

Independent Press Standards Organisation response to the Digital, Culture, Media and Sport Select Committee's call for written submissions on Fake News

Summary

1. Journalistic content is separable from fake news and should be considered differently. Sometimes things go wrong in journalism; sometimes very seriously wrong. However, these failures can be measured against a generally agreed set of standards and norms and can be corrected because the process of journalism denotes oversight and accountability. Fake news, on the other hand, is produced with no regard for standards. It nonetheless seeks to benefit from the expectation of oversight and accountability by presenting inaccurate information – whether deliberately false, or created with reckless disregard for the truth – in a manner that suggests it has been produced in accordance with widely accepted journalistic norms.
2. The presence of demonstrable accountability is important because it:
 - i. Provides the basis for distinguishing journalistic material from fake news; and
 - ii. Provides the mechanism by which concerns about legitimate news can be effectively dealt with.
3. The consultation suggests that bias, and other concerns relating to objectivity and the equal treatment of views, might be relevant factors in the identification of fake news. What may pejoratively be described as “biased” by a critic might otherwise be positively described as campaigning journalism by a reader in agreement. The Editors’ Code of Practice, which is the basis for IPSO’s regulation of the majority of the newspaper and magazine industry, is clear that publications are free to editorialise and campaign; this only becomes problematic when it breaks down the boundaries between factual reporting, commentary and speculation, resulting in distortion. Using “bias” as an identifier for fake news lacks precision, and could cause legitimate content to fall within the definition of fake news.
4. Any proposals coming out of the consultation should acknowledge the distinction between accountable journalism, which may nonetheless give rise to standards concerns, and the production of fake news. One way in which this distinction can be demonstrated in practice is through a publisher’s membership with a regulatory body, such as IPSO, or the creation of another means of holding themselves accountable to a defined set of standards.

About IPSO

5. The Independent Press Standards Organisation (IPSO) is the independent regulator for the newspaper and magazine industry in the UK. We hold newspapers and magazines to account for their actions, protect individual rights, uphold high standards of journalism and help to maintain freedom of expression for the press. We currently regulate over

1500 print titles and 1100 online titles, comprising 95% of the national daily newspapers by circulation and the majority of magazines, local and regional newspapers in the UK.

6. IPSO provides a free-to-use complaints service regarding possible breaches of the [Editors' Code of Practice](#) (The Code). Where resolution between the parties is not possible, IPSO adjudicates on complaints. Adjudications are made by IPSO's Complaints Committee, a panel of twelve with expertise in journalism and a lay majority. If a complaint is upheld, the Committee can require publications to publish a correction or its adjudication. The Committee also has the power to determine the nature, extent and placement of these corrections and adjudications.
7. In addition to the Committee's work, IPSO monitors complaints for thematic issues and works with publishers to improve their compliance with the Code. We also help members of the public with unwanted press attention or harassment concerns, provide advice on the Code, run a Journalists' Whistleblowing Hotline, monitor on-going compliance, and produce guidance for journalists and the public. We further operate a pilot arbitration scheme which provides an alternative dispute resolution process for media law claims.

What is 'fake news'? Where does biased but legitimate commentary shade into propaganda and lies?

8. The term fake news has various meanings and may be misused by people to criticise legitimate reporting they disagree with. That being said, it is possible to identify common themes. These suggest that fake news is:
 - i. Inaccurate content;
 - ii. Presented in a way that suggests it has been produced in accordance with standard norms and ethical standards for journalism, including systems of oversight and accountability;
 - iii. That in fact has been produced with reckless disregard for these standards, or with the wilful intention of deceiving readers.

Accuracy

9. Accuracy is a key consideration in both the maintenance of editorial standards and the identification of fake news. What should distinguish the two is the presence or absence of systems of accountability. The presence of accountability does not mean that mistakes cannot be made, but it represents a commitment to the endeavour for accuracy and appropriate respect for individuals' rights. Whilst accuracy is therefore important, it is not by itself a determining factor in the identification of fake news. It is important to consider as well what happens after an inaccuracy is identified.

Accountability

10. Accountability signifies a commitment to the accuracy of content and the impact of publication. It requires demonstrable procedures for verifying the accuracy of stories, upholding standards and correcting inaccurate content. Whilst the presence of external regulation may not always be necessary to demonstrate such commitment, membership with IPSO can be helpful in this regard.

11. For example: IPSO members are contractually required to take care not to publish inaccurate, misleading or distorted information. The requirement to take care entails the presence of a demonstrable journalistic process. Where we receive a complaint about the accuracy of an article we require the publication to set out the basis of its claims and the steps it took to verify the story. Furthermore, where content contains a significant inaccuracy our members are obligated to issue a correction promptly, with due prominence, and – where appropriate – an apology.
12. By making themselves accountable for the accuracy and impact of material, publishers set themselves apart from the producers of fake news and also provide the mechanism by which editorial standards can be applied to them. Fake news producers on the other hand are unconcerned with editorial standards and demonstrate no willingness to be held accountable in this regard, even though they may present themselves in a way that suggests otherwise.

Presentation

13. Fake news undermines debate by misrepresenting itself as factual and accountable news. Misrepresentation is important because a number of legitimate content providers use rhetorical devices and produce satirical material which could be considered 'fake'. This content forms a valid part of public debate and should not be chilled by measures intended to combat fake news.

Conclusion

14. We have not considered it necessary, in the context of press regulation and standards, to develop a definition of fake news. However, for the purposes of making this submission as helpful as possible we suggest that any definition should consider the following questions:
 - i. Is the content in question accurate?
 - ii. Does the publisher demonstrably hold itself accountable to a set of standards?
 - iii. Is the content wilfully/recklessly misrepresented as factual news for which it would be reasonably assumed there is proper oversight and accountability?
15. If the answer to the first two questions is no, content may be considered fake news if, on consideration of the third question, the material appears to have been wilfully/recklessly misrepresented. If however the answer to either of the first two questions is yes, the material should not be considered fake news and should be dealt with in the context of editorial standards if any concerns are raised.
16. These questions assume that publishers who hold themselves accountable to a known set of standards both pre and post publication do not produce fake news. This takes into account that legitimate news may nonetheless be biased, or even breach the Code of standards applicable to the producer of that content. It also attempts to take into account that 'fictional' content is legitimately used in satirical, or similar, material. In these cases, the content should fall outside the definition of fake news where the audience is reasonably able to establish that the material is not intended to be read as factual content (i.e. it has not been wilfully/recklessly misrepresented).

What impact has fake news on public understanding of the world, and also on the public response to traditional journalism? If all views are equally valid, does objectivity and balance lose all value?

Impact and trust

17. Fake news wilfully or recklessly presents inaccurate information as factual news. This can mislead audiences, distort public debate and undermine trust in 'traditional' journalism.
18. IPSO is not in a position to provide evidence as to this impact. However, we suggest that some of the debate in this area has blurred the line between the application of press standards on the one hand, and the identification of fake news on the other. This confuses the issue and will further undermine trust in journalism.

Objectivity and balance

19. Free speech is served by the availability of both broadcast news sources, which are subject to impartiality requirements, and print/online sources, which are not.
20. Commentary that is presented as opinion can be debated. The audience can decide for itself the extent to which it thinks the view being presented is valid as long as the facts on which it is based are presented accurately. IPSO members must therefore clearly distinguish between comment, conjecture and fact, whilst accurately presenting the facts upon which published opinion is based.

Conclusion

21. The production of fake news, along with the mislabelling of legitimate content as fake news, undermines trust in traditional journalism. It therefore highlights the importance for legitimate publishers of establishing, and being seen to establish, processes for verifying the accuracy of their material and to hold themselves accountable for shortcomings.
22. This endeavour would however be undermined should the Committee decide to develop a definition that legitimises the use of 'fake news' to describe journalistic content that is simply controversial or contentious. Concepts such as bias, objectivity and balance, for example, should not form part of the definition of fake news.
23. Oversight and accountability is key to journalism. IPSO members can show that they hold themselves up to a known set of standards, and are willing to be held accountable to them. The IPSO badge can communicate this to the public and act as a mark of journalism.

Is there any difference in the way people of different ages, social backgrounds, genders etc use and respond to fake news?

24. IPSO is not in a position to provide information on this question.

Have changes in the selling and placing of advertising encouraged the growth of fake news, for example by making it profitable to use fake news to attract more hits to websites, and thus more income from advertisers?

25. IPSO is not in a position to provide information on this question.