

PRIVACY AND THE PUBLIC'S RIGHT TO KNOW

Prize-winning essay by Eunice Liu

Privacy of the individual versus the public's right to know – a question that has been discussed over and over again in the media itself, the debate intensifying after the tragic death of Princess Diana last year. Sought by celebrities, anonymous informers as well as ordinary citizens, privacy should be respected by members of the press – too often do journalists use techniques that show disregard for others' distress in order to "get the story". However, in other cases, it is due to the publication of "private" details that hidden agendas and acts of corruption are brought to light. It is the amount of public interest involved that is more important in determining whether or not the press is justified in overriding privacy.

The press – all members of the printed media, including newspapers, magazines, tabloids – plays the important role of informing the public of what they need to know. This freedom of speech in the media is central to our democracy, as it means that the public's main source of information is independent of any of the authorities, and is thus more likely to present information in an unbiased manner. As stated in the Universal Declaration of Human Rights,

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." [1]

It is the right to know, the public's right to access information, that allows us to keep a critical eye on our society and ensure the fair running of our country.

THE RIGHT TO PRIVACY

However, another basic human right is the right to privacy [2] – "freedom from intrusion and public attention" as defined in the Oxford Dictionary [3]. This includes privacy for the person, conversation, seclusion and personal information [4]. That is, one should be able to lead a life without others following one all the time, eavesdropping on what one says, having one's every move under surveillance, and making public one's personal details.

Such two basic human rights come into conflict when matters are to be reported in the media. What the press sees as information that ought to be made public may be considered private by the individual. 1997 figures showed the privacy complaints made by both public personalities and private citizens, having tripled since 1994, stood at 9% of the total number of complaints lodged to the Press Council [5]. Often when confronted with such accusations of intruding upon one's privacy, the journalist's defence is that it was in the "public interest". This term, however, is rather vague. Many tend to define it as what the public is interested in – the kind of sensational news that increases circulation and sells papers. Yet this sacrifice of the individual's privacy for the entertainment of the general

public is not "public interest". In fact, it is the necessity of the public, as citizens, to have access to essential information.

A great proportion of those mentioned in the media are ordinary citizens who, because of their experience of extraordinary circumstances, become significant. These people are most likely to be victims of crime or tragedy. In such cases, names, addresses, photographs and other details that would lead to the identification of the victim should not be published without consent. It is not imperative for the public to know the name of the victim because, after all, stories reported in the media are often far removed from the readers' daily lives that the name is of no more interest to them than a piece of trivia. Yet to the victim and his or her family and friends, publication of the name could mean embarrassment, harassment or even death threats from the criminal.

TRAUMA AND GRIEF

In times of trauma and grief, one would expect that the press would not intrude upon one's privacy; that prior to an interview, one's permission would be sought, respecting one's wishes if one declined to talk to the press. However, some reporters obtain their information in ways that show a complete disregard for others' pain and suffering. A murder victim's mother was harassed by a reporter demanding an interview, who defaced her property when she refused to talk to him [6]. The mother of David Wilson, the tourist that had been murdered by the Khmer Rouge, was also subjected to the same sort of treatment – "one [reporter] yelled through the door, another climbed on the roof to walk across it and look into her courtyard." [7] Basic human decency requires one to respect others' right to grieve in private – such insensitive treatment, especially at a time when one is most vulnerable, is unacceptable.

The situation is somewhat different for well-known personalities. In seeking a public role, they have already forfeited some of their privacy. It is important that those in the position of power, such as politicians and bureaucrats, should be brought into the media limelight for public scrutiny. This examination of their actions and words by the press is the only way to ensure that our country is run in an honest way and in accordance to our democratic principles. One prime example of this is the Royal Commission into police corruption in recent years. The press played a crucial role in exposing the corruption behind the scenes – in this case, many names of offending officers were revealed. This helped to break down the code of silence among those in the police force, encouraged others to come forward with what they knew, and made the wider community informed of the problems in an organisation that they trusted to protect them. Although the privacy of the individual was not respected, the benefits to society reaped from the action were much greater, thus justifying the prioritising of public interest before privacy.

However, this argument does not give the press the mandate to reveal all there is to know about public figures – only information that is concerned with the person's profession, cause or is in some way related to public issues and services should be mentioned. For example, in the travel rorts affair, it was appropriate for the press to publish each MP's travel allowances, so that the public could judge for themselves whether such spending of their hard-earned taxes was justified. On the other hand, publication of details about politicians' private lives to prejudice the reader against them is not in the public interest. Cheryl Kernot and Pauline Hanson are recent examples of such victims – no matter what one's political views are, they should be entitled to an unbiased portrayal and to prevent their private lives from being known by the public.

CELEBRITY

Celebrities in the entertainment industry, as well as royalty, are also public figures, although of different nature. They are the ones most subject to exposure in the media, especially in tabloids, women's magazines and gossip columns. Their private lives are often described in lurid detail, sprinkled with rumours, gossip and other allegations. Photos of them are ubiquitous – some complimentary, others less so.

Such publicity should be expected by the celebrities, the majority of whom have voluntarily made themselves known to the world – a few even go out of their way to create sensational news to obtain notoriety. Yet in the race to obtain exclusive interviews, compromising photos and shocking exposés to satisfy the public, some members of the press resort to more underhand methods of gaining information, such as surveillance cameras and harassment. Of course, the example that immediately springs to mind is the fatal tragedy of Princess Diana, who was killed in a car accident while being pursued by paparazzi in Paris. Arnold Schwarzenegger, the well-known Austrian actor, had a similar experience. Although he is usually portrayed as a brave, "macho" hero, Schwarzenegger was reduced to begging the paparazzi, who had cornered him and his wife in order to take some photos, to leave them alone. While these people are celebrities and are in the media spotlight, they do not deserve such insensitive treatment from certain sectors of the press. Their fame should not rob them of the basic human right of privacy.

WHISTLE-BLOWERS

Less discussed, but by no means less significant, are the anonymous informants, who also consider their privacy to be of the utmost importance. Identification could result in loss of a job, worsening in relationships or even loss of life. However, the press also has a responsibility towards the public in being accountable for everything they report. Understandably, the credibility of an article drops if sources are unnamed. Here, the press faces a moral dilemma. The public has a right to know where the information comes from in order to make an informed judgment; on the other hand, it would not be right to endanger the livelihood or life of the "whistle-blower". What is important is for the information obtained to be used to rectify the wrongs in society, thus doing justice to both the anonymous informer and the public.

The success of our democracy hinges on the freedom of speech in our media, that keeps the public well-informed of what is occurring in our society. Yet the privacy of individuals, famous or not, should also be respected. However, the press' ultimate responsibility is to the public – to be the watchdog in today's world, where so much can go wrong. It is up to the individual journalists to use their own discretion in dealing in such matters, and take the course of action from which society can most benefit.

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Footnotes

1. *Universal Declaration of Human Rights*, Article 19 from *The Unesco Courier*, UN 1948 Dec 10.
2. *International Covenant on Civil and Political Rights*, Article 17 from *Ethics in Journalism*, Report of the Ethics Review Committee, Media Entertainment and Arts Alliance, Australian Journalists' Association Section, Melbourne University Press, Carlton South, Vic., 1997, p.113
3. Thomson, Della (ed.) *The Concise Oxford Dictionary*, 9th ed., Oxford University Press, NY, 1995, p.1088.
4. These different dimensions of privacy are defined in *Ethics in Journalism*, op.cit., p.48
5. Kingston, Margo. "Privacy may come of the too-hard basket" *Sydney Morning Herald*, Sept. 2nd, 1997.
6. Lumby, Catherine. "Privacy v the right to know: whose rights need protecting?" *Sydney Morning Herald*, August 17th, 1992.
7. Age, October 31st 1994, p.1 from *Ethics in Journalism*, op.cit. p.114

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