

Media Release

16 November 2015

BSA: Programme about mother's drug addiction and prostitution breached child's privacy

The Broadcasting Standards Authority has upheld a complaint made by the father of a child identified in a *60 Minutes* item focusing on a mother's difficulties following the accidental death of her younger son.

The item featured tragic driveway accidents involving children. It discussed the death of an 18-month-old boy and the subsequent struggles of his mother. In the programme the mother referred to her older son and photos and footage of him were shown. This son's father, with whom he was living, complained that the broadcasts breached his son's privacy.

The BSA considered that the son, who was identified by his first name and his image, was linked with details of his mother's drug addiction and prostitution. It said this information was private and that its disclosure was highly offensive. The BSA found that the broadcaster's primary concern ought to have been the best interests of the child regardless of the consent of the mother having been obtained. The BSA recognised the value and public interest in this story and its quality but this was outweighed by the need to protect the son especially where the references to him and his identification were not necessary.

'[C]hildren should be seen as individuals in their own right and not as attachments to their parents. We do not consider in this case that the broadcasts were in keeping with the best interests of [the child]... A cautious and sensitive approach could have been taken, and in our view, ought to have been taken', the BSA said.

In response to the broadcaster's suggestion that the disclosures were permissible and consistent with the right of freedom of expression the BSA

said that 'Rights arising under the principle of freedom of expression are not absolute, they need to give way to other rights and protections. In our society and in our law, when there are clashes between rights and when included amongst the rights in clash are the rights of children, the rights of children almost always prevail...

There are good and obvious reasons for this. Children are especially vulnerable. They cannot protect themselves and societies have the most powerful of obligations and reasons to look after their children who are their future'.

Taken into account that the privacy breach was that of a child but also recognising the high value of the programme, the BSA awarded \$1,500 privacy compensation to the complainant for the breach of his son's privacy.

ENDS

For more information contact Morgan Coats on 021 072 8280.

FURTHER INFORMATION

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

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 members who determined this complaint were Peter Radich (Chair), Leigh Pearson, Te Rau Kupenga and Paula Rose.

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