



NUJ briefing: Investigatory Powers Bill

Monday 10 October 2016

The National Union of Journalists is the representative voice for journalists and media workers across the UK and Ireland. The union was founded in 1907 and has 30,000 members. We remain opposed to the specific powers in the bill that enable the state to interfere with public interest journalism.

Summary:

- The union has welcomed Lord Howe's latest amendments to the investigatory power bill published on 5 October but the changes remain insufficient to protect whistleblowers, sources and press freedom in the UK.
- Safeguards for journalists should apply across the different powers contained within the bill and this should include an opportunity for media experts and journalists' representatives to be advocates on behalf of journalism in the public interest and engage with the authorities as defenders of press freedom.
- As the bill stands, including the latest amendments, the media are entirely excluded from the procedures relating to journalists, unlike the Police and Criminal Evidence Act 1984 (PACE).
- The bill should be amended to include a process in which the media can be consulted, challenge and appeal decisions.
- Judicial commissioners will not have the full evidence to take informed decisions. The latest amendments should be changed to ensure that judicial commissioners have the power to request information from media organisations and journalists' representatives in order to make decisions on general policy and on specific individual cases relating to the media.
- The draft legislation enables the state, including the police and other public bodies, to access journalistic information, materials and sources.

The media industry in the UK is united in its response to the investigatory powers bill. Across the industry, from the NUJ to the Society of Editors, we all remain extremely concerned by the lack of safeguards contained in the bill. The union welcomes the amendments that were introduced by Lord Howe but we still believe the provisions represent a threat to press freedom and do not go far enough to ensure the media is free from unjustified state interference.

The government's latest amendments set out the handling arrangements rather than offer safeguards or protections. The clauses contain no reference to authorisation based on national security and the prevention or detection of serious crime. The clauses do not specify that the authorities should explore other reasonable means, in the first instance, in order to identify a suspect.

A free press is a fundamental aspect of any functioning democracy. The bedrock of a free press is the ability of journalists to do their work without the secret interference of the state. The NUJ has a long-standing principle of the protection of sources. It is not possible to protect sources or whistleblowers if the law allows the state to secretly access journalistic electronic equipment, the content of their communications and their meta-data.

If the bill is passed into law then in practice this will mean that no journalist would be able to offer confidentiality to sources or whistleblowers.