

Privacy

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7.1 Introduction

The BBC respects privacy and does not infringe it without good reason, wherever in the world we operate. The Human Rights Act 1998 gives protection to the privacy of individuals, and private information about them, but balances that with a broadcaster's right to freedom of expression. In regulation, the Ofcom Broadcasting Code¹ states 'Any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.'²

Meeting these ethical, regulatory and legal obligations in our output requires consideration of the balance between privacy and our right to broadcast information in the public interest. We must be able to demonstrate why an infringement of privacy is justified, and, when using the public interest to justify an infringement, consideration should be given to proportionality; the greater the intrusion, the greater the public interest required to justify it.

See Section 1 The BBC's Editorial Standards: 1.3

An infringement of privacy is considered in two stages, requiring justifications for both the gathering and the broadcasting of material where there is a legitimate expectation of privacy.

Legitimate Expectations of Privacy

Legitimate expectations of privacy will vary according to the place and nature of the information, activity or condition in question, the extent to which it is in the public domain (if at all) and whether the individual concerned is already in the public eye. There may be circumstances where people can reasonably expect privacy even in a public place. Some activities and conditions may be of such a private nature that

1 The section of the Ofcom Broadcasting Code that relates to this is 8: Privacy.

2 Rule 8.1, The Ofcom Broadcasting Code.

filming or recording, even in a public place, could involve an infringement of privacy. People under investigation or in the public eye, and their immediate family and friends, retain the right to a private life, although private behaviour can raise issues of legitimate public interest.

We must balance the public interest in freedom of expression with the legitimate expectation of privacy by individuals. Any infringement of privacy in the gathering of material should be justifiable as proportionate in the circumstances of each case.

We must be able to justify an infringement of an individual's privacy without their consent by demonstrating that the intrusion is outweighed by the public interest.

We normally only report the private behaviour of public figures where their conduct is unlawful or where broader public issues are raised either by the behaviour itself or by the consequences of its becoming widely known. The fact of publication by other media may not justify our reporting of it.

We must balance the public interest in the full and accurate reporting of stories involving human suffering and distress with an individual's privacy and respect for their human dignity.

When gathering personal information from contributors, audiences and other members of the public, we must be clear about how we intend to use it. It must be handled in accordance with these Guidelines and the BBC's Data Protection Handbook. Take advice from the BBC Data Protection Officer.

7.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

- 7.2.1** Any proposal to gather material illegally outside the UK by disregarding privacy or other similar laws in the relevant country must be referred to Director Editorial Policy and Standards. Programme Legal Advice must also be consulted.
See 7.3.12
- 7.2.2** Any proposal to use secret recordings made by others must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independent production companies, by the commissioning editor. If the BBC would not have considered it justifiable to gather the material under similar circumstances, the proposal must be referred to Director Editorial Policy and Standards.
See 7.3.21
- 7.2.3** Any proposal to broadcast, without consent, recordings originally made for note-taking purposes must be agreed by Director Editorial Policy and Standards. Permission to broadcast material gathered in this way will only be granted in exceptional circumstances.
See 7.3.23
- 7.2.4** Any proposal to equip third parties with body-worn cameras and microphones where to do so might infringe the privacy of an individual or where the third party is entering private premises without permission, must be referred in advance to Director Editorial Policy and Standards.
See 7.3.24
- 7.2.5** Any proposal for unmonitored recording equipment on private property without consent of the occupier must be referred to Programme Legal Advice and Director Editorial Policy and Standards.
See 7.3.26

- 7.2.6** Any proposal to use a tracking device where it would infringe the privacy of an individual must be referred to Director Editorial Policy and Standards.
See 7.3.27
- 7.2.7** Any proposal for a private investigator acting for the BBC to breach the Editorial Guidelines or, exceptionally, to break the law in pursuit of an investigation must be approved in advance by a senior editorial figure, who must consult Director Editorial Policy and Standards prior to approval and Programme Legal Advice must also be consulted where it is believed laws may be broken.
See 7.3.34
- 7.2.8** Any proposal to secretly record a doorstep must be agreed with Director Editorial Policy and Standards. Permission to gather material in this way will only be granted in very exceptional circumstances and must be in the public interest.
See 7.3.38

Other Referrals

- 7.2.9** Any proposal to carry out secret recording, other than for note-taking purposes, must be referred to Editorial Policy prior to approval by the relevant senior editorial figure in the division or, for independent production companies, by the commissioning editor.
See 7.3.12
- 7.2.10** Any deception required to obtain secretly recorded material (beyond the concealing of recording equipment) should be the minimum necessary and proportionate to the subject matter and must be referred to the relevant senior editorial figure or, for independent production companies, to the commissioning editor.
See 7.3.12

- 7.2.11** Any proposal to identify individuals or organisations secretly recorded for consumer, scientific or social research without their consent must be referred to Editorial Policy who will consider the public interest in identification and the BBC's fairness obligations.
See 7.3.16
- 7.2.12** Any proposal to feature identifiable people in a live broadcast for comedy or entertainment without their knowledge, whether in person or on the phone, must be referred to Editorial Policy at the outset.
See 7.3.20
- 7.2.13** Any proposal to gather material using a drone must be referred to a senior editorial figure or, for independent production companies, the commissioning editor.
See 7.3.25
- 7.2.14** Any proposal to transmit a live stream without alerting those who may be shown in the broadcast must be referred to Editorial Policy.
See 7.3.32
- 7.2.15** Any proposal to use a private investigator must be approved by a senior editorial figure who may consult Director Editorial Policy and Standards before going ahead.
See 7.3.34
- 7.2.16** Any proposal to doorstep, whether in person or on the phone, where we have tried to make an appointment for an interview with the individual or organisation concerned must be approved by a senior editorial figure or, for independent production companies, by the commissioning editor.
See 7.3.36

- 7.2.17** Any proposal to doorstep an individual or organisation, whether in person or on the phone, where we have not previously tried to make an appointment for an interview, must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independent production companies, the commissioning editor and a written record of the decision kept. This does not apply to the legitimate gathering of material for the daily news agenda.
See 7.3.37
- 7.2.18** Any proposal to doorstep, whether in person or on the phone, for comedy and entertainment purposes should normally be approved in advance by a senior editorial figure or, for independent production companies, by the commissioning editor. Editorial Policy should also be consulted.
See 7.3.39
- 7.2.19** Any request by a public authority for a contributor's personal information must be referred to Editorial Policy and Programme Legal Advice before responding.
See 7.3.50
- 7.2.20** Any proposal to collect personal information on a BBC Public Service website which might be disclosed to third parties, including BBC Commercial Services, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may wish to consult Information Rights and BBC Fair Trading.
See 7.3.51
- 7.2.21** Any proposal to reveal an under-18's personal information to a third party without their consent must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial

Policy, Child Protection and Safeguarding,
and Information Rights.

See 7.3.52

7.3 Guidelines

Privacy and Consent

- 7.3.1** When contributors give informed consent to take part in our output, they can be assumed to have waived their expectations of privacy in relation to their contribution, subject to any agreed conditions placed on their participation.
- See Section 6 Fairness to Contributors and Consent: 6.3.1-6.3.5
See Guidance online: Privacy and Entertainment/
Factual Entertainment
- 7.3.2** We should operate openly where there is a risk of infringing people's privacy, unless we have approval for secret recording. This is important when using inconspicuous recording devices or live streaming. Where practicable we should use notices to make people aware that we are recording or live streaming and to allow them to avoid us.
- See Section 7 Privacy: 7.3.24-7.3.25 and 7.3.31
- 7.3.3** When filming openly in places accessible to the public, we do not normally obtain consent from individuals who are incidentally caught on camera as part of the general scene, unless they are engaged in an activity where they have a legitimate expectation of privacy that is not outweighed by a public interest in showing them.
- However, if an individual or organisation asks us to stop filming or recording (whether live or recorded) because of a concern about privacy, we should normally do so, unless it is justified in the public interest to continue.

If we are contacted by someone immediately after filming has taken place with a reasonable request not to show them in the recording we should normally agree unless it is justified in the public interest not to do so.

7.3.4

In potentially sensitive places, for example, ambulances, hospitals, schools, prisons or police stations, we should normally obtain two separate consents: one for gathering the material and the other for broadcasting it, unless it is justified not to obtain such consents.

See Guidance online: Medical Emergencies

7.3.5

We normally obtain consent before recording on private property. However, recording without prior permission may be justified on private property where the public has general access, for example, a shopping mall, railway station or airport. It may also be justified where we have reason to believe our recording will aid the exposure of illegal or anti-social behaviour or is otherwise justified in the public interest. When recording without prior consent on private property, if the owner, legal occupier or person acting with their authority asks us to stop, we should normally do so unless it is justified in the public interest to continue.

We normally leave private property when asked to do so by the legal occupier. We should be aware of the law of trespass. Accessing private property without consent can constitute a civil wrong, but is not usually a police matter.

Information which discloses the location of a person's home or family should not normally be revealed without their consent. Consideration should be given as to whether there is a justification for publishing information that may reveal the precise location of a person's home or family.

See Section 7 Privacy: 7.3.40

7.3.6 Whenever filming we should be aware of the risk of inadvertently capturing private information without consent, such as on written records, on computer screens or inside offices.

7.3.7 **Children, Young People and Vulnerable Contributors**
When children feature in our output in a way that potentially infringes their legitimate expectation of privacy, we should normally gain the child's assent wherever possible as well as the informed consent of a parent, legal guardian or other person of 18 or over acting in loco parentis. Vulnerable people may also require the informed consent of a responsible person of 18 or over. There may be additional legal considerations about children or vulnerable people and advice can be sought from Programme Legal Advice.

Children do not lose their right to privacy because, for example, of the fame or notoriety of their parents or because of events in their schools.

See Section 9 Children and Young People as Contributors: 9.3.14-9.3.20

See Guidance online: Working with Vulnerable Contributors or Contributors at Risk of Vulnerability

7.3.8 **Third Parties**
The privacy of an individual may be infringed by content that reveals private personal information about them, even if they are not contributing to the programme or directly included in it. This may include information that someone is under police or regulatory investigation as well as personal testimony about a third party. When such information is not already in the public domain it should not normally be published unless there is a public interest that outweighs a legitimate expectation of privacy. Individuals are entitled to recount their own experiences; however, we will need to assess the privacy implications for any third parties they may refer to.

See Section 7 Privacy: 7.3.47 and Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.12

7.3.9 Material from Social Media

When we take video and images from social media and other websites accessible to the public, they may reach a wider audience. We should consider the privacy of those featured, particularly where they did not make or publish the recording, and whether any further consent is required. We should also consider the potential impact of our re-use, particularly when in connection with tragic, humiliating or distressing events.

Where the content features individuals who have posted material about themselves on social media, their legitimate expectation of privacy may be reduced. This is particularly the case where an individual has shown an understanding of the impact that posting on social media may have on their own privacy, or where privacy controls have not been used. This may not apply to other individuals who appear in the material particularly if they are children.

We must also consider copyright. Within the BBC, advice is available from Intellectual Property. Independent production companies are responsible for any copyright issues in the content they make for the BBC.

See Guidance online: [User-Generated Contributions](#)

Secret Recording

7.3.10

There must be a public interest justification for secret recording. Normally, we will use secret recording only for the following purposes:

- as an investigative tool where:
 - there is prima facie evidence of behaviour, or intention to carry out behaviour, that it is in the public interest to reveal, and
 - there are reasonable grounds to believe that further material evidence could be obtained to prove the behaviour, and

- the recording is necessary to the credibility and authenticity of the content
- to obtain material outside the UK where a country's laws make the normal gathering of material difficult or impossible
- as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question
- for electronic note-taking
- for satire which enhances understanding or appreciation of matters in the public interest
- secret recording may also be used for comedy and entertainment output where the secret recording and any deception involved are intrinsic to the editorial purpose of the content.

See Section 8 Reporting Crime and Anti-Social Behaviour 8.3.4-8.3.6 and 8.3.39-8.3.46

See Guidance online: Secret Recording and Secret Recording Forms online

7.3.11

The following techniques may be methods of secret recording that risk infringing privacy:

- the use of hidden cameras or microphones, or any other technique aimed at concealing the fact of recording from its subject
- the use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, live streaming, radio microphones, body-worn cameras and microphones and cameras fitted to drones
- the use of a body-worn camera or microphone on a third party when a BBC content producer is not in attendance with visible cameras
- recording telephone or video calls for possible broadcast without consent
- deliberately continuing a recording when the other party thinks that it has come to an end, or starting it before the other party thinks it has begun

7.3.12

Approval of Secret Recording

Any proposal to carry out secret recording, other than for note-taking purposes, must be referred to Editorial Policy prior to approval by the relevant senior editorial figure in the division or, for independent production companies, by the commissioning editor.

The gathering and broadcasting of secretly recorded material are two separate potential infringements, each requiring justification. So the gathering and the transmitting of material are two separate decisions.

A record must be kept of the approval process, even if the request is turned down or the material gathered is not broadcast. Each division is responsible for maintaining its own secret recording records to enable the BBC to monitor and review its use across all output.

See Secret Recording Forms online

Any deception required to obtain secretly recorded material (beyond the concealing of recording equipment) should be the minimum necessary and proportionate to the subject matter and must be referred to the relevant senior editorial figure or, for independent production companies, to the commissioning editor.

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.39-8.3.46

When proposing to carry out secret recording outside the UK, we should be aware that the laws relating to privacy vary around the world. **Any proposal to gather material illegally outside the UK by disregarding privacy or other similar laws in the relevant country must be referred to Director Editorial Policy and Standards,**

who will consider the editorial justification. Programme Legal Advice must also be consulted. A list of divisional authorisers can be found in the forms section on the Editorial Policy website and on the online version of the secret recording forms.

7.3.13

The re-use of secretly recorded material must be justified in the public interest.

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.16

See Guidance online: Secret Recording

7.3.14

Secret Recording for Investigations in the Public Interest

Any intrusion caused by the gathering and transmission of secret recording must be proportionate to the public interest it serves, taking into account the legitimate expectations of privacy of the individuals recorded. Some situations attract a higher legitimate expectation of privacy. These include, but are not limited to:

- secret recording in a private place where the public do not have access
- secret recording of health care or medical treatments
- secret recording of identifiable people in grief or under extremes of stress or where they are otherwise vulnerable.

7.3.15

We must not go on ‘fishing expeditions’, ie secret recording in search of crime or anti-social behaviour by identifiable individuals, or a group, when there is no prima facie evidence against them of such behaviour.

7.3.16

Secret recording may be used as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question. In such cases, although there may be no evidence

against known individuals, there should normally be a prima facie indication that the behaviour to be researched exists in general. The results of the research should be presented so as to provide a fair and accurate representation of the research. Consent should normally be obtained retrospectively from individuals or organisations to be included in our content, or their identities should be appropriately obscured. **Any proposal to identify individuals or organisations secretly recorded for consumer, scientific or social research without their consent must be referred to Editorial Policy who will consider the public interest in identification and the BBC's fairness obligations.**

See Guidance online: Secret Recording

7.3.17

Secret Recording for Comedy and Entertainment

Secretly recording material solely for comedy or entertainment purposes may be justified if it is intrinsic to the entertainment and does not amount to a significant infringement of privacy such as to cause significant annoyance, distress or embarrassment. If people realise they are being recorded secretly and ask us to stop, we must do so.

7.3.18

Following gathering of the recordings, people who feature prominently must give their consent before the material is broadcast, or their identities must be appropriately obscured. If the recording might cause embarrassment to other recognisable individuals who have been caught on camera but have not given consent, their identities must also be disguised.

See Section 5 Harm & Offence: 5.3.32

7.3.19

Anyone identifiable who has been secretly recorded in a telephone or video call for comedy or entertainment purposes must give their consent before the call is broadcast.

7.3.20 Any proposal to feature identifiable people in a live broadcast for comedy or entertainment without their knowledge, whether in person or on the phone, must be referred to Editorial Policy at the outset.

7.3.21 **Secret Recordings from Third Parties**

When we are offered secret recordings made by others, we should consider whether, under similar circumstances, the BBC would have considered it justifiable to carry out the recording. If it would not have been considered justifiable to gather the material, it should not normally be broadcast. **Any proposal to use secret recordings made by others must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independent production companies, by the commissioning editor. If the BBC would not have considered it justifiable to gather the material under similar circumstances, the proposal must be referred to Director Editorial Policy and Standards, who will consider whether the public interest in broadcasting it outweighs any concerns about how it was obtained.**

Electronic Note-Taking

7.3.22 When we record conversations for note-taking purposes we should normally do so openly and with the consent of the other party, or we risk infringing privacy.

However, where it would not be possible to do so openly and it is editorially justified, we may record our conversations in both audio and video without obtaining consent or approval for secret recording. The intention of such recordings must be for note-taking and research, not for broadcast. Editorial

justifications include, for example, ensuring accuracy in our reporting, integrity in our programme making, and enabling us to gather evidence to defend the BBC against possible legal action or complaints. Where it is practicable to do so, a contemporaneous note about the justification for the recording should be kept.

See Section 3 Accuracy: 3.3.15

7.3.23

We do not normally broadcast any recordings, including telephone calls, originally made for note-taking purposes. **Any proposal to broadcast, without consent, recordings originally made for note-taking purposes must be agreed by Director Editorial Policy and Standards. Permission to broadcast material gathered in this way will only be granted in exceptional circumstances.**

Such circumstances may include the following:

- the recordings are the only way to prove the wrongdoing and
- where the recordings cannot be replicated.

Inconspicuous Recording Devices

7.3.24

Body-Worn Cameras and Microphones Used by Third Parties, Including Animals

Any proposal to equip third parties with body-worn cameras and microphones where to do so might infringe the privacy of an individual or where the third party is entering private premises without permission must be referred in advance to Director Editorial Policy and Standards, who will consider:

- the public interest in the material gathered in this way
- what measures have been taken to ensure that there is no unjustified infringement of privacy

- whether there is adequate technical provision for ensuring that the recording equipment is under the BBC's control.

See Section 7 Privacy: 7.3.40

See Guidance online: Body-Worn Cameras and Microphones

7.3.25

Drones

Any proposal to gather material using a drone must be referred to a senior editorial figure or, for independent production companies, the commissioning editor, who will consider:

- the public interest in the material gathered in this way
- the safety issues around use of drones
- whether there are sufficient safeguards to prevent an unjustified infringement of privacy.

Where identifiable individuals will be filmed without consent and it would infringe the privacy of an individual, Programme Legal Advice should normally be consulted.

Drones should not normally be used to identify individuals without their consent, or capture close-up images of areas such as private homes, private gardens or private areas of offices without the consent of the owner, unless they can be seen from a public vantage point or there is a public interest that outweighs any legitimate expectations of privacy. Drone images that disclose the precise location of a person's home or family should not be revealed without permission, unless there is a public interest that outweighs any legitimate expectations of privacy.

Drones are subject to Civil Aviation Authority regulation and safety considerations.

See Guidance online: Use of Drones

7.3.26

Unmonitored Recording Equipment

Any proposal for unmonitored recording equipment on private property without consent of the occupier must be referred to Programme Legal Advice and Director Editorial Policy and Standards, who will consider:

- whether the public interest in the recorded material is sufficient to outweigh the legitimate expectations of privacy of all those captured by the recording
- whether there are sufficient safeguards to prevent an unjustified infringement of privacy.

7.3.27

Tracking Devices

Any proposal to use a tracking device where it would infringe the privacy of an individual must be referred to Director Editorial Policy and Standards, who will consider:

- whether the public interest in the data recorded is sufficient to outweigh the legitimate expectations of privacy of all those who are tracked
- whether there are sufficient safeguards to prevent an unjustified infringement of privacy.

7.3.28

Material from Inconspicuous Recording Devices Supplied by Third Parties

Such material may include footage recorded by the public, emergency services or other groups with body-worn cameras, drones, CCTV or fixed webcams, mobile phones or other inconspicuous personal devices. When such material is used, it must be editorially justified and appropriately labelled. We should take reasonable steps to verify such footage and consider harm and offence issues and any infringement of privacy, including secret recording. The footage may also raise legal issues such as trespass, defamation, contempt of court or data protection.

Where the material from inconspicuous recording devices may amount to secret recording, see Secret Recordings from Third Parties.

See Section 7 Privacy: 7.3.21

See Guidance online: Use of Drones; and Body-Worn Cameras and Microphones

Live Streaming

7.3.29

Live streaming – the broadcasting of video or audio on the internet or on social media, as events unfold – is the same as live broadcasting. It enables our audiences to access content in real time. Material may be live streamed from remote locations via devices such as webcams or mobile phone cameras. While audiences may expect to be filmed on a mobile device, they may not envisage that what is being filmed is also being broadcast live.

The BBC should only operate a live stream where it is editorially justified. Live streaming should cease when that purpose has been achieved.

The BBC should retain editorial responsibility for monitoring the output of a live stream, regardless of who provides or owns it. The level of monitoring should be appropriate for the likely content. A producer should normally be in a position to cut the feed from a live stream if it becomes necessary.

If we are showing recorded footage of a live stream, we should make clear it is not live.

See Section 7 Privacy: 7.3.11 and Section 14 Independence from External Interests: 14.3.8

See Guidance online: Links and Feeds

7.3.30

Live Streaming from Studios

Where we live stream from studios on behalf of the BBC, guests should be warned in advance. This is particularly important for radio guests who may not expect to be in vision. If radio guests refuse to be in a live stream then we should normally respect their wishes.

7.3.31

Live Streaming in Public

When the BBC live streams from places where the public has general access and individuals are likely to be identifiable, for example, because the live stream transmits a sufficiently high level of detail, we should take reasonable steps to warn people that the BBC is operating a live stream. At a live event, outside broadcast or similar, this may be done by notices outside the venue and a line of information on any posters or tickets, that a live stream is operating. If the live stream is in a public space, like a street or a park, a clear warning notice should be placed nearby and, where practicable, announcements should be given. For news events, the visible presence of news vehicles and/or broadcast equipment may provide sufficient indication.

7.3.32

Inconspicuous Live Streaming in Public

Any proposal to transmit a live stream without alerting those who may be shown in the broadcast must be referred to Editorial Policy, who will consider:

- the strength of the editorial justification in reporting the particular event
- whether the public interest justifies filming without alerting those whose privacy may be infringed
- the legitimate expectation of privacy of those who would be shown
- whether the public interest in the event is so great that the benefit of transmitting it live outweighs potential risks of live output, such as infringement of privacy or harm and offence considerations.

7.3.33

Third-Party Live Streams, CCTV and Recordings

Recordings and live streams provided by others may pose additional issues, such as accuracy, anonymity, offence, defamation, contempt of court, trespass or

data protection. Such content includes closed circuit television (CCTV), material from live streams, webcams and recordings provided by the emergency services (including 999 calls), Customs and Excise, or other public authorities, organisations or individuals.

In all cases we should research its origins and consider whether it amounts to secret recording before we decide to broadcast it.

See Section 7 Privacy: 7.3.21, Section 14 Independence from External Interests: 14.3.8, Section 16 External Relationships and Financing: 16.3.17-16.3.18 and Section 17 Competitions, Votes and Interactivity: 17.3.53

Private Investigators

7.3.34

We should normally undertake all the tasks associated with investigative journalism ourselves. Private investigators may be used where they can offer specialist skills or contacts or where it is more cost-effective to employ a specialist sub-contractor, for example, for surveillance purposes, to confirm an individual's whereabouts. There must be a public interest justification for their use. **Any proposal to use a private investigator must be approved by a senior editorial figure who may consult Director Editorial Policy and Standards before going ahead.** The senior editorial figure must record the decision and its purpose. These records should be retained by the department commissioning the activity.

All private investigators used to aid investigations must work to the standards in the Editorial Guidelines at all times. It is the senior editorial figure's responsibility to ensure that they do so. **Any proposal for a private investigator acting for the BBC to breach the Editorial Guidelines or, exceptionally, to break the law in pursuit of an investigation must be approved in advance by a senior editorial figure, who**

must consult Director Editorial Policy and Standards prior to approval and Programme Legal Advice must also be consulted where it is believed laws may be broken. Any proposal will require a public interest justification.

See Guidance online: Use of Private Investigators

Doorstepping

7.3.35

Doorstepping is when we confront and record, or attempt to record, an interview, or announce that a phone call, video call, intercom conversation or similar is being recorded, without prior warning and for use in our content. It may involve an infringement of privacy, which must be justified in the public interest.

Doorstepping does not include vox pops. Additionally, the guidelines on doorstepping that follow are not intended to prevent the legitimate gathering of material for the daily news agenda, research purposes or for comedy and entertainment output.

7.3.36

Doorstepping With Prior Approach for Investigations in the Public Interest

Any proposal to doorstep, whether in person or on the phone, where we have tried to make an appointment for an interview with the individual or organisation concerned must be approved by a senior editorial figure or, for independent production companies, by the commissioning editor.

Approval will normally only be given when there is a public interest or where an individual's role requires them to be publicly accountable and for one, or more, of the following reasons:

- the subject of a doorstep has failed to respond to requests for interview in connection with the

wrongdoing alleged

- a request for an interview has been repeatedly refused without good reason and either substantial allegations of wrongdoing have been avoided or questions to an individual in a publicly accountable role have been repeatedly avoided
- there is a history of failure to respond to interview requests or refusal to be interviewed.

See Section 6 Fairness to Contributors and Consent: 6.3.38-6.3.41

Proposals for doorstepping should be proportionate and in the public interest. Consideration should be given to the safety of production staff and the risk of infringing the privacy of third parties. We should not normally doorstep partners, children and other family members or other employees, or in their presence.

7.3.37

Doorstepping Without Prior Approach for Investigations in the Public Interest

Any proposal to doorstep an individual or organisation, whether in person or on the phone, where we have not previously tried to make an appointment for an interview, must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independent production companies, the commissioning editor, and a written record of the decision kept. This does not apply to the legitimate gathering of material for the daily news agenda.

The considerations are as follows:

- there is clear evidence of crime or significant wrongdoing, and
- it has not been possible to request an interview, or
- there is reason to believe that an investigation will be frustrated or allegations avoided (for example,

because those under investigation are likely to become out of contact) if a prior approach is made, or

- there is no reasonable expectation of receiving a response
- for satire in the public interest.

See Section 6 Fairness to Contributors and Consent: 6.3.38-6.3.41

7.3.38

Secretly Recorded Doorstepping

Doorsteps should not normally be secretly recorded.

Any proposal to secretly record a doorstep must be agreed with Director Editorial Policy and Standards. Permission to gather material in this way will only be granted in very exceptional circumstances and must be in the public interest.

A record must be kept of the approval process in the usual way for secret recording.

See Section 6 Fairness to Contributors and Consent: 6.3.38-6.3.41, Section 7 Privacy: 7.3.10-7.3.12

7.3.39

Doorstepping for Comedy and Entertainment

Any proposal to doorstep, whether in person or on the phone, for comedy and entertainment purposes should normally be approved in advance by a senior editorial figure or, for independent production companies, by the commissioning editor. Editorial Policy should also be consulted.

People who are doorstepped should normally give their consent before the material is broadcast unless their identity is disguised.

See Section 6 Fairness to Contributors and Consent: 6.3.26-6.3.30 and 6.3.45-6.3.47

Tag-Along Raids

7.3.40

A tag-along raid is when we accompany police, customs, immigration, environmental health officers or other bodies to observe them working on behalf of public authorities. We should only go on tag-along raids when there is a public interest and after consideration of editorial and legal issues including privacy, consent and trespass.

When we go on a tag-along raid on private property we should normally:

- ensure anyone present understands we are recording for the BBC as soon as practicable
- stop recording if asked to do so by the legal occupier
- leave immediately if asked to do so by the owner, legal occupier or person acting with their authority.

Exceptions may include where we have reason to believe serious illegal or serious anti-social behaviour is being exposed, and the public interest will justify our continued recording or presence.

Editorial Policy and Programme Legal Advice should normally be consulted about proposals involving tag-along raids.

See Section 7 Privacy: 7.3.5, Section 6 Fairness to Contributors and Consent: 6.3.32-6.3.37 and Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.12

Reporting Death, Suffering and Distress

7.3.41

We must always balance the public interest in full and accurate reporting with the need to be compassionate and to avoid unjustified infringement of privacy when we report accidents, disasters, disturbances, violence against individuals or war.

We must consider the editorial justification for portraying graphic or intrusive material of human suffering and distress. When crews arriving at the scene of a disaster or emergency are under pressures that make it difficult to judge whether recording is

an unjustified infringement of privacy, they will often record as much material as possible. However, in such a situation, care must be taken to assess any privacy implications prior to broadcast. The demands of live output and speed in the use of pictures, including those from social media, should not override consideration of the privacy of those suffering or in distress.

See Section 5 Harm and Offence: 5.3.1-5.3.5 and 5.3.27-5.3.31 and Section 11 War, Terror and Emergencies: 11.3.7

See Guidance online: Medical Emergencies

7.3.42

In the immediate aftermath of an event involving death, suffering or distress, the use of more graphic material is normally justified to provide a reasonable account of the full horror. However, as the story unfolds it may become more difficult to justify the continued use of such material. Later, when it comes to considering the story in a contemporary historical context or, for example, marking its anniversary, it may become editorially justified to use the material again.

See Section 5 Harm and Offence: 5.3.27-5.3.31 and 5.3.11 and Section 7 Privacy: 7.3.46

7.3.43

We should normally request interviews with people who are injured or grieving following an accident or disaster by approaching them through friends, relatives or advisers. We should not:

- put them under pressure to provide interviews
- harass them with repeated phone calls, emails, text or social media messages or knocks at the door
- stay on their property if asked to leave
- normally follow them if they move on.

See Section 6 Fairness to Contributors and Consent: 6.3.6-6.3.10

7.3.44

However, it is important that we do not inadvertently censor our reporting. For example, the extent to which the broadcast of public expressions of grief are regarded as an unacceptable intrusion varies around the world. We must consider the expectations both of the people we record, and our audience. Graphic scenes of grief are unlikely to offend or distress those

victims and relatives who consented to our recording them, but they may upset or anger some of our audience. When introducing scenes of extreme distress or suffering, words explaining the circumstances in which they were gathered may help to prevent misunderstandings and offence.

See Section 5 Harm and Offence: Audience Expectations 5.3.1-5.3.5

7.3.45

We should normally record at private funerals only with the consent of the family. There must be a clear public interest if we decide to proceed against requests for privacy.

7.3.46

Revisiting Past Events

We must consider whether surviving victims and relatives have any legitimate expectation of privacy when we intend to examine past events which involved suffering and trauma. This applies even if the events or material to be used were once in the public domain. We should consider the scale and location of the original incident and the time that has elapsed since it occurred. So far as is reasonably practicable, surviving victims or the immediate families of dead people who are to feature in the programme should normally be notified of our plans. We should only proceed against any reasonable objections of those concerned if they are outweighed by the public interest.

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.11-13.3.16 and Section 7 Privacy: 7.3.42

Personal Information

7.3.47

The collection of personal information must be handled in accordance with data protection legislation and the BBC's data protection policies³. We should take care when collecting personal information from children under 13. This may require verifiable 'parental consent'.

See Section 9 Children and Young People as Contributors: 9.3.11 and 9.3.14

See Guidance online: Interacting with Children and Young People Online

³ See Data Protection Handbook: available on Gateway for BBC staff or via commissioning editors for independent producers; and the BBC Privacy and Cookies Policy.

- 7.3.48** Personal information about contributors and potential contributors should not normally be accessible to other departments outside the production area which has collected it. Any proposal to make an exception should be referred to Information Rights. Contributor details must be securely stored and only held for as long as there is a legitimate purpose.
- 7.3.49** Adult contributors' personal details, comments or other personal information should not normally be given to third parties without the knowledge of the contributor, unless there is a legal requirement to do so. Where it is essential, it should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may wish to consult Information Rights before going ahead. A contract should require the third party to use the information only for the use agreed between the BBC and the third party.
- 7.3.50** **Any request by a public authority for a contributor's personal information must be referred to Editorial Policy and Programme Legal Advice before responding.**
See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.31-13.3.35
- 7.3.51** **Any proposal to collect personal information on a BBC Public Service website which might be disclosed to third parties, including BBC Commercial Services, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may wish to consult Information Rights and BBC Fair Trading.**

7.3.52

Any proposal to reveal an under-18's personal information to a third party without their consent must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy, Child Protection and Safeguarding, and Information Rights. Approval will normally only be given:

- for safeguarding and child protection reasons or
- where there is a public interest that outweighs the expectations of privacy or
- where there is a legal requirement to provide the information.

See Section 9 Children and Young People as Contributors: 9.3.11

Missing People

7.3.53

The BBC may sometimes report on missing people by broadcasting details provided by relatives, friends and the police. However, we should take editorial responsibility for the content and be aware that not every missing person wishes to be found. It may be appropriate to hold back information the missing person might regard as private, embarrassing or distressing.

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.22-13.3.28

See Guidance online: Missing People

