “it is reasonable to expect the court’s dismissal to be annotated on the archived earlier story, even if it cannot be guaranteed that the alteration will be made to copies held on third parties’ websites.” (Adjudication 1472/Theophanus). It concluded that an annotation should be made in this instance because of the seriousness of the allegations and the unequivocal nature of their dismissal by the magistrate. It was noted that this could be done by a simple hyperlink or “cross-reference” from the original report to the publication’s report of the dismissal.

Four subsequent adjudications have involved online content amendments. In adjudication No. 1473/Chelom and adjudication No. 1486/Corkill requests were made for annotations to the online versions of articles to (respectively) correct errors or provide fair, balanced reportage. In adjudication 1483/Martinek the publication was asked to remove inaccurate and unfair online articles, and in 1489/Shuttleworth, the publication was asked to attach the adjudication to an article in its archives and those of affiliated websites.

Graphic image warnings

The second most common complaint concerned the posting of offensive content (15.5%). An adjudication of complaints by Ian and Diane Ross (Adjudication 1484/Ross) highlights the need for timely content warnings on graphic video and slideshow content. In late 2010 Mr and Mrs Ross complained about the presentation of an embedded auto-play video linked to an article on thetelegraph.com.au. The video, hosted by liveleak.com, appeared to show a young woman throwing six puppies into a river one-by-one. The complaint indicated that the existing warning on the video site was inadequate, as users would not necessarily see or read it before the video began playing.

The relevant Press Council principle states “publications have a wide discretion in publishing material, but they should balance the public interest with the sensibilities of their readers, particularly when the material, such as photographs, could reasonably be expected to cause offence” (Adjudication 1484/Ross). The Council found that the link was justified in public interest terms, emphasising the need for action to find and charge the woman filmed. However it noted that The Telegraph’s link should have given more prominent and explicit warning about the nature of the video, similar to that which was subsequently added after Mr and Mrs Ross contacted The Telegraph.

We note that there are no current industry standards for embedded linking of related content, and that link phrases may not clearly indicate the form or nature of the material that the user will download when clicking on that link. Given the increased use of photo galleries, slideshows and video content in online news coverage, and the focus on live or rapid publishing of this content, the likelihood of graphic visual content being posted online has increased. In this context, where such image or audiovisual content is linked to news stories, annotated warnings may be a necessary addition to descriptive link phrases, and could be prominently displayed alongside thumbnail image links.

Comments and moderation standards

The third most common complaint concerned handling of user contributions, particularly comments (7.7%). The Press Council upheld Anita Thomas’s complaint that she was subject to an unfair and offensive SMS comment posted by an
unidentified user after Thomas was the focus of a news story in the Bundaberg News Mail in November 2010 (Adjudication No. 1499/ Thomas). Council’s response noted “Great care should be taken when publishing readers’ comments, particularly from digital sources that are anonymous or use a pseudonym.”

The Press Council was unable to rule on a complaint by Steve Foy (Adjudication Foy/1505), about the alleged editing of a comment he posted in reply to an article by Paul Sheehan in the Sydney Morning Herald online. Foy complained that the meaning of his comment was “unfairly changed” by the moderator’s deletion of his opening sentences. The moderator indicates that he breached site commenting rules. However there was no record kept by Fairfax Digital of his original submission. The Press Council noted in its finding that this complaint raised several issues of relevance to any development of standards for online news publishing:

- whether publishers need to keep records of user submissions in their original forms
- when material needs to be deleted rather than posted, for example when it is abusive rather than robustly critical
- what conditions might signal the need for post moderation, for example anonymous posts or ad hominem attacks
- whether changes need to be signalled to the contributor, and noted on the website.

Two further complaints raised explicit concerns about violent, offensive user comments. The first gave the example of a post on a News Limited blog that invited others to assault a prominent public servant (Complaint U1-10: 6.12.2010). In the same discussion thread, another user posted the public servant’s address and phone number, suggesting people make their displeasure known personally. Neither post was removed, even after the complaint was investigated. The second complaint concerned moderators’ failure to remove “comments that incite racism, hatred and violence” (Complaint Q1A-10: 22.8.2010). When a senior editor was alerted to the posts in question they were removed and the moderator briefed.

These cases indicate the need for online publications to develop, post prominently and promote commenting rules and moderation policies. At the time of writing News Limited sites do not have commenting guidelines to inform users about what constitutes acceptable posting or speech behaviour, or a moderation policy to indicate how deletions and de-registration might be enacted. Fairfax Digital commenting rules are linked only from the bottom of the comments posting field. They are not included, or referenced, in the general ‘conditions of use’ for that site, and are not available from the homepage of Fairfax sites. It does not have a specific moderation policy.73

We note implicit evidence that three other complaints may also illustrate instances of unfair handling of user contributions. One complainant was concerned about inadequate moderation of bullying user comments on a magazine forum. In three complaints she submitted supporting comments threads which demonstrated the posting of provocative, disparaging and possibly misleading content by other users, in apparent contravention of the site’s terms of use (Complaints O1-09 and W1-09: 28.2.10 and 27.7.10). The publisher has since removed one of these threads.

Two additional complaints query the standards of blog author commenting. One complainant gave evidence of a Fairfax blog author breaching his company’s commenting rules (Complaint A1A-10: 20.1.2011). Another user argued he had been

73 Moderation policies have since been introduced for example, in March 2012 at the National Times.
humiliated by a blog author on theaustralian.com.au site (Complaint J1-09: 22.12.09). While both complaints were refused, the supporting material demonstrates inappropriate or belittling comments were made to the complainants. The Fairfax and News Limited professional codes of conduct do not directly address standards of public speech or the handling of user contributions.

Disclosure of interests
Aside from the key fields of online complaint – corrections, content warnings and handling of comments – one novel adjudication addresses an issue with the accessibility of online publications across geographic markets.

In a complaint about two articles on the Brisbane NRL published in The Courier Mail on 27 January 2011 (Adjudication No. 1504/Jarvis), Mr John Jarvis noted coverage should have included a disclosure by the newspaper that its parent company, News Limited, owns two-thirds of the shares in the existing Brisbane team, the Brisbane Broncos. While the Courier-Mail said that this ownership issue had been frequently reported by the newspaper, as well as extensively covered in other media, over the past decade and was very well-known to its readers, the Press Council noted web readers may be unaware of this information.

The Council noted that “when assessing the knowledge of likely readers it is becoming increasingly necessary to take account of readers who are outside a newspaper's primary area of distribution but access it via a website of the newspaper or another source such as an internet search engine.” (Adjudication No. 1504/Jarvis). In this context the Press Council has considered issuing a standard on declarations of interest for online versions of a newspaper, even where they are not required in hard copy.

As convergent news operations involve a large degree of rapid reuse of online and hard copy stories between platforms, with little time for reversioning, we suggest this differential requirement may be impractical from an operational perspective. It would also fail to have effect where hard copy content is redistributed online in pdf form. As disclosures of commercial or other interest in news stories have become a common and accepted practice following the Cash for Comment inquiry, in this instance a standard that applies to all publication platforms would be the most effective self-regulatory response in a convergent journalism environment.

Due prominence
There is however a case for platform specific guidelines where the outcomes of adjudications need to be given ‘due prominence’ online. As the UK Press Complaints Commission (PCC) has recently recognised, the majority of print corrections and apologies appear on the corresponding page, an earlier page or in designated corrections columns. Online corrections however can be made on the archived story copy where that content is still publicly accessible. When a significant amendment is made the PCC guidelines suggests “consideration should be given to the publication making explicit reference to the existence of the alteration” and clearly marking any changes - for example in italics at the head of the story, rather than ‘below the fold’. URLs may also contain references to the subject of a complaint, and should be examined and amended where necessary.

The PCC has noted that as readers may access stories via searches or links “there is not automatically a correlation between the original location of an article and the placement of a correction or apology”. In this respect editors should consider placing

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remedy texts in the relevant online section, and make effective use of links to any archived story materials:

…if the resolution to a complaint is a stand-alone text (an apology, correction or letter), it will [also] generally be appropriate to link to the original article under complaint (should it still be published online) and for the original article to link back to it.\textsuperscript{75}

The UK guidelines indicate discussions about the placement of corrections must take into account paywalls, which may impact on user access to a site and to any complaint resolution information. Resolutions may also include a requirement to keyword ‘tag’ corrections or adjudications posted online (where content management systems allow this) so that this information is easily searchable.\textsuperscript{76}

5. **Reviewing Principles and Standards**

In most cases the news media’s existing ethical frameworks provide ongoing, useful guidance for best practice journalism in online news media contexts. These guidelines include the Australian Press Council’s Principles and Standards, the MEAA Code of Ethics, and codes developed for particular workplaces, such as the \textit{SMH} Code of Ethics and \textit{The Age} Codes. The latter two publications have also produced guidelines specifically for working with social media and have, at the time of writing, draft moderation guidelines in process.

There are several options for media organisations reviewing their journalism principles and standards. They could:

1) adopt a position of technological neutrality, and assume existing policies are sufficient to address digital environments.
2) acknowledge that technological change has social impacts and seek to change their guidelines
3) explore the challenge of convergence and work with other media organisations to harmonise guidelines and policies with other industry codes

Our research suggests approaches two and three are most likely to encourage best practice journalism online during this phase of industry transformation. In the current regulatory context, and prior to the government’s response to the Convergence Review, one important way to advance digital journalism standards would be through amendment to the Australian Press Council principles and standards.

In light of this study, we argue there are two instances where the Press Council's principles could be amended to encourage the transparent and consistent activation and handling of public comment. A minor amendment to Principle 3 would encourage the activation of comment on articles that concern the activities of public figures and bodies, enabling timely right of reply:

\textbf{Proposed amendment to General Principle 3: Publishing responses}

Where individuals or groups are a major focus of news reports or commentary, the publication should ensure fairness and balance in the original article, \textit{and right of reply in an online comments section}. Failing

\textsuperscript{75} ibid.
\textsuperscript{76} See p. 45 for new Council provisions introduced from May 2012.
that, it should provide a reasonable and swift opportunity for a balancing
response in another appropriate section of the publication.

In recognition of the growing level of pro-am interaction in online news spaces
we also suggest the development of a new statement of principles (no. 10) to
ensure transparent and fair handling of user contributions:

**Proposed New General Principle 10: Fair mediation of user
contributions**

*User contributions to story development and public discussions must be
transparently and fairly handled in order to respect individual views and
experiences and to prevent unnecessary conflict in commentary spaces.
Publications are encouraged to prominently post guidelines for
participation, moderation and re-publication.*

In considering and consulting on the need for such a principle, which should refer to all
interaction across media platforms, the Press Council could also usefully encourage
industry education in best practice standards for participatory media.

There is also evidence, as detailed in section 2.2, that the Press Council could usefully
develop guidelines for online corrections, disclosures of interest and graphic image
warnings to bring consistency to journalism practice and complaints resolution.

We note that from May 2012 the Press Council will require that notice of adjudications
must meet these requirements, inter alia:

1. The adjudication must be published in full and headed “Press Council
Adjudication” or “Press Council Ruling”, together with the Council’s logo. It must
be differentiated from surrounding copy by a distinctive font or a text box, and
must not be accompanied by editorial comment.
2. The adjudication must be published with due prominence in a position in the
publication which the Executive Secretary has approved as likely to be seen by
those who saw the material on which the complaint was based.

Specific provisions for dealing with online material are:

1. Where the adjudication relates to online material, a brief summary note
providing a link to the full adjudication must be published for at least 24 hours on
the home page of the website. The content of the summary note and its position
on the home page must be approved by the Executive Secretary.
2. An annotation in terms approved by the Executive Secretary must also be
added to the publisher’s online versions (whether archived or publicly available)
of the material to which it relates, together with a link to the full adjudication.

In reviewing international best practice, and consistent with the approach adopted by
the UK’s Press Complaints Commission in 2011, in our view the notion of due
prominence used in negotiating Press Council resolutions and adjudications needs
minor amendment. An addendum to the existing note would offer greater clarity of
direction to online news publishers, and address the accessibility, persistence and
hypertextuality of online stories:

*Note 2 “Due prominence”*
The Council interprets "due prominence" as requiring the publication to
ensure the retraction, clarification, correction, explanation or apology has
the effect, as far as possible, of neutralising any damage arising from the original publication, and that any published adjudication is likely to be seen by those who saw the material on which the complaint was based. In the online context this may involve the insertion of amendments into the original publication and any copies, and cross-linking of clarifying stories.
General Statement of Principles

The Council has published the following General Statement of Principles. Along with the Statement of Privacy Principles, the General Statement is applied by the Council when providing advice or adjudicating on individual complaints.

General Principle 1: Accurate, fair and balanced reporting
Publications should take reasonable steps to ensure reports are accurate, fair and balanced. They should not deliberately mislead or misinform readers either by omission or commission.

General Principle 2: Correction of inaccuracy
Where it is established that a serious inaccuracy has been published, a publication should promptly correct the error, giving the correction due prominence.

General Principle 3: Publishing responses
Where individuals or groups are a major focus of news reports or commentary, the publication should ensure fairness and balance in the original article. Failing that, it should provide a reasonable and swift opportunity for a balancing response in an appropriate section of the publication.

General Principle 4: Respect for privacy and sensibilities
News and comment should be presented honestly and fairly, and with respect for the privacy and sensibilities of individuals. However, the right to privacy is not to be interpreted as preventing publication of matters of public record or obvious or significant public interest. Rumour and unconfirmed reports should be identified as such.

General Principle 5: Honest and fair investigation; preservation of confidences
Information obtained by dishonest or unfair means, or the publication of which would involve a breach of confidence, should not be published unless there is an overriding public interest.

General Principle 6: Transparent and fair presentation
Publications are free to advocate their own views and publish the bylined opinions of others, as long as readers can recognise what is fact and what is opinion. Relevant facts should not be misrepresented or suppressed, headlines and captions should fairly reflect the tenor of an article and readers should be advised of any manipulation of images and potential conflicts of interest.

General Principle 7: Discretion and causing offence
Publications have a wide discretion in publishing material, but they should balance the public interest with the sensibilities of their readers, particularly when the material, such as photographs, could reasonably be expected to cause offence.

General Principle 8: Gratuitous emphasis on characteristics
Publications should not place any gratuitous emphasis on the race, religion, nationality, colour, country of origin, gender, sexual orientation, marital status,
disability, illness, or age of an individual or group. Where it is relevant and in the public interest, publications may report and express opinions in these areas.

**General Principle 9: Publication of Council adjudications**
Where the Council issues an adjudication, the publication concerned should publish the adjudication, promptly and with due prominence.

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**Note 1 “Public interest”**
For the purposes of these principles, "public interest" is defined as involving a matter capable of affecting the people at large so they might be legitimately interested in, or concerned about, what is going on, or what may happen to them or to others.

**Note 2 “Due prominence”**
The Council interprets "due prominence" as requiring the publication to ensure the retraction, clarification, correction, explanation or apology has the effect, as far as possible, of neutralising any damage arising from the original publication, and that any published adjudication is likely to be seen by those who saw the material on which the complaint was based.

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August 2011
6.2 Interview questions

ONLINE NEWS PROJECT:
QUESTIONS FOR ONLINE EDITORS/SENIOR JOURNALISTS

Background:
1. How many editorial staff do you have working in this newsroom/on this site?
2. What is content management system you’re using? What issues have you had with it in a converged production environment?
3. What platforms are you producing for? (print, web, mobile, ipad, email bulletin, RSS feed)
4. Describe the editorial workflow – how do you decide what appears where during the day?
5. How long have you been online? Described challenges in creating your online edition/product.
6. Where is it produced? Who is the editor?
7. How are stories chosen? How often updated?

General Industry Trends
8. What impacts is online publishing having on the look and content of the print editions of your newspaper?
9. How has online changed relationship with readership?
10. Has there been a change in workflow between print and online in the last five years? Describe. What different imperatives drive the editorial decision-making for the website?
11. Impacts of online production on print editorial decision-making? What are the contentious areas of decision-making?
12. Most papers are planning further integration of its newspapers and websites. How do you see that playing out? (esp. in terms of sharing copy/other platforms).
13. What are the big online developmental issues for (name publication) to resolve?
14. How important are mobiles as a delivery platform? The iPad? Applications?
15. What type of new business models are on the way (eg. paid apps)?

Changing Work Practices/Organisation Structures
16. What percentage of first run original news material is published online? AAP copy? Licensed or syndicated stories?
17. Can you provide current online readership figures and numbers? How has this changed in the past 5 years, in comparison to print circulation figures?
18. What changes have you made to staffing for online?
19. How much has content sharing between titles increased with web publication? Is there much localization of shared content?
20. How is state, national and world content chosen to fill the suburban and regional websites?
21. What’s the most difficult issue online publishing’s presented for editorial decision-making?

22. Do you see that your organisation has/is rethinking how it regards ‘news’ in the online context? (it’s often noted that online versions are different because of advertising arrangements/SEO practices)

23. How are journalists adapting to SEO practices?

24. Who decides what makes goes into the top stories feed? What about the other RSS feeds? Is there a formula for choosing? Quotas from different titles?

25. How has use of AAP and agency feeds changed with move online? How about changes to the level of syndication from other publications – eg. overseas newssites?

26. What changes would you like to make to improve workflows? In hiring/training of editorial staff for online news?

27. What skills are in short supply? Is online news production more like content farming than journalism?

**Ethical and Legal Concerns Arising from New Online Practices**

28. What online feedback channels do you have? Who manages them and what challenges do they face?

29. What kinds of complaints do you get in relation (specifically) online content?

30. How do journalists feel about their stories being reversioned by other staff or repurposed for other titles?

31. How does your organisation see potential ethical and/or legal concerns about any of these issues?

- user registration and identification (anonymity of users, users creating multiple accounts)
- user generated content (verification, hoaxing)
- moderation (costs, training of staff, unruly user management) What is level of post deletion?
- maintenance of public archives/repositories (requests to update/correct content on previous stories)
- dynamic ad placement
- reputation management (requests to update/correct content on previous stories)
- sourcing from social media sites (any guidelines in place for accessing FB, Twitter etc)
- video publishing
- standards for metadata, copyright, attribution and linking

32. Which of these areas would you say most urgently requires intervention/modification to existing practices? Are there any other issues that may require attention?
6.3 Online Media publishing policies


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