

[GB] New Standards Code launched by IMPRESS with AI future-focused provisions and a revised discrimination threshold

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On 16 February 2023, the press regulator IMPRESS launched its new Standards Code, with key changes including guidance on AI and emerging technologies, stricter measures on tackling misinformation, stronger safeguarding guidelines, and a lower discrimination threshold.

Background

IMPRESS is the only British press regulator to have sought formal approval from the Press Recognition Panel (PRP). The Panel was established in the aftermath of the phone-hacking scandal to ensure that any future press regulator meets certain standards in compliance with the Leveson report recommendations. IMPRESS is distinct from the Independent Press Standards Organisation (IPSO), Britain's other press regulator which enforces the Editors' Code of Practice but does not comply with the majority of the Leveson report's independence requirements. IPSO regulates some of the more established UK press (e.g., the Mail newspapers, the News UK titles and their respective websites), whereas publishers regulated by IMPRESS tend to be newer and more digitally focused (e.g., Bellingcat, Gal-dem and The Canary). IMPRESS is viewed by some media campaigners (e.g., Hacked Off) as "the most popular" complaints-handling body in the country. Its membership has risen from just 26 publishers in 2017 to 113 today.

The IMPRESS Code was first published in 2017 with the aim of guiding media professionals and protecting the public from unethical news-gathering activity. It applies to all forms of news delivery, including print publications, news websites and social media, and to any individual or organisation gathering information and publishing news-related content. As the media landscape has rapidly evolved in the last few years, changes were introduced in February 2023 to help build trust and improve accountability in the industry, while covering a more diverse range of digital news creators (including publishers, editors, journalists, citizen journalists, reporters, bloggers, photojournalists, freelancers, and content creators) and their practices.

Some key changes

A major change concerned the issue of **inaccurate content** and was propelled by the challenges faced in distinguishing true information from misinformation and disinformation, including that generated by AI. To help journalists and publishers ensure that their material is supported by verifiable and legitimate sources, the Code and its associated Guidance on Clause 1 (Accuracy) and Clause 10 (Transparency) provide advice on fact checking and source verification, particularly within an online context. Specifically, the Code now requires publishers to exercise human editorial oversight to ensure the accuracy of any AI generated content, clearly label such content, and take reasonable steps to limit the potential spread of false information (deliberately or accidentally) by verifying the story with other sources and checking the information against other reliable sources.

Changes were also introduced in relation to the coverage of news stories involving **children**. They all acknowledge children's media literacy, autonomy, and protections that are necessary to develop them as people. The revised Code defines a child as anyone under the age of 18 and places an obligation on publishers to "reasonably consider" requests from children to remain anonymous during news-gathering and publication (Clause 3.3), as well as requests from those under 18 when the article was published to anonymise that news content in the present day (Clause 3.4). This is a welcome recognition of the proposition that individuals should not be adversely affected later in life because stories that concern them as children remain widely available online. Importantly, under the new Code, an appropriate adult cannot veto a child's refusal or revocation of consent (paragraph 3.1.2 of the Guidance to the Code).

Because of the internet and social media, publishers must also take extra care not to identify children indirectly through "jig-saw identification", i.e., the ability to work out someone's identity by piecing together different bits of information supplied by several features of the story or across articles or news outlets (the same can apply to adults, e.g., in cases where victims of sexual offences enjoy anonymity by law). The Code (Clause 3.2) requires publishers to consider using techniques or practices that remove identifying data (e.g., the area of a city where they live, their parents' occupations or other unusual details that could lead to a child's identification). This practice also helps publishers comply with minimum use requirements under data protection law.

Another significant change concerns the provisions on **discrimination** under Clause 4. The previous version of the Code stated that publishers would be found in breach if they *incited* hatred "against any group ... [on any] characteristic that makes that group vulnerable to discrimination". This reflected the legal standard under UK law, but it was not adequately enforced, particularly online. The revised Code holds publishers to stricter standards. Clause 4.3 reads: "Publishers must not encourage hatred or abuse against any group" based on those characteristics

(emphasis added). The new wording lowers the threshold for what IMPRESS regards as discriminatory coverage and takes into account its potential effect not just on the communities, but on the society as a whole. This change, according to IMPRESS' Deputy Chief Executive Lexie Kirkconnell-Kawana: "accounts for prejudice that could be more insidious and be more cumulative or more thematic, and not a direct call to action or violence against a group of people - because that's an incredibly high threshold, and it's not often how news is carried. You don't see headlines saying [...] 'Take up arms against x group'."

Clause 7 on **privacy** highlights that, when determining the privacy status of the information, publishers must give "due consideration to online privacy settings" (Clause 7.2(b)). Public interest justifications may, however, apply. The provision challenges the widely held misconception that information found or posted online is automatically made public or free to use. The Guidance to the Code acknowledges that an individual's expectation of privacy may be weaker where no privacy settings are in place but clarifies that the absence of privacy settings will not necessarily prevent a breach of this Clause. It does not automatically mean that an individual consents to publishers or journalists publishing their content, which may reach an entirely different - or even wider - audience than the audience usually viewing the content on that individual's account (paragraphs 7.1.4 and 7.2.6 of the Guidance to the Code).

Editorial responsibility and accountability with an outlook to the future

The new Code is the outcome of an intensive two-year review process, which involved consultation with academics, journalists, members of the public and industry stakeholders. Richard Ayre, Chair of IMPRESS, stated: "With more news, more sources, more publishers, more opinions than ever before, the opportunities for journalism are limitless. But nothing's easier for a journalist to lose than public trust. This new Code sets the highest ethical standards for IMPRESS publishers, large and small, and whatever their point of view, so the public can confidently engage with the news of today, and tomorrow."

Impress Standards Code

<https://www.impress.press/standards/impress-standards-code/our-standards-code/>

Guidance on the Standards Code (clause by clause)

<https://www.impress.press/wp-content/uploads/2023/02/Impress-Standards-Code.pdf>

Impress Launches New Standards Code to Tackle Challenges of Modern Journalism

<https://www.impress.press/impress-launches-new-standards-code-to-tackle->

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