

F22a Emergency Motion: Phone Hacking

Mover: Don Foster MP (Co-Chair, Parliamentary Party Committee on Culture, Media and Sport)

Conference believes that:

- a) While a free press is at the core of a liberal and democratic society, plays a crucial role in holding public figures and institutions to account, and is vital to healthy national debate; it must be subject to, and held accountable for the adherence to, high ethical and editorial standards.
- b) Significant media outlets should be owned only by those people and organisations who are fit and proper to do so, and that plurality of ownership is essential to ensuring a diverse media.
- c) Ethical and legitimate investigative journalism in the public interest needs to be protected from our existing chilling and punitive libel laws.
- d) There is an obvious tension between freedom of expression and personal privacy, with the key factor being the public interest, and final judgements regarding the validity of claims of public interest overriding personal privacy should be made by appropriate regulators and the courts and not by politicians or editors.

Conference deplures:

- I. The illegal and intrusive behaviour of those journalists and private investigators who have been complicit in phone-hacking, especially where the bereaved or victims of crime have been targeted.
- II. The offering of illegal payments to police officers and the acceptance of those payments.
- III. The inappropriate and non-transparent relationships between the media and some politicians.
- IV. The gradual erosion of safeguards on media plurality and independence over the last thirty years, and the failure of previous governments, the police and the Press Complaints Commission to take effective action to address this.

Conference notes:

- A. That the Liberal Democrats, alone of the major parties, have a long and proud history of standing up to vested interests in the media, including our call for a full judicial inquiry into phone-hacking in 2009
- B. Our earlier calls for major reform of the Press Complaints Commission, and our work to improve the 2003 Communications Act on cross-media ownership.

Conference therefore welcomes:

- i) The establishment of the Leveson Inquiry into the extent of unlawful or improper conduct in News International and other media organisations; the media's relationship with the police and politicians; and the culture, practices and ethics of the press.
- ii) The investigations by the Culture, Media and Sport and Home Affairs Select Committees.
- iii) The changes recently made to the Ministerial Code which requires the quarterly disclosure of meetings with all newspaper and other media proprietors, editors and senior executives.

Conference urges the Government to:

1. Insist on an overhaul of the PCC to establish a more effective press regulator, independent of editors and government, with powers to:
 - a) Establish an ethical and editorial code and a "kitemark" which may be used by all organisations that abide by the code.
 - b) Require all relevant media organisations to comply with the code and to include the need to adhere to the code in the contracts of all relevant staff.
 - c) Investigate all alleged breaches of the code by relevant media organisations or their staff.
 - d) Impose appropriate sanctions against proprietors, editors and journalists guilty of breaching the code; such as financial penalties that are large enough to act as a deterrent, and the power to ensure that apologies and retractions are given due prominence.
2. Strengthen rules on 'fit and proper' ownership, and ensure corporations as a whole are held to account and not just senior individuals within them.
3. Introduce custodial sentences, commensurate with the seriousness of the offence, for breaching section 55 of the Data Protection Act (unlawful obtaining of data).
4. Widen and strengthen the powers of relevant independent regulators to investigate and adjudicate on all circumstances (whether by acquisitions, mergers or gradual accretions of shares) where media plurality may be eroded.
5. Re-invigorate legitimate investigative journalism in the public interest by providing affordable and effective defence in defamation cases on matters of legitimate public interest, based on a requirement to issue a suitably prominent correction or retraction of untrue defamatory statements, made without malice or recklessness.
6. Support the existing law on privacy, as determined by our courts under the Human Rights Act, and respect the independence of the judiciary in their upholding of the balance, based on legitimate public interest, between the Article 8 right to privacy of individuals and the Article 10 right to free expression of the media.