

CONFIDENTIALITY AND RELEASE OF PROGRAMME MATERIAL

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1 CONFIDENTIALITY

Promises of confidentiality given to a source or contributor must be honoured. The BBC's journalism will suffer if people who give us information on condition that they remain anonymous are subsequently identified.

The law affords some recognition to the importance of journalistic confidence, but it gives precedence to the interests of justice. In the event of a conflict between the two, the Courts may order journalists to divulge the source and may hold in Contempt anyone who refuses to do so.

In the end, the decision to reveal a confidence or defy a court and take the consequences must be a personal matter for a journalist. The consequences can be extremely serious, and may include a term in prison.

It is therefore essential for the BBC and for individual journalists that they do not enter into undertakings of confidentiality lightly or without considering the possible consequences. Journalists working on stories which may result in criminal prosecutions must be aware from the outset that they may be called as witnesses. At the earliest stages of research advice should be sought, through the relevant Head of Department or Commissioning Executive, from programme lawyers or Controller Editorial Policy. There are various practical ways of dealing with confidential sources:

- it may be possible to agree with contributors not to reveal their identities unless and until ordered by a Court. This is always a preferable option
- it may be possible to establish a source's authenticity without ever becoming aware of his or her identity or information that would lead to it
- no document, computer file or other record kept by the journalist or by the BBC should identify a source whose identity cannot ever be revealed. This includes notebooks and administrative paperwork of all sorts as well as video or audio tapes
- there is no legal obligation upon journalists to keep documents or records made during the preparation of a programme unless and until they are the subject of a formal request from the police or the Courts

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