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EBU Eyewitness News Principles and Guidelines

(Approved by the EBU News Assembly on 13 November 2018)

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Introduction

In the increasing digital world, it is recognised that in order to provide a news service that is universal, relevant, and trusted the news content cannot just be restricted to that which is provided by professional news organisation and must include content from individuals, groups and entities who are witnessing and filming news events of interest. This content is described as User Generated Content or Eyewitness News Content.

Eyewitness News Content is generated by individuals or groups who have filmed/recorded an event of news value. Therefore, there was a need for a code of practice that applies the Principles and Values of Public Service media to this important category of news content.

EBU Eyewitness News Principles and Editorial Guidelines were adopted by the EBU and its members in 2018 as the basis for the gathering, exchange and use of Eyewitness News content through the Eurovision News Exchange and the Eurovision Social Newswire and in the use of that content in the Member Services.

The principles and guidelines were adopted also as a basis for best practice in the gathering and use of Eyewitness content by the members of the EBU and as a guide toward the application of these principles in the editorial guidelines and practice in the individual membership, but adherence to this policy is determined by each Member on a voluntary basis.

By providing a principled and ethical structure toward the use of this important category of content Public Service Media enhances its distinctiveness as a trusted source of information for the public and a safeguard against misinformation. It also recognises the importance of verified eyewitness news content in providing immediate and diverse news coverage that is inclusive and independent.

Eyewitness News Content (UGC) is gathered for the Eurovision News Exchange and the Eurovision Social Newswire by the EBU News Unit in Geneva and by Members in their own media organisations. It is exchanged to other members through the Eurovision News Exchange and the Social Newswire.

The Eurovision Social Newswire is the special editorial unit dealing with Eyewitness news Content within the EBU News Unit together with its contacts/contributors within the Members.

EBU Eyewitness News Policy

This document provides a set of guidelines and principles adherence to which is determined by each Member on a voluntary basis.

Language: In the Event of discrepancies between the English and the French version of the document, the English version shall prevail on the basis that English was the working language of the Expert Group.

Guidelines and best practices at a glance

The Eurovision News Exchange and the Eurovision Social Newswire (ESN) team apply the highest ethical journalistic standards in dealing with eyewitness media. Each piece of content is thoroughly investigated, verified and cleared for use before being presented to the EBU membership. Below is the code of practice and conduct under which the EBU News Unit operates, a code that members are encouraged to adopt into their own social news-gathering practices and guidelines.

Transparency

- We will be transparent about the source of the Eyewitness News Content
- We will require the explicit crediting of content when it is editorially necessary to indicate the source of the content.

Source

- In general, we do not solicit eyewitnesses to produce free material
- We protect our sources.
- Journalists and producers should consider the physical and emotional welfare of originators. They will be sensitive to the situation an originator might be in when contacting them to receive permission for the use of their content.
- We will guard against using Eyewitness media in situations that might be dangerous to the person who created it or to others in the images.
- We will stress to possible providers of Eyewitness media that they must not take risks to gather information or imagery.

Payment, Copyright and Licensing

- We will not distribute Eyewitness media content unless we're certain we have the rights to do so.
- We will seek informed consent for the use of eyewitness media through direct communication with the individual who created it.
- We respect the rights of the copyright holder
- We ensure that copyright holders are able to give informed consent to our use of their material.

- We will not pay for Eyewitness News Content nor commission such content from suppliers.
- We respect the request of the copyright holder to withdraw material from future use
- We do not use 'fair use' concepts in dealing with Eyewitness media and if news public interest exceptions are used we apply the principles of the supplier's jurisdiction.

Courtesy

- We give a courtesy crediting the owners of the eyewitness material to acknowledge their contribution and collaboration in our news production..
- We respect the right of the copyright holder to seek payment or reimbursement should their required courtesy not be adhered to

Graphic material

- We respect the privacy of victims of violence, and do not seek out shocking, disturbing and extreme content gratuitously.
- We will be sensitive to the impact that exposure to graphic content may have on eyewitnesses and editorial staff.
- We will obscure or pixelate images only when the intent is to protect the identity of someone in the image or to protect viewers from gory or graphic material.

Children

- We avoid material that exploits children or infringes on their rights unless there are important public interest reasons for doing so.
- We avoid identifying -- by name or photo -- children who are connected with a crime as perpetrators, victims or witnesses.
- We obtain a parent's permission before clearing content from a child under the age of 16

Privacy

- We will not gather content that infringes on the privacy of individuals or is secretly recorded unless clearly in the public interest to do so.
- We consider the standard for publishing material about private individuals who are thrust into the public eye as higher than that for public individuals.

Accurate and Relevant

- We will verify and check all eyewitness content. We will correct and notify all mistakes.
- We consider Eyewitness media an extension of our own journalism. We don't run such material unless we're sure it's authentic.
- We partner with other organisations and the public in attempts to verify what Eyewitness media is accurate.
- We will provide accurate context for our reporting
- We will ensure sources are reliable

Connected and Accountable

- We encourage reciprocity in exchanges with non-journalists. In the spirit of collaboration, we acknowledge copyright holders' contributions to our news production and follow up on requests to share news items featuring their material.
- We will engage with our audiences about our use of Eyewitness Content and the principles we adopt when using it.

Well-being of staff and contributors

- We will support staff and contributors who may be confronted with graphic or otherwise disturbing content ensuring there is an awareness and openness in dealing with these issues in our newsrooms.

The Values Translated: Editorial Principles as applied to Eyewitness Media

*(To be read in conjunction with Public Service Values: Editorial Principles and Guidelines)**

https://www.ebu.ch/files/live/sites/ebu/files/Publications/EBU-Public_Service_Values.pdf

Editorial Principle*: Impartial and Independent

We recognise the use of eyewitness material as a potential means to deliver on the EBU pledge to foster inclusion, and "guarantee freedom of expression and pluralism of Views" fulfilling its aim to be impartial and independent. It is a core principle that the same standards must apply to the gathering, distribution and use of eyewitness content as applies to our own news content. The key to fulfilling this aim is to be transparent in relation to the source and status of this content in its gathering, distribution and usage.

Transparency

User Generated Content is used as the umbrella term to refer to digital news content that originates from sources other than professional news organisations. Such material is usually gathered through social media platforms but may occasionally also originate on blogs or websites. However, there are important distinctions between the categories of Eyewitness media and key to maintaining the principle of impartiality is to be transparent as to these distinctions.

There are three main categories of Eyewitness Media:

1. Material from public bodies which may include government video press releases, multi-media material published by other state authorities and their public representatives, political parties and politicians,
2. Material from non-public bodies including press releases by corporate entities, NGOs and INGOs.

General Eyewitness news material by private persons, who witnessed a news event. This may also include material supplied by activists, and groups participating in news events

Principle: We will be transparent about the source of the Eyewitness News Content

Practice: We will credit the supplying entity or individual when we use the content supplied.

Source Protection

In some cases, due the sensitivity of the content and the particular situation of the content supplier, the supplier may request anonymity and to respect it's confidentially. In dealing with

such a request we do so as we would with any request for anonymity from a news source and according to the same principles.

Principle: We protect our sources.

Practice: We will not identify the source of content if confidentiality has been requested and we have agreed to accept the content on that basis. We will not pass on any information about sources that request anonymity, If there are sound editorial reasons not to reveal our sources, we explain them. Protecting the identities of uploaders who are putting themselves at risk by providing content for use is paramount.

Payment, Copyright and Licensing

As Eyewitness content becomes more important for media organisations (and commercial entities) there is an increasing tendency to pay for that content and/or establish an exclusive license. As a matter of principle when payment is involved the parties often wish to formalise the relationship with the content provider through a written contract particularly if the supplier is a repeat supplier or has been commissioned to gather the material.

This applies irrespective of the professional standing of the supplier. The ethical obligations to such a repeat supplier are akin to that to a professional freelance supplier if not greater due to the lack of training and insurance involved.

For many eyewitnesses the content has already been shared with the aim of alerting the public to an event of importance or interest with the aim of the widest public having access to their content. To insist on exclusivity would operate against that basic premise.

For public service media with its universal purpose there is therefore a value in being distinctive as a facilitator of the non-exclusive distribution of eyewitness content in the public interest.

Principle: We will not pay for Eyewitness News Content nor commission such content from suppliers.

Practice: Where in exceptional circumstances content is paid for then we will apply the same contractual standards as apply to the payment of contributors. If commissioning is deemed to be necessary, it will be dealt with in the same formal contractual way as we would deal with freelancers with the added ethical and legal obligations that recognise the particular circumstances of the supplier.

We recognise that copyright resides with the originator of the content, i.e. the individual person who filmed and recorded the content for his/her own private purposes and that consent must be sought from that person before the content is gathered, exchanged or used (see more on consent in the following section). In certain circumstances it may be that

certain exceptions to copyright based on news reporting apply and in those exceptional circumstances we normally commit to abide by the terms of the supplier's jurisdiction.

With respect to embedding material which links back to its original source, we employ a careful approach, which means to use no more of the original material than is necessary and credit the source whenever feasible.

Principle: We respect the rights of the copyright holder

Practice: We seek formal consent from the copyright holder. In exceptional cases where the material could fall under a news reporting exception, we abide by the terms in the suppliers jurisdiction.

In some cases after consent has been given and the item had been shared and used, the supplier may decide to enter into a sub-licensing agreement with a third party. Such agreement could impact on our relationship with the content supplier only for future use as we had already obtained permission, and even more so since we are committed to non-exclusive use. However, as we do normally not prevent the content originator from withdrawing his/her permission, the 3rd party may request us to withdraw the item from future use (also for other than mere copyright reasons). If formally notified by the originator for such purposes, we will commit ourselves to no further use.

Principle: We respect the request of the content originator to withdraw material from further use.

Practice: We will notify all our members to withhold the content from further use and we will also ourselves comply with that demand if so requested.

Editorial Principle*: Fair and Respectful

We commit to treating our suppliers of Eyewitness News content in a fair and transparent manner and treat our audiences seriously and with respect.

Informed Consent

Key to this is establishing the principle of informed consent with the originators of content, recognising their circumstances and requirements in particular given the nature of some of the content involved, as regards their safety and well-being. To this end we must be transparent in our dealing with the originator, open about and where their content will be used. As we are committed to non-payment for non-exclusive use of their content we believe that in exchange for their permission the originator is entitled to an on screen courtesy or credit.

Principle: We ensure that copyright holders are able to give informed consent to our use of their material.

Practice: We always reveal ourselves as journalists when approaching copyright holders about their material.

This means always being transparent about the wider membership of the European Broadcasting Union and the potential for all of the members to use the content if permission for use is granted.

Secondly, it can also mean explaining the type of programming that content is likely to be used in.

Courtesy

Principle: We give a courtesy crediting the owners of eyewitness material to acknowledging their contribution and collaboration in our news production.

Practice: Where eyewitness material is provided by a private person. Members should ask how an uploader wishes to be acknowledged. While the aim is to use their proper name, a supplier may wish to remain anonymous or for a pseudonym or business name/website to be used.

Where a user is part of a group with a particular agenda or motive, the credit must not mislead the audience. Where anonymity is sought the principle of protecting sources will apply.

Contact

Principle: Journalists and producers should consider the physical and emotional welfare of uploaders. They will be sensitive to the situation an uploader might be in when contacting them to receive permission for the use of their content.

Practice: We never approach an uploader who may be in immediate danger and could be put further at risk by being contacted -- such as through the sound of receiving alerts on their phones, or through the distraction it may cause.

Once an uploader is thought to be safe, we are cognitive of what an uploader may have witnessed when speaking or writing to them and engage with them accordingly.

Principle: We do not solicit free eyewitness material

Practice: Uploaders provide content to the members of the EBU without monetary compensation or protection. Therefore, we do not solicit material. We primarily source

material that was already captured by the copyright holder before we approached them and never encourage anyone to obtain additional material if it puts them at any personal risk.

In respecting our audience and with our duty of care for our suppliers we must be alert to the challenges in dealing with certain categories of content particularly those with graphic material or content containing children. Editorial Guidelines on this category of content are contained in the general document but they are particularly important when the originator is not a properly trained broadcast professional as is the case with eyewitness content. For this content there is an even greater onus on the professional media organisation to preserve the ethical standards involved.

Graphic material

Principle: We respect the privacy of victims of violence, and do not seek out shocking, disturbing and extreme content gratuitously.

Practice: Given the prevalence of eyewitness material from crisis and conflict zones where professional journalists may not have access, graphic and disturbing material can play a significant role in the gathering of eyewitness material. This means we take particular care not to use such material gratuitously and signpost its graphic content where appropriate. Graphic material that is being exchanged must be highlighted as such in a clear manner so that anyone viewing it is aware of the nature of the content. Relevance and news value of individual pieces of content are weighed up with respect and the right to privacy of victims. We will not use graphic content shot for propaganda purposes. Members' use of graphic material should be in line with the overall values governing the EVN's editorial guidelines.

It is particularly important to recognise the impact that viewing graphic events may have on individuals whether it is the eyewitness shooting the material or the journalist gathering and editing it. We recognise that in dealing with this type of content we have a duty of care to all in that production chain. We must be sensitive to any traumatic impact on the originator of the content and never encourage exposure to danger. We support our own staff who are dealing with such content, providing training and counselling with them always under the guidance of senior staff and never under compulsion.

Principle: We will be sensitive to the impact that exposure to graphic content may have on eyewitnesses and editorial staff.

Practice: We will provide support to suppliers and staff exposed to graphic content making sure that the handling of that content is subject to supervision and the implementation of best practice and the editorial guidelines.

We will maintain an organisational culture that enables journalists to seek help or speak out when they need to protect their mental health. Our editors should ensure they are monitoring

staff for signs of trauma and fatigue. If they see the signs of stress or trauma, they should assign the journalist another task.

We encourage staff to be vocal about their experiences in team meetings, story debriefs and in one-on-one meetings with line managers.

Children

We have an obligation to protect the rights of children and must be careful in the distribution of content where children are included. Most broadcast organisations have strict consent requirements on the use of children in broadcasts, so we must be conscious of the strict news value requirements when distributing content which includes children where parental consent is unclear.

Principle: We avoid material that exploits children or infringes on their rights unless there are important public interest reasons for doing so.

Practice: We aim to protect children and young people from being used for propaganda purposes or otherwise exploited. This balances with the need to not omit the experience and presence of children in captured news events. However, we do not generally source material that shows children and young people solely depicted to advocate a cause. The distribution of graphic content involving the harming or abuse of children is illegal.

Privacy

Some eyewitness content may infringe on the rights to privacy or involve what may be considered according to professional standards 'secret filming.' It is important to abide by the editorial standards that apply to our own practices when dealing with such content.

A strict public interest test must be used.

Principle: We must NOT gather content that infringes on the privacy of individuals or is secretly recorded unless clearly in the public interest to do so.

Practice: We must apply our own guidelines on privacy and secret filming to eyewitness news content.

Editorial Principle*: Accurate and Relevant

We are committed to the same high standards of accuracy in our gathering, distribution and use of eyewitness news content as we are in our own editorial practices. With the production of news content by non-journalist sources, verification is vital in ensuring the trustworthiness of EVN Members' programming. While we recognize the need for speed in a 24/7 news environment, this must not come at the expense of accuracy.

Principle: We will verify and check all eyewitness content. We will correct and notify all mistakes.

Practice: Verification includes establishing the accurate time, location of the event filmed and the source of the content. This should be done by checking information provided by the copyright holder against credible sources.

If eyewitness material has particular news value but some of the information cannot be confirmed or raises questions this will be communicated in the context provided with the material. Where eyewitness material is concerned, transparency, not only about what is known but also what is not known, is particularly important in order for audiences to be able to have informed opinions.

One of the most effective routes to verification of material is through identifying the copyright holder. Information about the source can provide insight into location and also timing of a piece of content. Uploaders' online profiles, published material, and direct contact with them are effective ways to ensure authenticity.

Special care is taken in the verification of edited eyewitness multi-media material as edits may point to the omission of relevant or pertinent information or indicate a misrepresentation of the chronology of events.

Accuracy may also require being transparent about the source as it may influence how the content is to be evaluated by the viewer or whether the content available is a full picture of the event. In some cases, it may be necessary to provide material from a number of different sources to provide an accurate picture as eyewitnesses are often necessarily subjective.

Principle: We will be transparent about the source of eyewitness content, highlighting the source where editorially required.

Practice: We will require the explicit labelling of content when it is editorially necessary to indicate the source of the content. When distributing the item, we will provide necessary context as regards the source and if relevant why the video was shot so that context can be provided to the public. This may also apply to content from social media platforms which are used for publicity purposes. We recognise the potential for high levels of exposure and publicity through social media platforms and therefore strive to act with a sense of proportion, especially regarding stories that may be considered as 'hype'.

Editorial Principle*: Connected and Accountable

Our approach to the gathering and use of Eyewitness News Content is central to our commitment to being connected and accountable. Though our engagement with these 'eyewitnesses' and the distribution of their content respecting their rights according to our principle of non-exclusive use and crediting we connect with the public and facilitate wider access to important events. It is important therefore to respect the relationship with these suppliers and to be engaged in dialogue with the public about our openness in dealing with this type of content.

In dealing with the uploaders we will continue the dialogue to show them how their content has been used and display the value of their engagement with our media organisations.

Principle: We encourage reciprocity in exchanges with non-journalists. In the spirit of collaboration, we acknowledge copyright holders' contributions to our news production and follow up on requests to share news items featuring their material.

Practice: Uploaders at times request to know when their material is used. We should provide links to news content that comprises such content when asked.

In dealing with the public we should indicate our willingness to engage with eyewitness content, show our principled approach to such content and be open to comment or suggestion in our engagement on social media platforms, the source of much of this material.

Principle: We will engage with our audience audiences about our use of Eyewitness Content and the principles we adopt when using it.

Practice: Maintain an open dialogue across our membership with the audience and potential eyewitness content providers including a transparent approach to our editorial principles and practices. If mistakes have been made or content is problematic, we will act to rectify it and explain the error.