

The Media Freedom & Accountability Bill

The Hacked Off Campaign

1. Most national newspapers in the UK are unregulated. They are under no obligation to maintain standards of accuracy or observe other ethical standards. The prohibitive cost of litigation against the press means that most newspapers are also able to act illegally without fear of ever being held to account. This has resulted in dozens of people suffering intrusions and other abuses in the press every year. It has also contributed to excessively low levels of public trust in the press, with the UK now experiencing the lowest level of public trust in the press of all countries in the G7.
2. There is a body which handles complaints against the press, called “IPSO”. But IPSO was set up and is controlled by newspaper executives. It has never investigated or fined a newspaper, and upholds fewer than 1% of complaints.
3. Newspapers and their websites reach 45 million people every month, which is equivalent to 70% of the population. Although “print” circulations are in decline, online readerships are rising and newspapers’ total readerships are higher today than ever before. They are also prevalent sources of news on social media.
4. The Leveson Inquiry recommended that all newspapers and their websites should be compelled to join an independent regulator, instead of IPSO. Such a regulator would be able to investigate and expose phone hacking as well as protect the public from inaccuracies, intrusion and abuse.
5. The *Media Freedom and Accountability Bill* would introduce enforceable “duties” for national newspapers and their websites, by amending the Online Safety Act. The duties require publishers to:
 - a. Run a fair and speedy complaints system
 - b. Protect the public from disinformation
 - c. Protect the public from intrusion, except where justified in the public interest
 - d. Protect the public from discrimination and hatred
6. These duties, set out in Part 3 of the bill, would only apply to newspapers with a turnover of more than £10m, so the locally owned press would be unaffected. They would also not apply to any newspaper which chooses to join an independent regulator, as proposed by the Leveson Report.
7. Furthermore, the First and Second Parts of the Bill would introduce new protections to press freedom and the legitimate activities of journalists in the public interest, without any cost to the public. They would further open up court proceedings to journalistic scrutiny, create an expedited FOI regime for journalists, and establish a constitutional right to freedom of the media. Finally, Part 4 will end political interference in broadcast media regulation, by removing the Secretary of State’s role in the OFCOM Chair Appointments process.
8. Altogether, this is a Bill that would do more to advance the cause of media freedom than any other legislation over the last ten years, while finally giving the public the protections from media inaccuracies, intrusions and other abuses which they deserve and were repeatedly promised by leaders of all political parties.
9. Full text of the bill follows, with Explanatory Notes.

MEDIA FREEDOM AND ACCOUNTABILITY BILL

A

B I L L

TO

Recognise a constitutional right to media freedom, protect the freedom and independence of the media; protect journalists; to provide for media access to information; to establish duties applicable to certain internet media publishers and to empower OFCOM to enforce those duties.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: -

PART 1

MEDIA FREEDOM AND PROTECTION OF JOURNALISTS

1. Constitutional right to media freedom

- (1) Media freedom is hereby recognised as a fundamental constitutional right essential to democratic governance and the rule of law.
- (2) Media freedom encompasses
 - (a) the right to seek, receive, and impart information and ideas through journalism,
 - (b) editorial independence from proprietors
 - (c) freedom from interference by public authorities,
 - (d) protection of journalistic sources.
- (3) Any limitation on media freedom must be
 - (a) prescribed by law,
 - (b) for a legitimate aim;
 - (c) necessary in a democratic society.

2. Prohibition on surveillance of journalists

- (1) No public authority may conduct surveillance of persons engaged in journalistic activities except
 - (a) with prior judicial authorisation; and
 - (b) where such surveillance is necessary for the investigation or prevention of crime or for reasons of national security purposes; and
 - (c) where less intrusive methods have been considered and found inadequate.
- (2) Any surveillance authorised under subsection (1) must be
 - (a) targeted and time-limited;
 - (b) proportionate to the threat identified; and
 - (c) subject to regular review by a court or tribunal.

3 Media Freedom Commissioner

- (1) There shall be a Media Freedom Commissioner appointed by the Commissioner for Public Appointments on the advice of the Lord Chief Justice following consultation with representatives of the media.
- (2) The Commissioner shall
 - (a) monitor compliance with this Act;
 - (b) investigate complaints of breaches of media freedom;
 - (c) report annually to Parliament on the state of media freedom; and
 - (d) provide guidance on the implementation of this Act.
- (3) The Commissioner shall have such powers as are necessary to discharge these functions, including powers to require the production of documents and to compel attendance at hearings.

4. Interpretation

- (1) In this Act “the media” means—
 - (a) media organisations, and
 - (b) servants and agents of media organisations in the performance of functions relating to the activities of those organisations.
- (2) In this Act “media organisations” means organisations which—
 - (a) make broadcasts within the meaning of section 95(1) of the Wireless Telegraphy Act 2006, or
 - (b) publish newspapers, magazines or periodicals, or
 - (c) publish information on the internet directed to the public or a section of the public.
- (3) In this Act “journalism” means the collection, verification, analysis, and presentation of information, in any medium, for the purpose of informing the

public about matters of fact or opinion concerning current or historical events, issues of public interest, or matters affecting society.

- (4) In this Act "journalist" means
 - (a) a person engaged in journalism, whether as an employee, freelancer, independent operator or citizen journalist
 - (b) editors, publishers, producers, camera operators, researchers, and other media workers directly involved in the gathering, verification, preparation, or dissemination of news or information to the public.
- (5) In this Act, "public authority" means a court or tribunal and any person certain of whose functions are functions of a public nature.

PART 2

MEDIA ACCESS TO INFORMATION

5 . Enhanced right of access to information

- (1) All public authorities have a positive duty to facilitate access to information by persons engaged in journalistic activities.
- (2) Where a request for information is made by a journalist or media organisation, the public authority must:
 - (a) respond within 10 working days;
 - (b) provide full reasons for any refusal; and
 - (c) advise of rights of appeal.
- (3) The presumption shall be in favour of disclosure unless the public authority can demonstrate that withholding the information is necessary and proportionate for one of the grounds specified in the Freedom of Information Act 2000.

6. Court reporting and access

- (1) Journalists have a right to attend and report on all court or tribunal proceedings save where
 - (a) a statutory prohibition applies; or
 - (b) a court or tribunal makes a specific order restricting reporting in the interests of justice.
- (2) Journalists have a right to be provided with copies of all court or tribunal documents save where
 - (a) a statutory prohibition applies; or
 - (b) a court or tribunal makes a specific order restricting the disclosure of documents or parts thereof to journalists.

Such access shall be subject to any order that the court or tribunal may make restricting the use which may be made of the documents.

- (3) Any order under subsection (1) or (2) must
 - (a) be no more restrictive than necessary;
 - (b) be time-limited; and
 - (c) include provision for review.

PART 3

INTERNET MEDIA STANDARDS: AMENDMENTS TO THE ONLINE SAFETY ACT 2023

7. Regulated Internet Media Publisher duties

After section 166 of the Online Safety Act 2023 insert:

Part 7A. Standards for Internet Media Publishers

Chapter 1 Regulated Internet Media Publisher Duties

- 166A
 - (1) The provisions of this Part apply to regulated internet media publishers as defined in sub-section (2)
 - (2) A regulated internet media publisher is a relevant publisher as defined in section 41 of the Crime and Courts Act 2013, which:
 - (a) Is not a member of an approved regulator, as defined in section 42 of the Crime and Courts Act 2013
 - (b) Publishes news-related material to the internet.
 - (c) Is owned by a company which recorded annual turnover in the United Kingdom in excess of £10 million in the previous financial year.
- 166B
 - (1) The following duties apply to regulated internet media publishers (“Internet Publisher Duties”):
 - (a) A duty to establish a mechanism to handle complaints from members of the public which is:
 - (i) Fair in its consideration of complaints and application of remedies,
 - (ii) Prompt, and,
 - (iii) Not unduly burdensome to either publisher or complainant.
 - (b) A duty to take care not to publish inaccurate, misleading or distorted information or images.
 - (c) A duty to avoid prejudicial or pejorative reference to an individual’s race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability.

- (d) A duty to ensure respect for an individual's private and family life, home, physical and mental health, and correspondence, including digital communications.
- (2) There will be no breach of the duty in sub-section (1)(d) where the publication which would otherwise give rise to a breach of the duties is.
 - (a) in the public interest, and,
 - (b) the public interest in the publication is proportionate to the extent of any breach of the relevant duty or duties.
- (3) For the purposes of subsection 2, the following are examples of matters that are capable of amounting to a public interest—
 - (a) revealing the actual or likely commission of a criminal offence;
 - (b) revealing an actual or likely failure to comply with a legal or regulatory obligation;
 - (c) revealing an actual or potential miscarriage of justice;
 - (d) revealing actual or potential seriously anti-social behaviour;
 - (e) protecting public health or safety;
 - (f) revealing actual or likely damage to the environment;
 - (g) exposing seriously misleading claims made publicly by individuals or organisations;
 - (h) disclosing incompetence, negligence or recklessness in the performance of functions of a public nature or in matters that affect the public or a significant section of the public;
 - (i) raising or contributing to an important matter of public debate;
 - (j) disclosing the actual or likely deliberate concealment of matters referred to in paragraphs (a) to (i).

Chapter 2: Enforcement of Regulated Internet Media Publisher Duties

- 166C
- (1) OFCOM shall investigate whether a publication by a regulated internet media publisher has breached one or more Internet Publisher Duties in cases where:
 - (a) A complaint about the publication is received by OFCOM or,
 - (b) OFCOM has reasonable grounds to believe that a breach may have occurred.
 - (2) Where a complaint has been made of a breach of one or more

Internet Publisher Duties OFCOM shall not initiate an investigation until the sooner of the following occurs:

- (a) A complaint to the publisher responsible for the publication complained of has been dismissed by that publisher, or,
 - (b) Two months have passed since a complaint was first made to the publisher responsible for the publication complained of.
- (3) OFCOM shall conclude its investigation into suspected or alleged breaches of the Internet Publisher Duties within three months of receiving a complaint or becoming aware of the possible breach.

166D

- (1) Where OFCOM finds that a serious or systemic breach of one or more Internet Publisher Duties) has occurred, OFCOM shall give the regulated internet media publisher a written decision (an “Enforcement Decision”) which:
- (a) Identifies the breach or breaches of Internet Publisher Duties which has been found to have occurred.
 - (b) Sets out its decision as to remedy.
 - (c) Gives reasons as to why such breach or breaches have been found and for the remedy it has imposed.
 - (d) Gives directions to the regulated internet media publisher as to remedy.
- (2) OFCOM shall publish Enforcement Decisions in full to its website.

166E

- (1) OFCOM shall have power to award the following remedies against regulated internet media publishers:
- (a) A fine of up to 1% of the annual turnover of the publisher in the United Kingdom in the previous 12 month accounting period, and,
 - (b) A published correction in the size, prominence and location determined by OFCOM.
- (2) In determining the amount of a fine imposed on a regulated internet media publisher OFCOM shall take into account:
- (a) The proportionality of the fine, in light of the extent and seriousness of the relevant breach of the duties
 - (b) The importance of the media’s right to freedom of expression
 - (c) The rights and interests of those affected by the breach, and,
 - (d) The rights and interests of the public, and the need to protect the public from further breaches of the duties in future.

- (3) Regulated internet media publishers shall be under a statutory duty to comply with the directions as to remedy in Enforcement Notices which duty shall, in the absence of compliance, be enforceable by OFCOM in the High Court in England and Wales.

PART 4

AMENDMENTS TO THE COMMUNICATIONS ACT 2003

8. At the end of section 3(2) of the Communications Act 2003 insert
- “(h) the adequate protection of the public and internet users from harm by regulated internet media publishers and the enforcement of Internet Publisher Duties (as defined in Part 7A of the Online Safety Act 2003, as amended).”
9. The Chair of OFCOM shall be independently appointed in accordance with the provisions of the Schedule to this Act.

PART 5

GENERAL

10. **Extent**
- (1) Subject to the following provisions of this section, this Act extends to England, Wales, Scotland and Northern Ireland.
- (2) Parts 1 and 2 of this Act extend only to England and Wales.
11. **Commencement**
- This Act comes into force on the date it receives Royal Assent.
12. **Short Title**
- This Act may be cited as the Media Freedom and Accountability Act 2025

SCHEDULE

1. The Office of Communications Act 2002 is amended as set out in this Schedule.
2. In subsection 1(3) -

- (a) In subsection 3(a), omit “chairman” and insert “member”.
- (b) In subsection 3, after “comprise”, insert:

“3(a) a chairman appointed under the terms of [New Section 1A]”

3. At end of Section 1, insert:

- 1A This Section regulates the manner in which the Chair of the Board and his successors shall be made.
- (1) The appointment of the Chair of the Board shall follow a fair, open and merit-based process, to be conducted in the manner, and by the persons, described in this section.
 - (2) The responsibility for identifying and thereafter appointing the Chair of the Board shall be that of an independent Appointments Committee.
 - (3) The Commissioner for Public Appointments shall:
 - (a) appoint the members of the Appointments Committee;
 - (b) decide how many people will serve on that Committee; and
 - (c) allow his Office to support the work of that Committee.
 - (4) The Chair of the Committee shall be a Public Appointments Assessor (appointed pursuant to the Public Appointments Order in Council 2013).
 - (5) In order to ensure the independence of the Appointments Committee, a person shall be ineligible to be appointed if he:
 - (a) is or has in the past 24 months been a serving editor of a publication of a relevant publisher;
 - (b) is, or has in the past 24 months, been a director of a company owning a relevant publisher.
 - (c) is a relevant publisher or otherwise involved in the publication of news current affairs in the United Kingdom;
 - (d) is or is employed by a licence-holding broadcaster
 - (e) is a member of the House of Commons, the Scottish Parliament, the Northern Ireland Assembly, the National Assembly for Wales, the European Parliament or the House of Lords (but only if, in the case of the House of Lords, the member holds or has held within the previous 5 years an official affiliation with a political party); or
 - (f) is a Minister of the Crown, a member of the Scottish Government, a Northern Ireland Minister, or a Welsh Minister.

EXPLANATORY NOTES

OVERVIEW OF THE BILL

1. The Media Freedom and Accountability Bill introduces new duties applicable to certain companies which publish news related material to the internet, and are not broadcasters.

These duties apply to all such publishers which:

- a. Have an annual turnover in excess of £10 million, and,
 - b. Are not otherwise members of an independent regulatory body.
2. The Bill confers new powers on the Office of Communications (OfCOM) to enforce these duties.
 3. Additionally, the Bill introduces new constitutional protections to protect media freedom, limits public authority surveillance of journalists, establishes a Media Freedom Commissioner, and contains other measures to enhance journalists' access to information.

POLICY BACKGROUND

4. Most national news publishers in the UK are not independently regulated. Consequently, the public is exposed to inaccuracies, discrimination, intrusion, and other harms perpetrated by parts of the media.
5. There are limited protections for journalists and publishers acting in the public interest in the UK.

Media accountability: The Leveson Inquiry

6. In 2011, the Leveson Inquiry into the Culture, Ethics and Practices of the Press was established in response to the phone hacking scandal. The Inquiry found that a culture of impunity had pervaded parts of the press, and that regulatory reform was urgently required. The Inquiry also found that, over the previous 70 years, the newspaper industry had experienced multiple rounds of scandal and promises of reform, which never materialised. In his report (the "Leveson Report"), Sir Brian Leveson described this as a "pattern of cosmetic reform".
7. The Leveson Report recommended that newspapers should be given the opportunity to join an independent regulator of their own volition and choosing, which must meet certain criteria. These were subsequently set out in the Royal Charter on the Self-Regulation of the Press. He also recommended that, if newspapers refuse to join such a regulator, then OfCOM should act as a "backstop" regulator. This would ensure that the public would not be exposed to serious press wrongdoing in the circumstances of industry non-compliance with the new regime.

Developments in press culture and standards, 2012 – 2025

8. As Leveson predicted, national newspapers refused to comply with the new regime. Instead, in 2014, some national publishers set up a body which does not meet the criteria set out in the Royal Charter. They called this body "IPSO". It has not fined or investigated any of its members and upholds fewer than 1% of complaints. Public polling has demonstrated deep public dissatisfaction with the body. It has also been criticised by journalist representative bodies such as the NUJ, free speech groups like Article 19, and victim representative organisation Hacked Off.

9. Other publishers, mostly local and independent newspapers, set up a regulator which satisfied Leveson's criteria. This is called "IMPRESS". Although IMPRESS has over 200 members, this does not include any national newspapers.
10. Over the last 13 years, newspaper readerships have risen to new highs. Approximately 45 million people access newspaper content every month. The majority of this readership is now online rather than in print. This shift in medium has no impact on the Leveson recommendations, which are platform neutral.

The Press Freedom and Accountability Bill, Part 3

11. This bill would ensure that online news publishers with annual turnovers of more than £10m are subject to a form of independently-enforced regulation. It does so by providing publishers with the option of either:
 - a. Participating in the regulatory regime proposed by Leveson, by joining a regulator which is compliant with the Royal Charter on the Self-Regulation of the press, or,
 - b. Retaining their own complaints body, which may be IPSO or another organisation or an in-house complaints system, and meeting the Duties in the Bill.
12. The Bill applies to all news publishers which:
 - a. Meet the definition of a "relevant publisher" in the Crime and Courts Act,
 - b. Meet the minimum turnover threshold in the United Kingdom and,
 - c. Publish to the internet.

These criteria are satisfied by all national newspapers and large news websites which are based in the United Kingdom.

13. The Duties in the Bill cover the topics of:
 - a. Inaccuracy,
 - b. Intrusion, and,
 - c. Discrimination.
14. Publishers would also be under a Duty to provide access to a fair and prompt complaints handling system.
15. The Bill shall empower OFCOM to enforce the Duties. The remedies available to OFCOM are the required publication of corrections and fines of up to 1% of annual turnover.

The Press Freedom and Accountability Bill, Parts 1, 2 and 4

16. This Bill will also introduce enhanced protections and rights for the media. Part 1 of this Bill would introduce a constitutional right of freedom of the media, create an expedited freedom of information regime for journalists and publishers, and end the practice of state surveillance on reporters without judicial oversight. Part 2 will guarantee publishers' access to information regarding court proceedings. Part 4 gives effect to a schedule which sets out a new process for the appointment of the Chair and Board of OFCOM, which excludes sitting politicians.

LEGAL BACKGROUND

17. The Crime and Courts Act 2013 includes several relevant definitions. These include “Approved regulator”, which is an independent regulator that has achieved Recognition under the Royal Charter on the Self-Regulation of the Press. It also defines “Relevant publishers” as publishers of news-related material in the UK, excluding broadcasters.
18. The Online Safety Act makes provision for the protection of the public from harm perpetrated by social media companies, through the enforcement of duties by OFCOM. News media publishers are largely excluded from the effects of the Bill. This Bill will introduce similar duties applicable to news publishers, also enforced by OFCOM.

COMMENTARY ON PROVISIONS OF THE BILL

Part One: Media Freedom and Protection of Journalists

Section 1: Constitutional right to media freedom

19. This section establishes “media freedom” as a constitutional right, and requires that any limitation upon it must be “prescribed by law”, for a “legitimate aim”, and “proportionate”.

Section 2: Prohibition on surveillance of journalists

20. Subsection 1 outlaws public authorities’ surveillance of journalists, except where surveillance is necessary for national security or prevention of crime, other “less intrusive” methods have been found to be inadequate, and judicial authorisation has been granted.
21. Subsection 2 requires that any subsequent surveillance is targeted, time-limited, proportionate, and subject to regulator court or tribunal review.

Section 3: Media Freedom Commissioner

22. This section establishes the role of “Media Freedom Commissioner”.
23. Subsection 1 sets out the process for appointing the Commissioner.
24. Subsection 2 sets out the Commissioner’s responsibilities, which are to monitor compliance with this Bill, investigate complaints of breaches of media freedom, report to parliament on the state of media freedom, and provide guidance on compliance with the Bill.

Section 4: Interpretation

25. This section sets out definitions for “the media”, “media organisations”, “journalism”, and “journalist”.

Part Two: Media Access to Information

Section 5: Enhanced right of access to information

26. This section introduces an expedited process for journalists seeking access to information from public authorities, which could otherwise be pursued under the Freedom of Information Act 2000.
27. Subsection 1 introduces a positive duty for public authorities to provide information to journalists and media organisations.

28. Subsection 2 requires a response to journalistic requests for the disclosure of information within 10 days, and for public authorities to provide reasons for any refusal and advice on rights of appeal.
29. Subsection 3 introduced a presumption in favour of disclosure, except where withholding can be justified under the grounds of the Freedom of Information Act 2000.

Section 6: Court reporting and access

30. Subsections 1 and 2 establish the right of journalists to attend, report on, and access all court documents in relation to court proceedings, except where there is a statutory prohibition or the court or tribunal makes a specific order to the contrary.
31. Subsection 3 requires that any court orders made to restrict the rights set out in subsections 1 and 2 are no more restrictive than necessary, time-limited, and are subject to review.

Part Three: Internet Media Standards: Amendments to the Online Safety Act 2023

Section 7: Regulated Internet Media Publisher duties

32. This section introduces a new sub-part to the Online Safety Act 2023, Part 7A.
33. Chapter 1 of this Part, Regulated Internet Media Publisher duties, contains new sections 166A and 166B.
34. 166A sets out that the duties will apply only to publishers which are not members of an “approved regulator”, which is any regulator that has achieved “Recognition” under the Royal Charter on the Self-Regulation of the Press, publishes news-related material to the internet, and is owned by company with a turnover in excess of £10 million in the previous year.
35. 166B sets out the duties.
36. 166B(1)(a) introduces a duty to establish a complaints-handling mechanism, which must be fair, prompt and unburdensome.
37. 166B(1)(b), (c) and (d) introduces duties on the topics of inaccuracy, intrusion of privacy, and discrimination. These duties use the language of the Editor’s Code, the media standards code developed by the Editors’ Code Committee, which the organisation “IPSO” is obligated to use.
38. 166B(2) makes the requirement on compliance with the duty contained in subsection 1(d), which is the duty on the topic of intrusion into privacy, subject to the public interest. This subsection will ensure that publishers acting in the public interest are not restricted from violations of privacy, where intrusion is necessary and proportionate.
39. 166B(3) sets out examples of matters which may amount to the public interest.
40. Chapter 2 of this Part contains new sections 166C, 166D and 166E.
41. Subsection 1 of 166C empowers OFCOM to investigate complaints about an alleged breach of the duties, and to establish its own proactive investigations where a breach is suspected.
42. Subsection 2 prevents OFCOM from considering a complaint until the complaint has first been raised with the publisher and the publisher has rejected it, or two months have passed.
43. Subsection 3 requires OFCOM to conclude any investigation to a possible breach within 3 months.
44. 166D sets out OFCOM’s responsibilities and powers in relation to an outcome from an investigation which finds that a breach of the duties has occurred.

45. 166E provides detail on the application of remedies.
46. Subsection 1 sets out the remedies available to OFCOM, to enforce the duties. These are a fine of up to 1% of annual turnover and a published correction.
47. Subsection 2 sets out the factors OFCOM must take into account in determining an appropriate remedy for any breach.
48. Subsection 3 establishes a statutory duty for publishers to comply with any remedies directed by OFCOM.

Part Four: Amendments to the Communications Act 2003 & relevant Schedule

49. Section 8 establishes OFCOM's responsibility to protect the public from the risk of harm from internet media publishers, as set out in the rest of this Bill.
50. Section 9 gives effect to the Schedule, which introduces a new process for the appointment of the Chair of OFCOM which disqualifies the Secretary of State and other politicians from involvement. This process involves the Commissioner for Public Appointments appointing an Appointments Committee, which shall in turn appoint the Chair and Board of OFCOM. Political office-holders in the United Kingdom and those employed by a broadcaster or relevant publisher are not eligible to sit on the Appointments Committee.