

# USING THIRD PARTY CONTENT

## GUIDANCE NOTE: BY BROADCASTERS, FOR BROADCASTERS

The aim of this note is to assist broadcasters by providing a framework for assessing content sourced from third parties. The recommendations are equally applicable to content that is obtained directly from a potential source, or via social media platforms. While the guidance is intended for television and radio broadcasters, it may also be relevant to content available on online platforms.

### 1. Is it true?

- » **Accuracy:** Consider how you can verify the accuracy of the content before you publish it - are you confident that the footage is what it claims to be (e.g. is earthquake footage from the earthquake that you're interested in or a different event. Is the picture you have taken from social media of the person you are talking about)?
- » **Source:** Have you contacted the source to confirm where or how they created/obtained it?
- » **Credibility:** Do you have any concerns about the source - are they someone with an axe to grind, does this impact their credibility?

### 2. Will it cause harm?

- » **Legal:** Are there any legal issues, such as copyright infringement (who owns the content), defamation/privacy (who is it about), harmful digital communications (could the content cause harm)? Does the content relate to matters that are before the court (specific rules may apply)?
- » **Ethical:** Are there ethical issues to be considered - does the content concern children, young people, people in a vulnerable position or the bereaved? Are you taking the content out of context? Have you taken cultural considerations into account?
- » **Standards:** There are also 11 broadcasting standards that apply to all television and radio broadcasts. In the news and current affairs context, key standards relate to good taste and decency, balance, accuracy, privacy and fairness. The BSA Codes have useful guidance you can refer to. The principles in the Harmful Digital Communications Act may also be useful.

### 3. Is it newsworthy?

- » **Purpose:** Assuming there are potential issues, why is the story important?
- » **Public interest:** What's the genuine and legitimate public interest in the footage that you want to share?

### 4. Can you mitigate any risk of harm?

- » **Identification:** If the story is about an individual, do you need to identify them - will the story have the same impact if you blur or choose not to name/identify the individual?
- » **Consent:** Do you have consent to use the content? If so, who do you have consent from? How did they obtain the content (e.g. did they create it or was it hacked)?
- » **Privacy:** What expectations are there around privacy? Are those expectations reasonable or warranted? Does the public interest outweigh the importance of those expectations?
- » **Prior publication:** To what extent is this content already available (has it gone viral or is it restricted to a private group)?
- » **Complaints and take-down requests:** Do you have a process for swiftly considering complaints and requests for content to be removed from your platforms and/or not rebroadcast?
- » **Longevity:** Have you taken account of the length of time the story might be publicly available? Others may republish the story online so that it persists indefinitely. Is the content still newsworthy? When should broadcast or publication of the item cease?

Some broadcasters have encountered issues where social media content has been used which depicts, for example:

- » Young people in school uniforms brawling in a public place or semi-naked on school property
- » Adults having sex in an office block where they are clearly visible from the street
- » Vulnerable people/victims lying in hospital beds

Broadcasters are encouraged to think about the questions posed in this guidance note before using videos, text or images obtained from social media.