

Media Release

24 April 2017

Facebook photos of injured bus crash passengers in news item breached privacy

The Broadcasting Standards Authority (BSA) has upheld a complaint that a *1 News* item, which featured photos published on Facebook of people injured in a bus crash, breached their privacy.

The item reported on a fatal bus crash that occurred near Gisborne on Christmas Eve. The bus was carrying students and teachers from a Tongan school band, who were visiting New Zealand to fundraise for their school. The item featured photos, sourced from a public Facebook page for the Tongan community, of some of the injured passengers in hospital.

While the photos were in the public domain, the Authority found that the passengers had a reasonable expectation of privacy over their images. As injured patients receiving medical care, they were in a particularly vulnerable position and did not consent to their images featuring in the news item.

The Authority acknowledged the broadcaster's submission that the Tongan community may have seen the use of the photos as a sign of support or respect for those involved in the accident. However, broadcasting the images on a national news programme widened the potential audience beyond the community for whom the photos were initially shared on Facebook.

"The publication of content on one platform does not automatically justify further republication on another platform, to a national audience, without consideration of the [broadcasting] standards that apply. Where republishing of social media content does occur, any privacy issues that arise should be reconsidered, and expectations around publication of content on the new platform considered afresh", the Authority said.

The Authority noted it is currently undertaking research into the public's, and broadcasters', views on privacy and social media, including attitudes towards broadcasters' rights to access and republish social media content. The Authority intends to issue further guidance on these issues once the research is complete.

ENDS

For more information contact Nicole Hickman on 027 313 0179.

FURTHER INFORMATION

The item was broadcast on 25 December 2016.

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

The decision was made under the privacy standard of the Free-to-Air Television Code of Broadcasting Practice. The Code has been in force since 1 April 2016 and is available at <http://bsa.govt.nz/standards/overview>.

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.

The Authority members are Peter Radich (Chair), Leigh Pearson, Te Raumawhitu Kupenga and Paula Rose.

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