

Media Release

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BSA orders compensation in unique privacy case

The Broadcasting Standards Authority has released two new privacy decisions.

The Authority upheld a complaint about footage broadcast of a half-naked person as part of a police reality TV series. In the programme, a police boat approached 'boaties' about optional breath-testing, including the complainant, who was on a private boat in a public but remote waterway. Privacy compensation of \$1,000 was awarded to the complainant.

Some of the unique factors that contributed to the Authority's decision were:

- while the waterway the complainant was on may be considered public, the complainant had made efforts to be in a secluded area and was caught off-guard by the approach of the police boat;
- the Authority has warned broadcasters before that they will be more vulnerable to breaching broadcasting standards where camera crews essentially 'piggy-back' on the power of authority figures, which the Authority considered had happened in this instance;
- the complainant's state of undress was portrayed in a way that injected humour into the segment at the complainant's expense; and
- the police officer who engaged on camera with the complainant was not forthcoming about the purpose of the filming, even after being asked by the complainant.

In these circumstances the Authority found the broadcast amounted to a 'highly offensive intrusion'. This breached the complainant's privacy in a way that was not justified by any overriding public interest factors.

In another privacy decision, the Authority did not uphold a complaint about images broadcast of the Christchurch 'office sex couple'. In this case, the images, which were broadcast on *Seven Sharp* as part of a light-hearted segment, were already in the public domain and did not disclose any private facts. By the time of the *Seven Sharp* broadcast, the images of the couple had already been widely shown by multiple media outlets. However, the Authority did note that broadcasters should take care when re-broadcasting material that may be distressing to individuals involved.

ENDS

For more information contact Morgan Coats on 021 072 8280.

FURTHER INFORMATION

The full decisions are available at <http://bsa.govt.nz/decisions/latest>.

The Authority has received 24 complaints about alleged breaches of privacy this year, six of which

have been upheld.

ABOUT THE BROADCASTING STANDARDS AUTHORITY

The Broadcasting Standards Authority is an independent body that oversees the broadcasting standards regime in New Zealand. We do this by determining complaints that broadcasts have breached standards, by doing research and also by providing information about broadcasting standards.

We are essentially an appeal body, which is why complaints generally go to the broadcaster first (with the exception of privacy issues and election advertisements).

The Authority Board has four members – Peter Radich (chair), Mary Anne Shanahan, Leigh Pearson and Te Rau Kupenga.

For more information see our website: www.bsa.govt.nz.