

SABC Editorial Policies: submission on online content and platforms, including social media

This submission is made in response to the publication of the *SABC Editorial Policies Draft For Public Comments, July 2018*, in another attempt to ensure that the policies provide for an editorial framework for all the SABC's online services, including websites, social media, online video and audio, and mobile services.

The SABC Digital Newsroom's original submission is herewith resubmitted for consideration, as it is clear that the issues raised were largely ignored in the compilation of the new draft policies. The same submission on online content and policies was also incorporated into the SABC News staff submission, and endorsed by a number of industry submissions.

While there is now in the new draft one reference to the Press Code (page 16, first line) applicable to online and social media content, which is commendable, the following substantial issues have not been dealt with:

1. The need to change the terminology throughout the editorial policies to refer to multiplatform content, or radio, TV and online content where applicable, as proposed in clauses 5 and 6 of the attached submission. In the new draft policies, many of the clauses that should cover online content only refer to radio and TV content.
2. There is no reference in the draft policies on how to deal with online and social media complaints lodged with the Press Council of SA, in the same way that the document deals with radio and TV complaints to BCCSA and advertising complaints to ASA on pages 37 and 38 respectively – please refer to clause 10 of the attached submission. The recommendation in clause 9 should also be incorporated in the editorial policies, to compel SABC online services to mention complaints procedures on all platforms.
3. The recommendations in clauses 11 to 13 of the attached submission to improve the SABC editorial policies, as clause 13 states: “clauses in the Press Code which do not appear in the BCCSA Code should be incorporated into the Editorial Policies to strengthen the SABC's policies and bring them in line with the editorial standards adhered to by the rest of the SA media industry”.
4. Reference is required in the editorial policies on the distinction between editorial content and advertising/sponsored/advertorial/native content on online platforms, as proposed in clause 14 of the attached submission.
5. The Press Council's guidelines for user generated content should be referenced in the editorial policies – see clause 15 of the attached submission.

6. Procedures to correct mistakes on online and other platforms should be incorporated in the editorial policies, as per the recommendation in clause 16 of the attached submission and as guided by the Press Code.
7. The editorial policies should incorporate the copyright principles of fair use, as set out in clause 17 of the attached submission.
8. The section on page 73 of the draft policies on universal service and access is silent on online services – please refer to the recommendation in clause 19 of the attached submission, for the policies to also deal with universal access on online platforms.
9. The editorial responsibility for on-air and online content should be spelt out in the editorial policies, as proposed in clause 22 of the attached submission.
10. A chapter on social media policies should be included in the editorial policies, as proposed in clauses 25 to 27 of the attached submission.

While these are the key issues omitted from the draft policies, we would like to urge the SABC to reconsider the attached submission in its entirety, to align the new editorial policies with the SABC's cross-platform mandate and strategies to publish public service content on all platforms.

Submitted by Izak Minnaar, Editor: SABC Digital News, on behalf of the SABC Digital Newsroom

31 August 2018

SABC Editorial Policies: online platforms

Submission compiled by SABC Digital News for consideration in the process to review and update the SABC's 2004 Editorial Policies. It is the result of internal workshops, external consultations and research on online content policies in newsrooms around the world. It attempts to formulate an editorial framework and policies for all the SABC's online services, including websites, social media, online video and audio, and mobile services.

*Submitted by Izak Minnaar, Editor: SABC Digital News
25 August 2017*

Preface

The 2004 Editorial Policies do not refer to online and social media. As a result this submission has been drafted to comprehensively deal with the SABC's digital and online media offerings. While there is a need to update all the chapters in the Editorial Policies to reflect the multiplatform nature of the SABC's commercial and public service media offerings, the drafters of the new policies should consider the possibility of incorporating the bulk of this submission – and others received on the same topic – as a **new chapter** in the policy document.

Introduction

1. This submission is informed by the SABC's vision and mission statements as expressed in the Corporate Plan, with its focus on content services offered by the SABC, irrespective of platform:

VISION: The SABC inspires change through enriching, credible, relevant and compelling content that is accessible by all.

MISSION: To educate, inform and entertain all audiences accessing SABC services.

2. The SABC operates in a multiplatform environment which is very different to what was in place when the Editorial Policies were published in 2004. Current practices require **a shift from the focus on public broadcasting in the Editorial Policies to providing public service content across current and future platforms**, in line with the SABC vision and mission statements.
3. This approach also acknowledges the now universally accepted media content production trend to move away from a platform based approach to one where the content/[story comes first](#) (focusing on angles, treatment, content elements, formats, etc) and then the distribution platforms for versions of the story.
4. The SABC's digital content and online platforms are
 - a. **integral to the SABC's public and commercial content offerings,**
 - b. **crucial in extending the public service mandate to a broader audience, and**

- c. **essential to serve future audiences reliant on digital and on-demand public service content.**

Terminology

- 5. Clarity is required on the use of the words “digital” and “online” content in the policies:
 - a. **Digital content** is an all-encompassing term that can be used to define content and platforms that are accessed via digital technology, whether they are connected to the internet or not. An example would be podcasts, which can be accessed and listened to online, but can also be downloaded to be consumed later on offline.
 - b. **Online content** is accessed and consumed online and thus requires internet connectivity. Examples would be the SABC News website and SABC News YouTube channel, both of which need internet connectivity to be accessed. All online content is accessed using technology which makes it fall under digital content.
- 6. The text throughout all the chapters of the Editorial Policies should be adjusted to reflect the multiplatform nature of the SABC’s content offerings:
 - a. changing terms such as “public broadcasting” to “public service media” or “public service content” or “public service offerings”; and using generic phrases such as “content production in the public interest”; the word “coverage” can be used to replace “broadcasting/broadcasts” such as in the 2004 policies: “Broadcasting events of national importance” or “Election broadcasts” (p24)
 - b. references to “viewers and listeners”, unless only applicable to TV and radio, should be replaced with more generic terms such as “the public” or “audiences”; or should be changed to “viewers, listeners and readers” or “online users”
 - c. the words “programme” or “programming” or “bulletin” should only be used for specific reference to broadcast products; and should elsewhere be replaced with the more generic “content” or “content offerings”; in some cases phrases such as “programming independence” can be replaced with “journalistic independence”. The 2004 chapter (p7) on Programming will need to be renamed and entirely redrafted with broadcast and online content in mind
 - d. when referring to non-broadcast content to use terms such as “digital content” or “digital content services” or “online services”, whichever appropriate
 - e. where there is a need to specifically identify the publication platforms, to use “radio, TV and digital or online platforms”

- f. when there is a need to distinguish between different digital/online platforms, to specifically refer to websites, social media, applications (apps) or mobile apps, online video, online audio, online multimedia, etc.
- g. the words “video” and “audio” and “graphics” or the all-inclusive term “multimedia” should be used to refer to use of these formats on any platform; and “radio” or “television” content only when an issue is applicable only to the radio or TV platforms, or when such material would never be published or republished on digital platforms

Legal and regulatory framework

7. The SABC Charter in the Broadcasting Act No 4 of 1999, as amended, provides the mandate for the SABC’s digital and online content offerings. Clauses (i) and (p) of the Charter prescribes the following SABC objectives:

(i) Commissioning, compiling, preparing, editing, making, printing, publishing, issuing, circulating and distributing, with or without charge, such books, magazines, periodicals, journals, printed matter, records, cassettes, compact disks, video tapes, audio-visual and interactive material, whether analogue or digital and whether on media now known or hereafter invented, as may be conducive to any of the objects of the Corporation

And

(p) Developing and extending the SABC’s services beyond the borders of South Africa.

8. From a regulatory perspective, the [BCCSA Code](#) of Conduct for Free to Air Licensees only covers broadcast content; it does not extend to broadcasters’ online content. Online media is covered by the [Press Code of Ethics and Conduct for South African Print and Online Media](#) (annexure A) administered by the SA Press Council and the Press Ombud with its own complaints mechanism. In law, Press Council membership guarantees exemption from the Film and Publications Act (including the obligation to do pre-publication content classification). **As a subscriber member of the Press Council, the SABC Editorial Policies need to refer to the Press Code in its Editorial Policies**, in the same way that the BCCSA and the ASA are referenced in the Editorial Policies as the broadcast regulatory bodies.
9. All SABC online services, including on SABC branded platforms, should carry references to the Press Council, the Press Code and the complaints procedures; as well as references to the BCCSA and ASA for broadcast complaints.
10. In the 2004 section dealing with **public complaints** to the BCCSA and ASA (p16-17), a new section on “Complaints lodged with the SA Press Council” should be added; and it is recommended that all three codes be published as annexures to the Editorial Policies for easy reference.
11. While there are great similarities between the BCCSA Code and the Press Code, some clauses applicable to online content should be reflected in the Editorial Policies, such as the following:

1.9. Where a news item is published on the basis of limited information, this shall be stated as such and the reports should be supplemented once new information becomes available.

1.10. The media shall make amends for presenting information or comment that is found to be inaccurate by communicating, promptly and with appropriate prominence so as to readily attract attention, a retraction, correction or explanation.

1.11. An online article that has been amended for factual accuracy should indicate as such. In the event of an apology or retraction, the original article may remain, but the publisher must indicate in a prominent manner that it has led to an apology or retraction – and should link to both the apology/retraction and the original article.

1.12. No person shall be entitled to have an article removed which falls short of being defamatory, but is alleged by such person to be embarrassing.

Note: see BBC editorial guidelines on [removal of online content](#).

12. The Editorial Policies should **reflect and incorporate common issues from the BCCSA Code and Press Code to ensure consistent editorial treatment of issues across all SABC platforms.**
13. In addition, clauses in the Press Code which do not appear in the BCCSA Code should be incorporated into the Editorial Policies to **strengthen the SABC's policies and bring them in line with the editorial standards adhered to by the rest of the SA media industry.** One example of this: references to children in the Editorial Policies should be aligned and strengthened with the references to children in various sections of the Press Code (clauses 3.2, 3.4, 3.5, section 8, clauses 9.2 and 13.9). The Press Code is attached as annexure A to enable the drafters of the new Editorial Policies to compare and add applicable clauses to the new policies.
14. Regarding the section on sponsorships and news programming in the 2004 policies (p25), and with reference to the Press Code clause 2 on *Independence and Conflict of Interest*, the Editorial Policies should state that on all SABC online services there should be **a clear distinction between editorial content and advertising/sponsored/advertorial/native content.** Content contributed by external parties should be clearly indicated as such.
15. Applicable sections of Chapter 2 of the Press Code (see annexure A), dealing with **user generated content**, should be specifically referenced or included in the Editorial Policies, including the obligations regarding the publication of user generated content policies on applicable online platforms.
16. The Editorial Policies should include guidance on **procedures to correct mistakes when similar content is published across platforms.** It often happens that complainants refer to the online version of a video or audio report which was first published on radio or TV. In dealing with correcting these mistakes, both the original radio/TV publication and the online publication which remains in the public domain should be addressed, depending of course on the nature of the complaint.

17. Regarding **copyright and fair use**, the Editorial Policies should refer to or incorporate the [Set of Principles in Fair Use for Journalism](#) (compiled by the Center for Media and Social Impact in the US, based on practices applied universally in online, print and broadcast newsrooms) to guide acceptable re-use of content with the necessary attribution or acknowledgement:

- a. Use of copyrighted material as proof or substantiation in news reporting or analysis
- b. Use of copyrighted material in cultural reporting and criticism, for instance on entertainment reporting
- c. Use of copyrighted material as illustration in news reporting or analysis
- d. When copyrighted material is used as historical reference in news reporting or analysis
- e. Using copyrighted material for the specific purpose of starting or expanding a public discussion of news
- f. Quoting from copyrighted material to add value and knowledge to evolving news
- g. Incorporation of copyrighted material captured incidentally and fortuitously in the process of recording and disseminating news

Note that the current draft of the SA Copyright Amendment Bill makes provision for the practices listed above – but this list may need to be aligned with the forthcoming Copyright Amendment Act.

More guidance on this topic: [Copyright law and online journalism: a South African perspective on fair use and reasonable media practice](#)

Production and publication of digital content

18. The SABC's main digital/online content production platforms include:

- a. Websites
- b. Apps (web and mobile applications)
- c. Social media (eg Twitter, FaceBook, instagram)
- d. Messaging services (eg Whatsapp, FB messenger, Snapchat)
- e. Online video, including live streaming (using services like YouTube, FaceBook Live, Periscope, own services)
- f. Online audio (podcasts, live streaming)

- g. Other third party platforms for online content production and curation (eg Storify, Snacktools, infographic tools, etc)
19. In line with the SABC’s mission to provide “content that is accessible by all”, SABC mobile and online offerings should include low bandwidth formats; ensure that online and social media content is usable on data zero-rated platforms; and utilise low bandwidth multimedia distribution platforms where possible to ensure that its **online content is universally accessible**.
20. The rapid evolution of online platforms and tools require operational flexibility to adapt and adjust to use the best platforms for the right purpose at the right time – so these platforms may need to change frequently. **The introduction of online services, including new social media accounts, new tools and new platforms should be subject to set standards and procedures to ensure good governance and a uniform online presence**, managed and guided by the digital units in the various divisions (such as Digital News in the News Division). In the process to test and approve new services, digital units should consider the public adoption of such new services, maintenance of previous services, appropriate publication workflows, internal training support and adherence to SABC corporate visual identity standards.
21. The Editorial Policies should acknowledge the SABC’s efforts to position itself **as the primary online source of public service content**, in line with its mandate, by recording the following obligations:
- a. Offering **broadcast independent online services** and create **online only content brands** to serve existing and new audiences, utilising content specifically produced for digital platforms as well as curating and repackaging of audio and video content. These initiatives are typically driven by digital content production units in the various divisions – such as Digital News in the News Division.
 - b. Production of online content, in the form of social media, podcasts, audio or video live streaming, etc **in support of existing broadcast products, by the teams responsible for those broadcast services** – and where needed guided by the digital content units – to serve existing radio and TV audiences and extend the reach of broadcast products to new audiences.
 - c. Serving audiences outside the reach of traditional broadcast services, such as those outside the borders of the country; those who prefer on demand online content over traditional appointment viewing and listening; and (often younger) audiences whose media consumption patterns show a preference for digital content.
 - d. Using online and social media platforms for **public engagement** and participation in all the SABC’s content initiatives.
22. In line with 21b above, Editors and Executive Producers in charge of broadcast slots and programmes should take full responsibility for all content produced by their editorial units, whether for **on-air or online publication, including social media**. Online content production

should be part of the editorial planning process, integrated into production workflows and subject to the same editorial approval processes as broadcast material.

23. There should be a particular obligation on broadcast services to provide consistent and comprehensive online updates in the form of social media and online video and audio **in the languages in which they broadcast**; and for provincial bureaux to provide similar online content for their **geographical areas** of responsibility.
24. The way in which **digital production and mobile newsgathering and distribution have changed editorial workflows** should be acknowledged and dealt with in the Editorial Policies. For example, live tweeting or Facebook Lives from news events mean direct publication without going through the normal editing and approval processes – but on the other hand, it can be compared with live broadcast crossings from a news scene where the editorial integrity of TV or radio reporters’ contribution is assured by proper topic research and editorial guidance. It is however always good practice for a second pair of eyes to review social media content before publication.
25. It is the duty of editorial management to **direct and monitor their staff’s social media output** in the same way that they monitor live programming or recordings, to enable them to provide editorial guidance, spot problems quickly and oversee immediate corrections when needed, in line with clause 1.10 of the Press Code.
26. The Editorial Policies should incorporate or refer to the **Social Newsgathering Ethics Code**, [originally compiled](#) by the US based Online News Association and subsequently endorsed by many major news organisations around the world, as a set of best practices for the gathering and use by the media of content created by members of the public:
 - a. Endeavouring to verify the authenticity of user-generated content (UGC) before publishing or distributing it, holding it to standards that are equal or equivalent to those maintained for content acquired through other means.
 - b. Being transparent with the audience about the verification status of UGC.
 - c. Considering the emotional state and safety of contributors.
 - d. Considering the risk inherent in asking a contributor to produce and deliver UGC, including whether it incentivizes others to take unnecessary risks.
 - e. Considering technical measures to ensure anonymity of sources when required.
 - f. Seeking informed consent for the use of UGC through direct communication with the individual who created it.
 - g. Being transparent about how content will be used and distributed to other platforms.

- h. Giving due credit to the owner of the content providing that consideration has been given to potential consequences, including their physical, mental and reputational well-being.
- i. Endeavouring to inform and equip journalists to confront the dangers of engaging with sources through social media networks and the digital footprint they leave behind.
- j. Supporting and assisting journalists who are confronted with graphic or otherwise disturbing content. Maintaining an organizational culture that enables journalists to seek help or speak out when they need to protect their mental health.

Note: more guidance on [crowdsourcing](#) in the newsroom.

Social media policy

27. The Editorial Policies should include the following **social media guidelines** for institutional and personal social media accounts:

- a. An individual's freedom of expression on social media must be balanced with the rights of others to privacy and dignity, as well as the SABC's right to engage in both commercial activities and deliver on its mandate as public broadcaster.
- b. Social media users are personally responsible for what they publish online and they should think carefully about what they publish digitally. Sound judgment and common sense should guide their online activities. They should not post content that they are doubtful of or uncomfortable with.
- c. Social media users should be mindful of the global and permanent nature of online communications. Information that would not ordinarily be revealed to others should not be divulged online either.
- d. The rights of others, as outlined by the Constitution of South Africa, are to be respected. This includes the rights of both individuals and organisations.
- e. Opinions should be expressed without using personal attacks, gender and ethnic slurs, obscenity, social insensitivity, discrimination, or harassment.
- f. Individuals need to be mindful of and protect their own privacy, as well as the constitutional rights of others to privacy and dignity.
- g. The SABC does not pay for followers, site visits, or online friends – the number of followers or friends should be a true reflection of the account's influence and reach. Employees are expected to adhere to this principle in their own social media activities as well.

- h. Social media content is subject to defamation law. Individuals should be mindful of linking to material on third party sites that contain defamatory material. They should not forward or repost information of a defamatory nature – they can be held legally liable along with the originator of the content.
- i. Social media users should be ready to defend anything they said online. They should use discretion, and rather err on the side of caution. They should avoid crass or derogatory language.
- j. The SABC does not broadcast gratuitous violence, and this shall be the case on social media as well; social media users should take care not to reflect anything of this kind in their social media activity. Employees should guard against linking to or commenting on images or videos of violence or violent acts. These can reflect on personal profiles and could expose account owners to legal action. Incitement to violence or hatred is a crime, and this applies to any such online and social media action as much as anywhere else.
- k. The SABC does not broadcast explicit sex or pornography and its employees are to adhere to this in their online activities as well, be they professional or personal. Online content of a sexual nature should be used, linked to, or commented on with extreme circumspection.

Guidelines for official SABC social media accounts

- l. SABC social media accounts are official SABC platforms and services, and are viewed as being as important and influential as other, more traditional platforms and programmes. The same forethought and planning needs to be applied in using these digital platforms as any other SABC communication platform.
- m. Knowledge should be shared in a constructive manner, being sure to separate opinion from fact in what is published online.
- n. When posting content such as video from third parties on official SABC social media platforms, individuals and account administrators need to make sure that you are in fact allowed to do so and that the SABC has digital rights for the relevant content. If they are not sure about this, clarity must be sought from the relevant line manager, the producer of the content, and/or the SABC's Legal department.
- o. User generated content (UGC), such as online comments solicited through an official SABC social media account, needs to be treated with goodwill and circumspection. Individuals may not claim to own the intellectual property or copyright to any UGC that is not their own. Official social media accounts of the SABC need to set out in their terms and conditions or disclaimers that users grant the SABC permission to use their content on any official SABC platform, but also state clearly that the SABC will not claim ownership of such content if it has no such mandate or permission.

- p. Just as the SABC distinguishes between a station/channel's commercial objectives and news mandate in general, the same must apply to social media. Sponsored links should be clearly labelled as such and not cloaked as journalistic content.
- q. Imaging and branding that is consistent with that of the SABC's various brands must be used for all official social media accounts.
- r. Great care, sensitivity, and caution needs to be exercised when interacting with children on social media. While users' ages are not always stated, where it is known or suspected that a user is a child they may not be used as an information source without the consent of their parent or guardian. Their identity may also not be made known without the specific consent of their parent or guardian.
- s. When in doubt about any social media account or activity, the standard editorial referral processes should be followed.

Guidelines for personal social media accounts

- t. Any use of social media platforms using work resources, including work time and facilities, is open to the organisation for scrutiny and remedial action, should this be required.
- u. Employees must respect the intellectual property and copyright of the SABC itself. Individuals are not allowed to post SABC content, be it video, audio, stills, or copy, on their own social media platforms without giving due credit to the SABC. They may also not create the impression that they own the intellectual property rights or copyright of any SABC content.
- v. No payments will be made by the SABC for posts, comments, or reviews, and incentives for further distribution or reproduction (re-tweets, for example) is disallowed unless specifically authorised.
- w. Any social media writing or posting by an SABC employee that is paid for or incentivised by anyone other than the SABC constitutes commercial work or exposure and needs to be declared and approved through the standard SABC processes for this.
- x. As per the SABC's Conflict of Interest Policy, an employee or relevant stakeholder's social media activity may not constitute a conflict of interest with the SABC's mandate and business imperatives, be that conflict direct or indirect. This includes, but is not limited to: self-dealing, advocacy activities, accepting benefits, influence peddling, using the SABC's property and/or resources for personal advantage, using confidential information, obtaining outside employment or moonlighting, or taking advantage in post-employment.

Updates

- 28. Regular updates to the online sections of the Editorial Policies should be done to align it with the SABC's evolving Digital First, Mobile First and multiplatform publication strategies.

Press Code of ethics and conduct for South African print and online media

(Effective from January 1, 2016)

The Press Council of South Africa and the Interactive Advertising Bureau South Africa adopt the following Code for print and online media (together referred to as “the media”).

PREAMBLE

The media exist to serve society. Their freedom provides for independent scrutiny of the forces that shape society, and is essential to realising the promise of democracy. It enables citizens to make informed judgments on the issues of the day, a role whose centrality is recognised in the South African Constitution.

Section 16 of the Bill of Rights provides that:

(1) Everyone has the right to freedom of expression, which includes:

- (a) Freedom of the press and other media;
- (b) Freedom to receive and impart information or ideas;
- (c) Freedom of artistic creativity; and
- (d) Academic freedom and freedom of scientific research.

(2) The right in subsection (1) does not extend to:

- (a) Propaganda for war;
- (b) Incitement of imminent violence; or
- (c) Advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

The media strive to hold these rights in trust for the country's citizens; and they are subject to the same rights and duties as the individual. Everyone has the duty to defend and further these rights, in recognition of the struggles that created them: the media, the public and government, who all make up the democratic state.

The media's work is guided at all times by the public interest, understood to describe information of legitimate interest or importance to citizens.

As journalists we commit ourselves to the highest standards, to maintain credibility and keep the trust of the public. This means always striving for truth, avoiding unnecessary harm, reflecting a multiplicity of voices in our coverage of events, showing a special concern for children and other vulnerable groups, exhibiting sensitivity to the cultural customs of their readers and the subjects of their reportage, and acting independently.

Chapter 1: Media-generated content and activities

1. Gathering and reporting of news

- 1.1. The media shall take care to report news truthfully, accurately and fairly.
- 1.2. News shall be presented in context and in a balanced manner, without any intentional or negligent departure from the facts whether by distortion, exaggeration or misrepresentation, material omissions, or summarisation.
- 1.3. Only what may reasonably be true, having regard to the sources of the news, may be presented as fact, and such facts shall be published fairly with reasonable regard to context and importance. Where a report is not based on facts or is founded on opinion, allegation, rumour or supposition, it shall be presented in such manner as to indicate this clearly.
- 1.4. News should be obtained legally, honestly and fairly, unless public interest dictates otherwise.
- 1.5. The gathering of personal information for the purpose of journalistic expression must only be used for this purpose.
- 1.6. Media representatives shall identify themselves as such, unless public interest or their safety dictates otherwise.
- 1.7. Where there is reason to doubt the accuracy of a report or a source and it is practicable to verify the accuracy thereof, it shall be verified. Where it has not been practicable to verify the accuracy of a report, this shall be stated in such report.
- 1.8. The media shall seek the views of the subject of critical reportage in advance of publication; provided that this need not be done where the institution has reasonable grounds for believing that by doing so it would be prevented from reporting; where evidence might be destroyed or sources intimidated; or because it would be impracticable to do so in the circumstances of the publication. Reasonable time should be afforded the subject for a response. If the media are unable to obtain such comment, this shall be reported.
- 1.9. Where a news item is published on the basis of limited information, this shall be stated as such and the reports should be supplemented once new information becomes available.
- 1.10. The media shall make amends for presenting information or comment that is found to be inaccurate by communicating, promptly and with appropriate prominence so as to readily attract attention, a retraction, correction or explanation.
- 1.11. An online article that has been amended for factual accuracy should indicate as such. In the event of an apology or retraction, the original article may remain, but the publisher must indicate in a prominent manner that it has led to an apology or retraction – and should link to both the apology/retraction and the original article.
- 1.12. No person shall be entitled to have an article removed which falls short of being defamatory, but is alleged by such person to be embarrassing.
- 1.13. Journalists shall not plagiarise.

2. Independence and Conflicts of Interest

- 2.1. The media shall not allow commercial, political, personal or other non-professional considerations to influence or slant reporting. Conflicts of interest must be avoided, as well as arrangements or practices that could lead audiences to doubt the media's independence and professionalism.
- 2.2. The media shall not accept a bribe, gift or any other benefit where this is intended or likely to influence coverage.
- 2.3. The media shall indicate clearly when an outside organisation has contributed to the cost of newsgathering.
- 2.4. Editorial material shall be kept clearly distinct from advertising and sponsored content.

3. Privacy, Dignity and Reputation

- 3.1. The media shall exercise care and consideration in matters involving the private lives and concerns of individuals. The right to privacy may be overridden by the public interest.
- 3.2. In the protection of privacy, dignity and reputation, special weight must be afforded to South African cultural customs concerning the privacy and dignity of people who are bereaved and their respect for those who have passed away, as well as concerning children, the aged and the physically and mentally disabled.
- 3.3. The media shall exercise care and consideration in matters involving dignity and reputation. The dignity or reputation of an individual should be overridden only if it is in the public interest and in the following circumstances:
 - 3.3.1. The facts reported are true or substantially true; or
 - 3.3.2. The reportage amounts to fair comment based on facts that are adequately referred to and that are true or substantially true; or
 - 3.3.3. The reportage amounts to a fair and accurate report of court proceedings, Parliamentary proceedings or the proceedings of any quasi-judicial tribunal or forum; or
 - 3.3.4. It was reasonable for the information to be communicated because it was prepared in accordance with acceptable principles of journalistic conduct and in the public interest.
 - 3.3.5. The article was, or formed part of, an accurate and impartial account of a dispute to which the complainant was a party.
- 3.4. Rape survivors and survivors of sexual violence shall not be identified without the consent of the victim or in the case of children, without the consent of their legal guardians (or a similarly responsible adult) and the child (taking into consideration the evolving capacity of the child), and a public interest is evident, and it is in the best interest of the child.
- 3.5. The HIV/AIDS status of people should not be disclosed without their consent. In the case of children, the HIV/Aids status of the child should not be disclosed without the consent of the

child (taking into consideration the evolving capacity of the child) together with the consent of their legal guardian or a similarly responsible adult, provided that such disclosure is in the public interest and it is in the best interests of the child.

4. Protection of Personal Information

4.1. For the purpose of this clause “personal information” is as defined in Section 1 of the Protection of Personal Information Act 4 of 2013.

4.2. The media should take reasonable steps to ensure that the personal information under their control is protected from misuse or loss, and to prevent unauthorised access to such information.

4.3. The media should ensure that the personal information they gather is accurate, reasonably complete and up to date.

4.4. Where a person requests a correction to be made to his or her personal information under the control of a member, the media must take steps to verify the accuracy of the information and, if necessary, amend the information.

4.5. Some personal information, such as addresses, may enable others to intrude on the privacy and safety of individuals who are the subject of news coverage. To minimise these risks, the media should only disclose sufficient personal information to identify the persons being reported in the news.

4.6. Where it is reasonably suspected that an unauthorised person may have obtained access to personal information held by a member, the media must inform the affected person(s) and take reasonable steps to mitigate any prejudicial effects.

5. Discrimination and Hate Speech

5.1. Except where it is strictly relevant to the matter reported and it is in the public interest to do so, the media shall avoid discriminatory or denigratory references to people’s race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth or other status, nor shall it refer to people’s status in a prejudicial or pejorative context.

5.2. The media has the right and indeed the duty to report and comment on all matters of legitimate public interest. This right and duty must, however, be balanced against the obligation not to publish material that amounts to propaganda for war, incitement of imminent violence, or advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

6. Advocacy

6.1. Members are justified in strongly advocating their own views on controversial topics, provided that they treat their constituencies fairly by:

6.1.1. making fact and opinion clearly distinguishable;

6.1.2. not misrepresenting or suppressing relevant facts; and

6.1.3. not distorting the facts.

7. Protected Comment

7.1. The media shall be entitled to comment upon or criticise any actions or events of public interest.

7.2. Comment or criticism is protected even if extreme, unjust, unbalanced, exaggerated and prejudiced, as long as it:

7.2.1. expresses an honestly-held opinion;

7.2.2. is without malice;

7.2.3. is on a matter of public interest;

7.2.4. has taken fair account of all material facts that are substantially true; and

7.2.5. is presented in such manner that it appears clearly to be comment.

8. Children

8.1. The Bill of Rights (Section 28.2) in the South African Constitution states: "A child's best interests are of paramount importance in every matter concerning the child." The media, applying the spirit of this section, shall therefore:

8.1.1. exercise exceptional care and consideration when reporting about children. If there is any chance that coverage might cause harm of any kind to a child, he or she shall not be interviewed, photographed or identified without the consent of a legal guardian or of a similarly responsible adult and the child (taking into consideration the evolving capacity of the child), and a public interest is evident;

8.1.2. not publish child pornography;

(Child Pornography is defined in the Film and Publications Act as: Any visual image or any description of a person, real or simulated, however created, who is or who is depicted or described as being, under the age of 18 years, explicitly depicting such a person who is or who is being depicted as engaged or participating in sexual conduct; engaged in an explicit display of genitals; participating in or assisting another person to participate in sexual conduct which, judged within context, has as its predominant objective purpose, the stimulation of sexual arousal in its target audience or showing or describing the body or parts of the body of the person in a manner or circumstance which, in context, amounts to sexual exploitation); and

8.1.3. not identify children who have been victims of abuse, exploitation, or who have been charged with or convicted of a crime, without the consent of their legal guardians (or a similarly responsible adult) and the child (taking into consideration the evolving capacity of the child), a public interest is evident and it is in the best interests of the child.

9. Violence, Graphic Content

9.1. Due care and responsibility shall be exercised by the media with regard to the presentation of brutality, gratuitous violence, and suffering: material which, judged within context, should not sanction, promote or glamorise violence or unlawful conduct, or discrimination based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability.

9.2. Content which depicts violent crime or other violence or explicit sex should be avoided unless the public interest dictates otherwise, in which case prominent indication and warning must be displayed indicating that such content is graphic and inappropriate for certain audiences such as children.

10. Headlines, Posters, Pictures and Captions

10.1. Headlines and captions to pictures shall give a reasonable reflection of the contents of the report or picture in question;

10.2. Posters shall not mislead the public and shall give a reasonable reflection of the contents of the reports in question; and

10.3. Pictures and/or video or audio content shall not misrepresent or mislead nor be manipulated to do so.

11. Confidential and Anonymous Sources

The media shall:

11.1. protect confidential sources of information – the protection of sources is a basic principle in a democratic and free society;

11.2. avoid the use of anonymous sources unless there is no other way to deal with a story. Care should be taken to corroborate the information; and

11.3. not publish information that constitutes a breach of confidence, unless the public interest dictates otherwise.

12. Payment for Information

The media shall avoid shady journalism in which informants are paid to induce them to give the information, particularly when they are criminals – except where the material concerned ought to be published in the public interest and the payment is necessary for this to be done.

Chapter 2: User-generated content

13. Guiding principles

13.1. This section applies where a complaint is brought against a member in respect of comments and content posted by users on all platforms it controls and on which it distributes its content.

13.2. The media are not obliged to moderate all user-generated content in advance.

13.3. All members should have a policy in place governing moderation and/or removal of user-generated content or user profiles posted on the platforms ("UGC Policy").

A member's UGC Policy must be consistent with the Constitution of the Republic of South Africa.

13.4. Members may remove any user-generated comment, content or user profile in accordance with their UGC Policy.

13.5. A member's UGC policy should be publicly available and:

13.5.1. Set out the authorisation process, if any, which users who wish to post comments must follow as well as clearly setting out any terms and conditions and any indemnity clauses during such registration process;

13.5.2. Set out clearly the content which shall be prohibited;

13.5.3. Explain the manner in which the public may inform the member of prohibited content.

13.6. Members should, where practicable, place a notice on the platforms with the aim to discourage the posting of prohibited content.

13.7. The public should be informed that UGC is posted directly by users and does not necessarily reflect the views of the member.

13.8. Users shall be encouraged to report content which they believe violates the provisions of the Member's UGC Policy.

13.9. Online forums directed at children and the young should be monitored particularly carefully.

14. Prohibited Content

14.1. Material constitutes prohibited content if it is expressly prohibited in a member's UGC Policy.

14.2. In addition to, and notwithstanding anything to the contrary contained in a member's UGC Policy, content which contains the following:

14.2.1. Propaganda for war;

14.2.2. Incitement to imminent violence;

14.2.3. Advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm constitutes prohibited content for the purpose of this Code.

15. Defence in relation to user-generated content

15.1. It is a defence, in relation to any complaint brought to the Press Council regarding UGC, for the member to show that it did not itself author or edit the content complained of.

15.2. This defence will not apply in the following circumstances:

- 15.2.1. the complainant sent a written notice to the member in relation to the content concerned, and
- 15.2.2. the member failed to remove the content in accordance with clause 15.4 below.
- 15.3. The written notice in clause 15.2.1 must:
 - 15.3.1. be sent via email or letter to the particular address stipulated by the member;
 - 15.3.2. identify the content concerned and, in particular, specify where on the website the statement was posted; and
 - 15.3.3. must explain why the content concerned is prohibited either in terms of a member's UGC Policy or clause 14.2 above.
- 15.4. Upon receipt of a written notice complaining about UGC the member must:
 - 15.4.1. remove the relevant UGC from the platform as soon as operationally possible and notify the complainant that it has done so; or
 - 15.4.2. decide not to remove the UGC and notify the complainant of this decision.
- 15.5. Where a member has decided not to remove the UGC:
 - 15.5.1. the complainant may complain to the Ombud in terms of clause 1.3 of the Complaints Procedures;
 - 15.5.2. it will be treated as if the UGC had been posted by the member itself, and the member will be liable for such content if it is shown to be prohibited in terms of clause 14 above.

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