

Alþingi
Erindi nr. Þ 141/1793
komudagur 25.2.2013

Judicial Affairs and Education Committee
Nefndasvið Alþingis
Austurstræti 8-10
Reykjavík 150
Iceland
email: nefnadasvid@althingi.is

25 February 2013

Submission regarding:

Disclosure of Information and Protection of Whistleblower Bill
(Lög um miðlun upplýsinga og vernd uppljóstrara) (case no. 453)

Dear Judicial Affairs and Education Committee,

I am the director of the Centre for Investigative Journalism (CIJ) at the Department of Journalism, City University in London.

Background

I founded the CIJ in 2003 with Mihcael Gillard, a journalist long associated with Private Eye and The Observer, which is based in the Department of Journalism at City University. At the time, and to this day, the function of the CIJ is to educate journalists, students and researchers in the methodology and practice of investigative journalism, in the areas freedom of information, computer assisted reporting and of course the protection of whistleblowers. I am frequently asked to comment on matters concerning journalism generally and the CIJ enjoys support from a range of public figures, media publications and academics.

Disclosure and the Media

Journalists have, since the profession began, relied on sources willing to provide them information whether publicly or in confidence. It is a key element in the defence of accountability within which journalists operate to ensure that the societies they write about remain open and transparent. However, the flipside to this is that since the profession began, people who 'talked' to journalists and acted as sources could sometimes face reprisal from the powerful people or interests against which they were speaking out or releasing information. This served to do one or both of the following things –

Journalism at City University. At the time, and to this day, the function of the CIJ is to educate journalists, students and researchers in the methodology and practice of investigative journalism, in the areas freedom of information, computer assisted reporting and of course the protection of whistleblowers. I am frequently asked to comment on matters concerning journalism generally and the CIJ enjoys support from a range of public figures, media publications and academics.

make it dangerous for a source to provide information to a journalist or to discourage that person from releasing information in the first place. Both of these eventualities are highly undesirable for a country that wishes to promote freedom of speech, even in the face of powerful interests. Perhaps it is against such powerful interests that others should have access to the strongest protections, as the information pertaining to such disclosures can assumedly be in the public interest.

The importance of sources and whistleblowers providing information to journalists is critical in any democracy. Firstly, the function of the media is to disseminate information known by only a few people to the vast majority of people. Because of this, its ability to frame debates and public opinion is very high. The greater the health of the media and its ability to frame the public debate in a meaningful and truly informed way, the higher chance it is that the society in which it operates will be more open and transparent. Secondly, often it can be the case that certain information, whilst in the public interest, is only known by few people. If that information relates to fraud, abuse of power or corruption, or another related matter it is unlikely that those few individuals can do something about correcting the wrongdoing. By strengthening the ability for a whistleblower to speak with the media, by removing their understandable fear of retribution, we serve to create another mechanism for correcting wrongdoing by removing it from the hands of the conscientious person brave enough to come forward with the information and deal with the wrongdoing as a society as whole. These mechanisms can be journalists, the police or other regulatory agencies, but all to the purpose of bringing the information to the public.

This really is the essence of freedom of speech – not just the ability to be able to say the truth, but also that you are supported in saying it, and protected if that truth spoken happens to undermine powerful interests engaged in wrongdoing.

The Bill

The provisions proposed by the PID Bill are of an excellent standard in terms of supporting freedom of speech and the role of a proper, informed media. The parliament has clearly recognised the benefit in protecting whistleblowers and their role as a kind of conscience of our wider society. The PID Bill strikes a fair balance in this regard – whilst it still encourages a whistleblower to 'blow the whistle' internally in most circumstances, it retains enough flexibility to protect whistleblowers who must turn to other places, such as their local members of Parliament, in order to act on wrongdoing. While they are likely to be in the minority, there are and will be certain cases where revealing information in the public interest through internal channels will simply not be

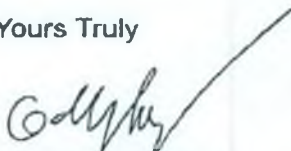
This really is the essence of freedom of speech – not to say the truth, but also that you are supported in saying that truth spoken happens to undermine powerful wrongdoing.

appropriate. This may be because the internal channels are part of the wrongdoing, there is ineptitude in the investigation of the wrongdoing, or simply the fact that the matter is pressing and needs to be dealt with publicly and in a time critical manner.

I recommend enacting this PID Bill. It will continue the strong tradition and reputation that Iceland has for promoting quality journalism, freedom of speech and transparency.

I wish to thank you for the ability to offer comments on the PID Bill to this committee. As always, if you have any further questions, or I can help in any other way please contact me and I will do my best to assist.

Yours Truly



Gavin MacFadyen

Director

Centre for Investigative Journalism

Department of Journalism, City University, Northampton Square, London EC1V 0HB

gavin@tcii.org, +44 (0)7740 304 570, +44 (0)207 040-8220 or 8526 direct