

Written evidence submitted by News Media Association (COR0132)

1. The News Media Association represents national, regional and local news publishers. Its members publish some 1000 titles throughout the United Kingdom. These include national titles, such as The Times, The Guardian, The Daily Telegraph, The Mirror and The Sun and regional and local titles such as the Yorkshire Post, the Monmouthshire Beacon, the East Anglian Daily Times and the Kent Messenger. They reach an audience of some 49 million adult readers each month, in print and online, but this is being driven ever upwards with the public demand for verified accurate information and trusted journalism as a result of the Covid-19 crisis.
2. The NMA and its members have welcomed the Government's acknowledgment of the newspaper industry as the 'fourth emergency service' and appreciate the strong messages of support for regional and local newspapers in particular which have been expressed by many Members of Parliament, Cabinet Ministers and the Prime Minister.
3. The Covid-19 crisis has underlined the importance of the independent news sector and the public demand for verified, accurate information from trusted sources is evidenced by the expanded audiences for news publishers' news services and vitality and intensity of reader engagement. The local, regional and national news publishers are determined to maintain their lively, strong, independent journalism through the course of the pandemic and beyond. However, the crisis and measures to counteract it led to immediate, drastic drop in the advertising revenues which fund such journalism.
4. The NMA and industry have therefore briefed government on the range of short term, medium term and long term measures which would help to sustain the journalism of the local, regional and national news media during the immediate crisis, through to the recovery period and beyond. The NMA has greatly appreciated the very constructive dialogue with DCMS and the resulting helpful and supportive action undertaken by DCMS, Cabinet Office, BEIS, DfE, HCLG and Treasury in particular.
5. The NMA has outlined elsewhere the broader challenges posed by the tech companies and online platforms to news publishers' business models which fund their journalism. We have also put forward our proposals for rebalancing the relationship between the tech companies and news publishers, to ensure fairer business relationships and proper recompense for the use and benefits that the tech companies derive from publishers' content. We refer you to our evidence to the [House of Lords Digital and Communications Select Committee's Inquiry on the Future of Journalism](#) and the House of Commons Digital Culture Media and Sport Select Committee's Inquiry into the impact of Covid -19 on the sectors. We are in discussions with the Government and independent regulators such as the Competition and Markets Authority and Information Commissioner on these and other relevant issues.
6. We are therefore confining this submission to the most immediate online harms concerns on which we are currently engaging with Government, because of the direct impact upon news publishers.
 - i. **Covid 19 : Government action to support the provision of accurate, verified information from trusted news media sources**

7. **Government promotion of reliable news sources:** To counter the proliferation of disinformation online, the Government must continue to encourage the public to rely on trusted news brands (print and online) rather than social media and less reliable online sources for important news and information about the crisis.
 - ii. **Avoid the blocking of advertising against editorial content of trusted news media sources, dealing with Covid-19**
8. **Stop Keyword Adblocking against trusted news media content:** The Government must maintain its effective and strong assistance in bringing about a swift end to the practice of keyword blocking which is preventing advertisements from appearing next to Coronavirus news content online (projected loss to news websites of £50 million advertising revenue over 3 months from April, as a result of such blocking).
 - iii. **Robust and comprehensive exemption for news publishers, news publishers' content, whether appearing on the publisher's own websites or elsewhere, from the proposed new online harms regime and the remit of the new statutory regulator**
9. The NMA has welcomed the assurances of successive DCMS Secretaries of State that the new online harms regime will not impact upon news publishers and their content:
10. MINISTER: GOVERNMENT LOOKING AT WAYS TO EXCLUDE JOURNALISTIC CONTENT FROM ONLINE HARMS 2/03/2020
11. MORGAN: ONLINE HARMS REGIME WILL NOT IMPACT UPON PRESS FREEDOM 17/10/2019
12. ONLINE HARMS: GOVERNMENT RESTATES PRESS FREEDOM ASSURANCES 02/05/2019
13. ONLINE HARMS: CULTURE SECRETARY MOVES TO REASSURE PUBLISHERS OVER PRESS FREEDOM FEARS 11/04/2019
14. The Government must implement clear and unequivocal, robust and comprehensive exemptions on the face of any online harms legislation which ensure that news publishers and news publishers' content, wherever it appears, whether on newspapers' own websites or third party platforms, do not fall within the scope of the new online harms regime and the remit of the online harms regulator. As former Ofcom CEO, Sharon White, told the DCMS Select Committee last year, the online harms regulator must 'not encroach into a thriving pluralistic newspaper sector in the UK.'
15. Under the existing criminal and civil law, publishers already bear legal responsibility and liability for editorial and advertising content. Publication is restricted by a very wide variety of criminal and civil law, statutory and commonlaw, including defamation, contempt of court and reporting restrictions, counter- terrorism, including glorification of terrorism offences, official secrets and other disclosure offences, incitement to hatred, obscenity, privacy and breach of confidence, data protection, harassment and the myriad laws governing advertising and consumer protection. In addition, news publishers already have well-established, effective systems in place governing user-generated content, both individual and industry wide, backed up by transparent

industry-wide standards and enforced by an industry-wide regulator, IPSO, which has been commended by Government. In addition to its free complaints and harassment services, IPSO also offers an arbitration service, at a low cost for claimants (£50-£100). Publishers are also longstanding members of the non- broadcast Committee of Advertising Practice/ Advertising Standards Authority system of advertising regulation upheld by the Advertising Standards Authority, The new Online Harms regime must ensure that news publishers do fall into the remit of the new online harms statutory regulator.

16. The new online harms regime must also ensure that news publishers' content -and advertising against their content- cannot fall foul of indirect but equally devastating controls and blocking, by way of the tech companies. Unless robust and comprehensive exemption is provided for news publishers' content, on the face of any legislation, there is a real risk of indirect controls preventing access to publishers' journalistic material. The tech companies' compliance and any obligations of policing and enforcement delegated to them by the internet regulator are highly likely to depend in practice upon the use of algorithms. There would therefore be the very real risk that the tech companies would set algorithms which would prevent news publishers' content being carried or being surfaced in search or social media news feeds simply because it contained certain words, or dealt with certain topics. This would not only be undue interference with the right of freedom of expression, but also threaten news publishers' commercial viability.
17. We would refer you to our earlier submissions and statements for further information:
18. [NMA submission to the Online Harms White Paper consultation](#)
19. [ONLINE HARMS: NMA CALLS FOR 'EXPLICIT EXEMPTION' FOR JOURNALISM](#)
20. [NMA STATEMENT ON THE GOVERNMENT'S INITIAL RESPONSE TO THE ONLINE HARMS CONSULTATION](#)
21. In view of the necessity for unequivocal, comprehensive exemption, the NMA stresses the importance of ongoing detailed and close consultation on the proposals for the online harms regime, as these are developed. This must ultimately include pre-legislative scrutiny on all draft legislation and other regulatory material, including guidance, relevant to the new regime. Presentation and consultation on the draft regime in its entirety will allow the detailed consideration necessary for assessment of its potential impact. That will then enable any appropriate revision to be made, prior to introduction into Parliament when considered improvements may not be necessary due to inevitable demands of any legislative timetable.
22. We hope this summary is helpful. Please let us know if further information on nay matter would be helpful.