



HOUSE OF LORDS

Unrevised transcript of evidence taken before

The Select Committee on Communications

Inquiry on

THE FUTURE OF INVESTIGATIVE JOURNALISM

Evidence Session No. 4.

Heard in Public.

Questions 190 - 259

TUESDAY 25 OCTOBER 2011

3.25 pm

Witnesses: Mr Roger Bolton and Mr Roger Graef

Ms Elizabeth Linder, Professor Jon Crowcroft and Ms Elena Egawhary

USE OF THE TRANSCRIPT

1. This is an uncorrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.
2. Any public use of, or reference to, the contents should make clear that neither Members nor witnesses have had the opportunity to correct the record. If in doubt as to the propriety of using the transcript, please contact the Clerk of the Committee.
3. Members and witnesses are asked to send corrections to the Clerk of the Committee within 7 days of receipt.

Members present

Lord Inglewood (Chairman)
Lord Clement-Jones
Baroness Deech
Baroness Fookes
Lord Gordon of Strathblane
Lord Macdonald of Tradeston
Bishop of Norwich
Earl of Selborne

Examination of Witnesses

Witnesses: **Mr Roger Bolton**, Presenter, BBC Radio 4's *Feedback*, and former Editor of *Panorama* and *This Week*, and **Mr Roger Graef**, Producer of *The Trouble with Pirates* (BBC) and *Kids in Care* (*Panorama*).

Q190 The Chairman: A warm welcome to you. I am sorry you now appear to be the sole focus of our attention because Roger Graef is delayed—I imagine he is on his way—and it is now the time we should start.

Two small things before formally welcoming you. The first thing is that it is quite likely we are going to have a Division, I am told, during the duration of the hearing, in which case, I am afraid, we will just go and vote and then we will come straight back. So please do not be perturbed when the entire Committee evaporates in front of you; it is nothing you have said. Secondly, the hearing is being filmed by the parliamentary channel because it may want to use it later on today, and there are still photographs being taken for internal purposes by the House authorities, so I hope that is in order as far as you are concerned.

Can I then formally welcome you and say thank you very much for coming along? You have kindly circulated to us a CV, which we have all seen. You know the purpose of our inquiry, which is to look at the future of investigative journalism in the context of legal and other changes that are being suggested, just to make sure we do not end up fighting the last war

and not the next war. Unless you want to make an opening statement, I suggest we go straight into the question and answers.

Mr Roger Bolton: I would just say four small things, if I may. The first is that independent producers are almost entirely dependent on broadcasters to do investigative journalism. Independent producers have the will; they don't have the means. Secondly, public services broadcasters must have competition in this area. In the past, either BBC or ITV has been scared off subject matter, and because both have been in the same business, on the whole the investigation has got done. It would be entirely wrong if only one PSB was doing this. The third thing is to say that the BBC is cutting back on its investigative journalism by its own submission to you, I think; and fourthly, I think there is a particular problem developing in local journalism, and regional and local journalism in terms of investigation, by the proposed cutbacks by the BBC, particularly in the *Inside Out* programme, and there seems to be an illogicality between, on the one hand, the Secretary of State trying to get local television going at the same time as the BBC is cutting back on local radio, which is there already doing—to some extent and with the resources available—good investigative journalism. It seems a rather curious situation where certain journalists are departing the scene in local radio, or it is planned that they should do so, and we do not know whether any journalists will be going back in terms of regional television.

Q191 The Chairman: When I was at the Bar and one heard comments like that, I think what the judge used to say was, "I hear what you say." Thank you very much for that opening, a very relevant and interesting introductory comment.

If I might just go back to the beginning of the story, which is, if you are going to do an investigative programme, where do you generate your ideas from? How do you get hold of

the sort of things you think might be worth looking into further and then, if appropriate and accepted, carry on through to carry out an investigation?

Mr Roger Bolton: A variety of sources, but it may be that of your long experience of a particular area. Indeed, an acquaintanceship, may I say, that was made with some of your Lordships might give you an odd hint about where to look. But the second area tends to be that you want to be in an area where you think the broadcaster is going to commission you, and this is the danger. Outside of an organisation, the choice of subject matter is obviously not left up to you. You propose; broadcasters dispose. It is a matter of instinct. Very occasionally people will write to you or it may come out of an existing programme that you do, and people, having trusted you on one programme, then trust you with a piece of information in the next, but again, what you weigh up first of all is whether it is worth doing in a journalistic sense. Secondly, if you are an independent producer immediately, is it worth doing in a business sense?

The fundamental problem with investigative journalism is that you do not know whether your investigation will be successful and, therefore, whether there will be a programme. Someone has to fund the investigation to the point at which you know there is a programme. Independent producers fund it to the point it goes to a broadcaster. If the broadcaster is not then prepared to fund it and prepared not to have a programme at the end of it—that is the sort of nature of the problem we are in.

Q192 The Chairman: In terms of the subject matter, are there any areas that you in your experience have essentially found are no-go areas, where broadcasters just do not want to go?

Mr Roger Bolton: It used to be Northern Ireland was particularly difficult, and when you got a dysfunctional Parliament—I should not say this about Parliament. How should I put this?

The Chairman: Feel free here to say anything you like.

Mr Roger Bolton: A dysfunctional situation where you had, for example, on the one hand, a front-bench consensus about the policy that should be adopted on Northern Ireland and the tendency not to wish to give confidence to what was seen as the enemy and, therefore, over-optimistic statements being made by politicians, at the same time as we as journalists would be briefed by, for example, the head of intelligence of the British Army, who would say the opposite. Then you had the difficulty of dealing with that. Did you want to take on the ire of the politicians? Did the broadcaster want to do that? I hope one felt one's primary obligation was to—as far as you could get near it—the truth, but also to the audience.

But there are situations in every government where there are particularly delicate areas and where broadcasters may not want to move. This is why it is crucial to have at least two broadcasters. The BBC is renegotiating its licence fee or its charter. There are parts of the BBC who are very sensitive to the subject matter and may encourage you not to investigate or to, shall we say, postpone your investigation. There are concrete examples like that in the past.

Q193 The Chairman: I am not asking you to break any confidence, but have you been on the receiving end of basically being told that by a broadcaster, for reasons that are nothing to do with the subject matter, but with the wider political scene, no further—

Mr Roger Bolton: Yes. To be fair, most of them would say, “Could you just postpone it?” Where, in the past, political pressure was more difficult to deal with, now you are dealing with—I know this has been said to you in Committee—a large number of companies with

lots of lawyers, who are paid, doubtless, a retainer to send out a succession of questions, and so on. So you get the difficulties of making the programme and then you get the long tail, if you like, after the programme has been made, where the people who have been involved need to be paid for to be around to answer all the queries that tend to come. That is a development recently, and I think people would perhaps—I don't know about News International or whatever. There are large organisations where broadcasters need to stiffen the sinews sometimes before they proceed.

Q194 Baroness Deech: Mr Bolton, you have already referred to money and how crucial that is. This question may be difficult to answer, but understanding that programme costs vary greatly depending on the work involved, how much on average does it cost to produce one hour—I suppose one programme—of serious investigative reporting compared to a drama or a comedy programme?

Mr Roger Bolton: It is difficult, but I would say that perhaps the cheapest drama, outside of *EastEnders* and so on, would be around £500,000. It could go up; for an hour, it could go much more than that. With investigative journalism, theoretically you could do something for £80,000 to £120,000. It might be a little more than that. If you were doing some daytime programming that we do, which does have some investigative journalism but not a great deal—it is social action and so on—then you are often talking about £40,000 for an hour. If you are going to do that, the information has to be very easily available.

Q195 Baroness Deech: Do you have any concerns about whether investigative journalism is going to suffer because it won't be commercially viable?

Mr Roger Bolton: I am not sure it has ever been commercially viable, in the sense that, as an independent producer and trying to run a business, most of the programmes, certainly in

the journalistic area, are produced almost at cost and you turn in an average profit of maybe 2% or something like that over a year. The things that make the money are series that are then either formats or they can be sold abroad, or else they can be rerun on other alternative digital channels.

The nature of investigative journalism is it is perishable. It may also deal with subject matter that, frankly, will not be very popular. I have produced—this is a long time ago—*Panorama*, who did not want to go to Northern Ireland because they did not think many people would watch their programmes and there would be a lot of trouble. So the most profitable, in terms of the public interest, in terms of subject matter for investigative journalism, is often the opposite of that for the business interests, so in a sense it has to be publicly funded via the BBC or Channel 4 for independents to do that. Secondly, it is very difficult for independents, unless they get a series—there is a very good independent that does a series on foreign programmes, *Unreported World*—which they know is coming back, to keep the journalists together to do that sort of programming. I don't think investigative journalism ever made money, and you can certainly lose money on it extremely easily.

Q196 Baroness Fookes: Mr Bolton, can you tell us how the commissioning process works?

Mr Roger Bolton: There is a formal and informal way. The informal way is that you build up a relationship with the commissioning editor for whom you work for programmes, having made, you hope, a successful one. There is discussion afterwards, whether they would be interested. There are those briefings given by commissioning editors, and there is a formal process where most broadcasters now need what they call an e-commissioning form, in which you fill in all the details and they promise to come back to you, but on the whole, it is a direct relationship between you and a commissioning editor. Most journalists will work and

associate themselves with an independent company that has a reputation in the area and that can lift up the phone and talk to the commissioning editors, so that would be how the initial contact would be made. There then would be follow-up meetings. The broadcaster may then say, "I'd like a pure focus to development". They may put up some money to do that. The broadcaster then may well want their lawyers to be involved at an early stage. So you would assess together the information you would need to get and the way you need to get it, and then obviously if you, in the course of the investigation, want to do secret filming or anything like that, that would have to be done with the broadcaster's full knowledge and consent and making sure it fitted into the compliance arrangements.

If you were a very good investigative journalist or you are beginning to be one, you would have to work through an independent with a reputation, establish a relationship, make a piece of work and that would be your calling card.

Q197 Baroness Fookes: In terms of the finance, is that discussed at all these stages?

Mr Roger Bolton: Yes. There will be for every programme a tariff, roughly a tariff. This will vary a little bit. It depends, but let's say a broadcaster will know that they perhaps need to do in current affairs one or two cheaper programmes in order to pay a little bit more for others. There will be a basic tariff and it is from that that you would negotiate, usually down, but sometimes up. But the investigation, if it is into difficult areas, must be done together with the broadcaster, must be done with lawyers from the broadcaster, because obviously they are not going to take a range of risks unless they are confident in what is being done and so on.

Q198 Baroness Fookes: As an independent producer, do you have your own lawyers or do you rely on the—

Mr Roger Bolton: We have lawyers that we use but obviously don't retain and cannot afford to, besides which this is a specialised area and in any case the broadcaster would want to have their lawyers on board. The tendency is that you don't use your own lawyers but you work through the broadcasters.

Q199 Baroness Fookes: To what extent would you be using, perhaps, whistleblowers, and are there any special arrangements for them?

Mr Roger Bolton: You would hope that you would indeed find a whistleblower, and then you have a range of decisions, both moral and legal, to take in terms of the protection of the identity of that whistleblower and being sure that what you promised to them you can deliver, and making sure that they are aware of the likely consequences of a very controversial programme, that is, other members of the press and others would go after them or attempt to find out who they are. So you have to think through the situation about whether you can—not whether you wish to, but whether you can protect them. But yes, obviously you would hope there are indeed whistleblowers still around.

The Chairman: Welcome.

Mr Roger Graef: Can I apologise to all of you, actually? I was involved with a matter I can share with you because it is very much relevant to—

The Chairman: Anyway, welcome to you Roger. As we reached the formal starting point we have embarked on our questioning of Roger Bolton, so you have come at a—

Mr Roger Graef: You are in very, very good hands—better hands than me.

The Chairman: We have had a CV circulated about you, so we know who you are, and what I would like to suggest is we just continue the discussion, and Lord Gordon has the next question. Between you, both answer, or one or other, depending on how you feel, please, and do not feel inhibited.

Q200 Lord Gordon of Strathblane: You can perhaps draw your breath and let the other Roger start off. It just occurred to me that I would imagine that a broadcaster would insist that quite a lot of evidence be produced up-front to justify the investigation before handing over cash. Is that the case?

Mr Roger Bolton: Yes, it is, and also, looking towards what you might discover, that it would be worth the effort involved and worth the public interest involved. It is a proportionate thing.

Q201 Lord Gordon of Strathblane: Is there not a danger—and I do not want to attribute base motives to our national broadcasters—that they could file away their evidence and then mount their own investigation without going back to you at all?

Mr Roger Bolton: Yes, they could do it and we all believe, because we are slightly paranoid as independent producers, that our ideas are nicked. I think in some cases it happens. Not very often, to be fair. That may be. It is our paranoia as well.

Mr Roger Graef: Roger is right. It has been a myth for a long time, but then I was told very recently by a freelancer who took part in the team meeting that the editor of a certain programme said, “Oh here, these are the indie ideas we got in this week. Let’s see who wants to do them.” That was quite a reliable source. It wasn’t in current affairs, actually.

Q202 Lord Gordon of Strathblane: The other thing is—and I think to some extent Roger Bolton answered this in the previous question—my impression from a previous investigation was that independent producers tended to make a lot more money out of residual rights and development. I don’t imagine these really exist in terms of an investigative journalism programme.

Mr Roger Bolton: You would not make any money out of developments, since nearly always there is suitable work involved and, as I was saying, the problem with investigative journalism is that if it is very good and the information is fresh, it is then taken on by others and the programme itself becomes dated. In my view, the great difficulty particularly is that, if you want to do another investigation into Marilyn Monroe's death or JFK's death, you would probably make some money out of that. If you wanted to do another difficult investigation to something extremely domestic in this country, you would make no money at all, and what has always been at risk is domestic investigation.

What I think is particularly now at risk—as I think the BBC retreats a little to the centre, and certainly is cutting back on resources in the regions and in local television; the regional structure of ITV, as you know, has collapsed—is the ability to report in detail our own country or countries in a local and regional sense. It is diminishing. Paradoxically, we can report the world a bit better because so many other broadcasters out there as well are providing pictures and information, but what precisely is going on in certain councils, in certain planning departments and elsewhere, in certain parts of this country, what precisely race relations are like in other areas, I think we are getting increasingly poor at reporting.

Of course the other difference is that, again through the internet and so on, which is on the whole a good thing, interested parties who wish to place information in the public domain find it much easier to do it and, therefore, influence the debate in their direction, and a lot of news, I am afraid, is simply, in my view, the processing of information placed into the public arena by interested parties. It makes it all the more important to have independent investigations.

Q203 The Chairman: Is it then a core part of your proposition to us that actually we know less about what is going on within our own country now than we did, say, 10 years ago?

Mr Roger Bolton: We know more about some things and less about others. Sorry, Roger, for monopolising. I don't know sufficiently about local regional journalism, but I certainly think it is the case that in terms of there being, in particular, local communities, people who have a long track record of understanding power, how it is operated and investigating it, the combination of the decline in newspapers and now, as I fear, the cutting back of BBC local radio and regional television means that that ability, the expertise, and the resources to use that expertise in scrutinising what is happening at a local level is diminishing. Of course, in another sense, because of the internet, because of mobile phones and other things, you know more. You can gain more access. It is visible and, in a sense, it has never been more visible, but I think the invisible may be more invisible.

Mr Roger Graef: I not only agree, I want to just amplify the seriousness of this, because Lord Macdonald will remember when we were at Granada together the kind of story that, say, came out of Newcastle—T Dan Smith. That sort of story was done by one of our colleagues there. It was actually done by *Construction News* as well. They exposed that, and that became a national issue. Right now, if we found a T Dan Smith, an Andrew Cunningham, and so on, selling that, I don't know where we would sell it. If there was still a regional programme and we had done the work and could prove it before the lawyers jumped out the window saying, "Forget it," I think it would be a very tough sell. The local newspapers, like the *Northern Echo* and the *Yorkshire Post*, and so on, are under such pressure to sell advertising—and a lot of the advertising has been from the council—that they are quite reluctant to take on the council, and the only place, if you are interested in this kind of thing, that I know where you can get it is the back of *Private Eye*. They still publish local council

information, and any one of those would make a story that Roger or Gus or someone would have put on 20 years ago, but now the audience is too local for the criteria that we are being asked to meet.

Q204 Bishop of Norwich: When you are pitching ideas to commissioning editors, what sort of percentage of success rate would you expect? If you have to develop something quite considerable—

Mr Roger Bolton: In general terms, maybe one in 50, maybe one in 75.

Bishop of Norwich: As little as that?

Mr Roger Bolton: As little as that. Yes, you scatter the bread upon the water and, hopefully, if something bites, you go after it. If you operate in entertainment and you are a very successful entertainer, you have one idea, one entertainer, and the question is not if, but when. If you do a very successful drama, if you do anything that can provide the ratings, then, on the whole, it is a very short and very sweet conversation. If you are in the factual area where audiences may be significant but not wonderful, 1 or 2 million, then it is very difficult to know why people commission things, because there is such a range of choice. You hope they trust you, you hope your judgement is based upon your knowledge, but you are casting a large number of things. Certainly, if you are responsible for other people working for you, the idea that you can control your destiny to the extent of the actual programme made, I am afraid, is not the case. I don't think that is new.

Mr Roger Graef: Have you talked about taster tapes yet?

Mr Roger Bolton: No.

Mr Roger Graef: One of the problems that has multiplied—again, what Roger has said is absolutely right—is that these days, when you offer something, even if they are only mildly interested, they will say, “We want to see some footage,” which means you have to send it

to somebody, you have to edit it, you have to do that. Of course, it is easier than it used to be when it was on film. There is no question about that. But it does involve more investment. The wastage in terms of development, in terms of quite interesting—and out of those 75 ideas, by the way, a newspaper will probably publish 60 of them, maybe.

Q205 Lord Gordon of Strathblane: Just on that point, if you do some filming, it might alert the subject of the investigative report that something is going on and destroy the whole report.

Mr Roger Bolton: Except, let's say we extend the *Panorama* investigation into the mistreatment of people in care homes and so on. If I am telling the broadcaster, "We can gain access," then I can quite understand why people would want to have evidence of that, but you would be some way down the line, and obviously that would be an area of real public interest. Understand that it is television. They say, "What will I see?" not, "What do you know?" "What will I see? What is it that will engage the audience?"

Q206 Baroness Deech: Can I follow up on that? Let us assume, as I am sure you do, that investigative journalism is a very good thing and we need lots of it. What is the main driver? Is it money? Is it the taste of the commissioning editors, or is it legal restraints, that one has to operate within the laws of libel and the criminal law, and so on? What pushes it in one direction rather than the other?

Mr Roger Graef: Sorry, driver or barrier? Because when you talk about legal restraint—

Baroness Deech: Yes, it is both. What channels will it go down? We want lots of it, but what is in the way? What is the main thing that is in the way?

Mr Roger Bolton: It is not a question of a lack of motivation.

Mr Roger Graef: No, no, I don't think it is.

Mr Roger Bolton: It is a combination of ego and everything else that you would expect, but sorry, carry on.

Mr Roger Graef: I just wanted to respond. Sorry, Roger. What you just said I think is really the point. Can you make a film out of it? What are the images? If it is undercover, will you get past the legal criteria? With one of the recent undercovers that I was proposing to Channel 4, the lawyer requested 19 changes to our undercover justification, our public interest justification, and I said, “Look, this is the third iteration and you want 19 more justifications.” He said, “That’s nothing. When I get to 30 or 40, then you can start complaining.” You know what I mean by that.

The legal barriers to this are going up all the time. That is why I was late, and I apologise, because a judge just said that we cannot show the *Panorama* that was going to go out on 8 December—because it was a Family Court decision which the council we were filming with screwed up, and therefore they postponed until sometime next year, and if any of you know Family Court business, it really does mean “sometime next year” and we have a transmission date.

Mr Roger Bolton: I think the argument, if I may say, is not necessarily that the legal barriers we face are wrong but that the resources required to deal with those legal barriers, which may be very proper, are very considerable and beyond—

Mr Roger Graef: And growing.

Mr Roger Bolton: —and growing.

Q207 The Chairman: I have a question which struck me when you were talking. Say one in 50 of the propositions you put to commissioning editors is picked up; looking back over your career, do you think there are some really major scandals that you were on the trail of that have never really reached the light of day?

Mr Roger Bolton: I had the very good fortune for a while to be with editors of current affairs programmes within organisations, so if I missed them, it was my fault that I missed them on the whole. Although we had battles, there were very few, if any, that did not get out.

Why did it take so long—this is historical—to unmask Robert Maxwell, particularly in his last years? It required that strange but courageous journalist, Tom Bower, ultimately, to risk his mortgage and publish in the biography. We did not do that in the way that we should.

I think a lot of it, though, is not just legal. If you are going to take on some very difficult subject matter, it may not be visually appealing. It may not have the emotional dénouement that a lot of broadcasters want. It may be too dry for them, even if it is very important. That is often as vague a reason as anything else. If we know about it—it is the things we don't. It is the things I don't know. It is like the Donald Rumsfeld famous quote; it is things I don't know that would worry me. But no, the length of time it took to unmask Maxwell was a scandal.

Mr Roger Graef: We already talked about local—as you can hear from my accent, I was originally American. I am now British, but I am so shocked by the lack of interest outside the M25 in the rest of the things that are going on, and that is decreasing, not increasing. Birmingham has a budget bigger than Belgium's, and we could not get a story away about that unless something really nasty happened, a riot or something like that.

The two areas that I think are completely neglected are Europe and local politics. Again, we were colleagues when I did the film *Inside the EU* during the last referendum, and that was absolutely fascinating and I am very proud of that film, but to try and get that away now, if we had access to the Commission and the Ministers, I don't know if you could get it placed. It was only because of the referendum that the broadcasters were interested, and I think that lack of—the agenda is so narrow, rather parochial and driven by newspapers,

interestingly, as well, that I think there is a lot of important stuff that happens to people from around the country that is neglected. Transport is another one.

Q208 Bishop of Norwich: Can I just follow that up? I think it was before you came in that Roger Bolton drew attention to the number of journalists in BBC local radio who were a significant source of regional journalism. Maybe I have missed it, but I am not very aware that BBC local radio has done an enormous amount of investigative stuff in relation to its area because the relationship is often very close and supportive and you are trying to create a sense of confidence in the community.

Mr Roger Bolton: I think you are right and wrong, if I may say so. You are right in the sense that, as in all distinguished sports writers, if you want to be able to report on Manchester United, you don't fall out with its manager too often. But what you may do with that conflict is feed in the information elsewhere, and the classic thing we used to do in the BBC was that if the sports department had a good story but they wanted to sustain their relationship and make sure the BBC got the next contract, they would pass it to me in *Panorama* or something like that. So I think local radio could do more, but also I think journalists are feeding intelligence to the centre, to the region, and hopefully where there are more resources, but the regional current affairs programme *Inside Out*, under the latest BBC proposal—I am not saying they are wrong, they have to lose 20%—is to cut that back by around 40%. Certainly, when you look at the cut in local radio which is what the BBC calls its “content spend”—I presume that means cash that goes out of the building, I am not entirely sure—it is about 4.2%. When you then look at its productivity requirements, it means, in addition to that, a significant number of journalist posts have to be done away with, so that that may be a greater amount.

But you are absolutely right. It is the argument for plurality, one that you will know. Lord Inglewood, you will know Cumberland backwards and forwards, upside down. Effectively in Cumberland, you had a publisher who owned most of the newspapers in Cumberland and was a major shareholder in Border Television. There is no evidence that the Burgess family did anything but good, but potentially it was not a desirable situation. You take out the BBC from that as well—

Q209 Earl of Selborne: You have referred to some of the areas where it is difficult to get commission. You referred to Europe and to local government. Would you care to elaborate? Are there any further areas you think are going to be difficult to commission in future?

Mr Roger Graef: I am afraid to use such a vulgar word, but I think the word “sexy” does apply. People talk more and more to us about predicted numbers and things that will appeal.

Mr Roger Bolton: How big the audience is going to be.

Mr Roger Graef: Exactly, how big the audience is going to be, and for each hour of the slot they are expecting—if you get 9 o’clock on Channel 4, they want 2 million, period.

Earl of Selborne: And it is the only way, is it?

Mr Roger Graef: Well, yes. The only way it will allow you to win it. If I can just take a moment or two to expand on this, I think it is quite interesting because it is changing all the time. I made a film for Channel 4 about looking for Maddie, and I sent five policemen down. I don’t know if any of you saw it, *Searching for Maddie*. We went back to see what the evidence really was, trying to cut against all that hysterical information and tabloid speculation. We ended up, of course, with 3.9 million. That was a huge audience for a current affairs show. But the next week we did a *Panorama*, which had some undercover footage of a woman who had recorded her father being given anti-psychotic drugs—he had

Alzheimer's and duly the chemical cosh—which would be a kind of tough sell, really. It had 3.2 million, which was a huge audience for *Panorama*, and so nearly the same audience, certainly up in the 3 million. You could have predicted *Maddie* would get a big audience because it is always in the news. There was no telling that that—an old person, undercover and not particularly well filmed, no famous—nothing.

The problem is that does not tell me anything. I can't go back into *Panorama* with another story like that and say, "Oh, well, we got 3.2 million. We'll get it again," and yet there is this benchmarking of subjects and slots that make the conversation—I am sure this has been explained to you, but when we do a really proper investigation, we go for a very long time without knowing what it is we are going to find. We just hear of a sniff. You have to justify some public interest and enough evidence if it is undercover to prove you have a right to do that, but it can take a long, unpredictable time. You have to start that with a description of what you are going to find, called an "ed spec", an editorial spec. Did you talk about that? You have to describe what it is you are going to deliver, and that is legally binding unless you change it with the editor's permission, at the start of the commission. Then you are supposed to have predicted also the number of people who are going to watch this, and you haven't done anything yet except find a story and persuade somebody it is of interest, and they are always saying, "We want to be surprised. Please write it all down, how many people are going to watch." There is a contradiction there that nobody seems to see the irony of; physically I can't do that.

Mr Roger Bolton: I do think that the current commissioning editors would say to us in private they were under much greater, more intensive pressure for the size of audience. If I could say one other thing as well, by the way. How can I put this delicately? You may find younger investigative journalists who are less pessimistic about the future than the two of us. You know that we can fake the past. It was a golden age that never existed, of course.

The other remaining problem is the narrowing range of investigation. To satisfy the emotional demands of television, there always has been a danger in the news that people search around to agree on what broadly the agenda or the running order is, and then, once established, people compete to find the next stage of that story. Meanwhile, over here, there is nobody. How you achieve that I don't know, other than very strong, self-confident editors and commissioning editors and so on, but sometimes I think that the breadth of what is being done is narrowing, because unless you have two or three key ingredients, a secret piece of filming that shows the rights and the emotional interview, the confrontation, "You are the guilty man," it is getting a bit tighter like that. They want current affairs investigations in some ways to mimic other forms of broadcasting. All of this is handleable, I think, in broadcasting terms, but what I don't think is handleable is the cutting back of resources in local, regional and current affairs terms. The judgement of commissioning editors can change, but they can only choose from what is in front of them.

Q210 Earl of Selborne: Would there be some areas that you simply would not be able to tackle because it lacked televisual attraction? I am thinking of financial services, a lot of investigative journalism.

Mr Roger Bolton: This is not a unique area, but if you look, for example, in science in the BBC, some people would say, "All we see now are glamorous young men on beaches or women on beaches trying to tell us scientific ideas," but there are still programmes being made that deal with very, very complex ideas because there is the commitment to do it in terms of science. There are other areas that are missed entirely, such as religion, in my view, because I don't think that in-house they have enough people who have a large enough understanding of the importance of faith in the community, so I don't know that gets done sufficiently well, but also because it requires a determination to adapt the treatment of the

subject matter. The subject matter should come first and the treatment should come second, and increasingly it is the treatment, as it were, the ingredients that come first and then you look for programmes that can enable you to make that type of programme.

Mr Roger Graef: You are absolutely right in mentioning the financial services. A lot of that kind of story is very hard to sell because it is very hard to visualise. “People just looking at computers; can’t do it.” I was trying to remember Mike Gillard’s colleague who wrote that huge book about the conflict. What is it called? *Child* something or other. I can’t remember his name now, but he wrote, when we were at Granada, this tome explaining why the financial stuff was completely, impenetrably crooked. I tried to get a film away with him and a series. It was a riveting book, and there was no conceivable way of turning that into television.

Mr Roger Bolton: I think the other thing to say is basically in terms of people who work for us. I don’t know if you agree. When Evan Davis, for example, on the *Today* programme is talking about finance or economics, his interviews are streets ahead of those of the others because he knows what he is talking about, and what is more important, the interviewees know that he knows what he is talking about and, therefore, their answers are often at a different level.

One of our problems in the past certainly has been that we are too arts oriented. There aren’t sufficient of us who have a proper understanding of finance and so on, so we were not that well equipped. But again, it is very difficult—I don’t want to keep making excuses—for an independent producer to, for example, have a business specialist on his or her staff if the opportunities to make a programme are very limited. With a bit of luck they may know a bit of business, but, “Please, 4; please, something else.” Again, it depends on the broadcaster having that commitment to do a certain number of business stories or other stories as part of the mix. You can argue how to do it but it should be there in the mix.

Mr Roger Graef: I think it is a very interesting point, this business stuff, because the *Dragons' Den* and—what is the one with Alan Sugar?

Mr Roger Bolton: *The Apprentice*.

Mr Roger Graef: *The Apprentice*. They now say, “Okay, we’ve done business,” and before that it was *Back to the Floor and Blood on the Carpet*, and anyone who knows anything about business knows that these are all very kind of parodied versions of what really happens in business. Trying to get real stories about business, like our film about British Steel, again, where we spent four months in the boardroom level, at the executive level, that would be a very hard sell again now. That was 90 minutes on ITV in those days.

Mr Roger Bolton: Roger, two organisations that wouldn’t let you make a fly-on-the-wall series about them would be the BBC and Channel 4.

Q211 Lord Macdonald of Tradeston: You were a little bit sceptical about the concept of a golden edge for investigative journalism, and certainly, looking back, the number of interventions that could be made by the limited number of programmes interested in it and the limited number of channels in those days meant that it often did not have much of a public impact. There may have been outstanding programmes made—and we remember them still decades on—but Roger was making the point earlier that there is an almost limitless number of stories out there and it should not really be restricted by commissioning editors. What I am thinking of is, have we gone through that phase? Are there new alliances to be put together for the internet, through computer-assisted journalism, through citizen journalism, through data-mining? All of those things that you, perhaps, as independent producers, would be closer to than the conservative broadcasters and these new alliances perhaps associated with universities, as we see in City University or Strathclyde University at the moment. Is there a new future, perhaps, where we broaden this out to take on the very

wide number of social problems that we never got around to addressing even in the golden age?

Mr Roger Bolton: There were golden programmes. I don't think there was a golden age, and I think those also in current affairs, as I was, certainly Roger, and particularly documentaries, have to acknowledge that 30 years ago there wasn't a Channel 4. There were three channels. The *BBC News* would be 9.00 to 9.10, 9.15. There were far fewer sources of information, shorter news programmes, no *Channel 4 News*, no *Newsnight* and a whole range of other things, so a lot of maybe what current affairs would have done has been hoovered up. But in terms of what you are suggesting, I think that perhaps like America there is a real opportunity to work together with universities, but on the whole, I think it is a narrow area. In other words, I think working with universities would be very good if it came, for example, to checking all the health authorities and doing a survey of all the health authorities in this country, and what they are doing about X. In that way, there is a lot of work to be done. The thing about that is the information is there; it hasn't been brought together. It has not been analysed and it hasn't then been presented. It is about the information that is not there and is not available, so I would have thought—I am afraid it is off the top of my head—that the co-operation with universities would be very good for sifting information already in the public domain that we may have ignored. There is a question mark about whether it can go further than that because students, particularly, with the best will in the world, and academics, will not have the skills to discover some of the other information. They will help provide context, but I am not sure that they will provide the fresh information that is placed in the public domain.

Q212 Lord Macdonald of Tradeston: Again, looking at the past, a lot of programmes made by the investigative journalists in television were never followed through. They had to

depend on newspapers taking it up and campaigning on it. But now with the internet, those campaigns can be constant. There are two very big problems. One is finding the money for the investigation; the second one is finding the audience for it, but at least there are opportunities there now that would not have been apparent to us 10 years ago.

Mr Roger Bolton: It is visible there. For example, if we take—it is a bad example—Adam Werritty or something, if you need to find out very quickly whether or not he was at a certain meeting, there is a good chance you can in the age of the internet, or do it far more quickly, which would have taken an investigative journalist an awful long time. But to that extent, he was visible. He was in a hotel, in whichever part of Saudi Arabia or wherever it was. He was visible, and therefore you can much more quickly now gain access to information in different parts of the country and so on, but it has to be there for you to gain access to. That has been a significant improvement, but I was talking about information that isn't in the—another example going past would be how long it took—if you look at nuclear power in this country, I think it is a bit like Europe and a bit like defence in that the emotional intensity of the argument and the divisions are so stark that information on the whole is provided to support one position or another, but on nuclear power, simply an examination of its efficiency or, rather, delivering on what it claimed to do in terms of cost and so on, outside of the safety factors, is something of which nobody knew anything, really, and it only became clear when the decision was taken to privatise the nuclear power industry and they were forced themselves to provide those figures. A large debate, or many years of debate in this House on nuclear power, was conducted on the basis of nil information about the true costs. That was something that we should have found a way of getting at, as journalists.

Mr Roger Graef: I put up a project on nuclear power twice and kept being told, “Nobody is interested in nuclear power.”

Q213 The Chairman: I am going to go back to something we talked about earlier, which is money. Presumably, in practice, before you get commission you have had to spend quite a lot of your own money getting the project that far.

Mr Roger Graef: Time. It is your time. Time is money. Some money, but it depends. There are big companies like—I don't know—Stephen Anderson's company, one before. They spend a great deal of money and have a huge number of people in development, because when they do sell the rights to a format, like *Wife Swap* or something, it pays for it, but companies like ours, which—

The Chairman: You presumably have to spend a certain amount of money to put the proposition, just to get it into shape, so for every one that is accepted, there are all the others that are not successful.

Mr Roger Graef: Yes.

Mr Roger Bolton: You are spending in terms of your time, but it is quite interesting. Let me not leave you with the suggestion it is not very interesting to do. Even if you investigate something and you don't get anywhere, you have learnt and it is fascinating. The actual cash going out of the building is not great. The amount of your time that of course the company is paying for, yes, is massive and often leads nowhere.

Q214 The Chairman: Are you finding that what you are managing to earn does in practice cover a lot of the costs? That is important in the overall scheme of things.

Mr Roger Bolton: No. Talking about investigative journalism, I do not know of a television company bigger than five people that would do that as their main and sole business. Except for perhaps the company that does *Unreported World*, which has a guarantee—and deserves to have it, it is a superb programme—to effectively do that programme for a period with

Channel 4. Outside of that, you either have virtually one or two people who call themselves companies, but are just individuals until they get a commission and they bring people in, or—as I have done, not so much Roger—you diversify and do a range of other programmes, which cover your overheads, or whatever, and you still try then to pursue things that interest you, but it is not a business.

The Chairman: In a sense, it is like newspapers, that the investigative side is often carried by other more profitable bits.

Mr Roger Bolton: Yes.

Q215 Lord Macdonald of Tradeston: Just to carry that thought through, and still looking for new forms and partnerships for the future, the *Guardian* Editor was telling us that he is hiring people who have skills in data-mining and computer journalism and so on. Is there an opportunity, do you think, for investigative journalism for television to be taken in-house to work closely with newspapers so that the *Guardian* might produce a film of it for their online stuff, as well as producing a print report?

Mr Roger Bolton: I would say I want to work for public service broadcasting that is not biased, and the *Guardian* is biased; it is biased in favour of a lot of things I am interested in, but it is, as most newspapers are, and on certain subjects it has particular agendas, and I would be wary about getting involved financially. I will co-operate with anybody in that sense of information, but actually being joint partners—I would want to keep well away from any source of money connected to others with other agendas.

Q216 Lord Macdonald of Tradeston: But on the other hand, a lot of very good investigative journalism has been done by newspapers that have a political position.

Mr Roger Bolton: Of course, that is part of them.

Lord Macdonald of Tradeston: Surely you cannot corral investigative journalism for the future into the walls of old-fashioned British public service broadcasting. Long may it flourish, but it is going to break out from that.

Mr Roger Bolton: I agree, but also I would not like to see investigative journalism corralled in terms of its focus to prove a political point that serves the interests of a newspaper.

Lord Macdonald of Tradeston: A pre-determined—

Mr Roger Bolton: A pre-determined position. Let us find the evidence. You probably can.

Lord Macdonald of Tradeston: A lot of journalism in right-wing or left-wing publications is not dictated by ideology. Some have very well-founded financial reporting.

Mr Roger Bolton: I agree, but there are certain areas that are not gone into because of the interests of the paper, and certainly more energy is put into those things that would prove or reinforce the political position adopted by the newspaper.

Lord Macdonald of Tradeston: Yes. But my question was, “Do you think it would happen?” rather than “Would you do it?”

Mr Roger Bolton: Well, it will happen. If we lose public service funding for at least the two we are left with largely, two public service broadcasters committed to this sort of programme, yes, it will do and lots of good journalism will be done, but we will have lost something really significant.

The Chairman: Do you want to talk about the legal problems?

Q217 Lord Macdonald of Tradeston: You talked about all the legal problems that you have. I know it is very difficult to calculate, but do you think that any of the channels are now backing away from it because of the threats that come, not just from lawyers but from the activities of public relations and so on?

Mr Roger Bolton: I know in terms of the BBC, or at least comments from people I know in the BBC, it is a very proper concern, if you are looking at very expensive libel cases with very expensive counsel. If a public service broadcaster is spending a significant amount of its income in the law courts, questions are raised. But the BBC has, in recent years. There must be occasions when it looks at the likely cost of the bill, even to defend itself, and wonders whether it should continue to do so. I hope it does, but I know in one or two areas that there have been real reservations about pursuing a particular line of inquiry because of the financial costs involved.

Q218 The Chairman: Has it deterred either of you in your own analysis of what you are trying to do?

Mr Roger Bolton: Sorry, could you repeat the question?

The Chairman: From time-to-time, you become aware of potential legal threats.

Mr Roger Bolton: Yes.

The Chairman: Is it something you find that is manageable, so that you are not deflected by it? Because obviously nobody is going to go out and break the law, but the very rich and very powerful, whether they are institutions or individuals, have a habit of just using money to crush.

Mr Roger Bolton: Yes, or just prolong a process.

The Chairman: Yes, spin it out.

Mr Roger Bolton: Yes, spin it out. That is the problem. If you asked me as an individual, if I did not have a broadcaster with me, yes, there are things I would not do without a broadcaster with me because the result may be to bankrupt the company. I might win in the end, but there would be no company. I don't think I could do that.

Mr Roger Graef: Can I give you two examples? Would that be helpful? They are both examples that I am pleased about. I can tell you horror stories, including the one today, but these are two examples. We did a film called *Classroom Chaos*, which some of you may have seen, about an undercover teacher who went in and discovered really—and this was the first time; there were several others since—about the degree of disruption in the classroom. She had been a teacher and then went into television production and became the supply teacher for the purpose of the film, and the General Teaching Council went after her to disbar her. That took four days of hearings, with barristers, in Birmingham, as it happens. This was for Channel 5, and the lawyer was terrific for Channel 5 and so was the commissioning editor, and there was never a question of not standing up and funding her defence. They weren't attacking the programme, they were attacking her credentials, and it was splendid, it was really, really good stuff. She lost. She was disbarred. But the interesting thing about the case—not only did it make the newspapers, and certainly the film did, but there had been a poll of 1,000 teachers and number one of all their concerns was disruption in the classroom. In other words, this was not a rogue teacher who was abusing. That is what I call public service investigation, and the Channel 5 lawyers were absolutely there. Whether under Desmond they would do it, I have great doubts, but they did it then and I am very pleased.

The other one was very interesting. Those of us who work in this territory know that GSK is terrifying. All the big drug companies are, but GSK took the BBC—how many years?—two years on this Seroxat case and so on. It was really terrifying. We took them on, on a drug called Avandia, last autumn, and with the help of the legal team there, we went through line-by-line, proved everything that we had, lots of evidence, and the share price dropped £8 the next day, and we never even had a letter of objection. Normally they just immediately injunct and they threaten you with so much that, as an indie, of course, you would be scared. Those are two examples where it worked, and working closely with Channel 4 on the

recent *Dispatches* again about metal and metal instruments that are put in your body, same thing. We went through with a fine-tooth comb, with their help. We did not have to pay for it. These days they actually want you to pay for it, but in both cases the broadcaster stood for us, and that is what we want to see happening, and if investigative journalism is going to survive with the privacy laws and all the other things that are happening right now, the legal department has to be willing to work with you, not just scare you into stopping.

Q219 Baroness Fookes: Is there a case for changing the law, perhaps, on libel or slander or any other—

Mr Roger Graef: Yes.

Baroness Fookes: —and, if so, what would you suggest?

Mr Roger Graef: First of all, simplify it. As you probably know, London has become the sort of libel capital and damages are huge, and the notion of a public interest event being true, which in America is the First Amendment, that public right I think needs to be restored.

By the way, I should declare an interest—the acting chair of the Media Standards Trust, who is also giving you evidence, Martin Moore, and I would obviously endorse that, which is that simply simplifying the libel laws would be a huge step forward, because at the moment, the deterrence, just simply the threat of being sued, would mean if you do lose, if you don't settle at the door of the court, all that sort of thing, it gives the targets—whom we are assuming in this case deserve to be investigated—a huge advantage.

Baroness Fookes: What do you mean by “a simplification”?

Mr Roger Graef: First of all, capping damages, and also just the process, the notion of where the presumption is and strengthening the public interest position in relation to that.

Mr Roger Bolton: I think also what broadcasters might do—sorry, this is a bit *parti pris*, but I used to present the *Right to Reply*, as a certain other distinguished gentleman close to me

did. Channel 4 dropped that in, I think, 2002 to 2003, and the whole premise of *Right to Reply* was that Channel 4 would do more opinionated programmes, but people would have the right to reply, be they individuals or others. I think it was part of the DNA of the channel and the special relationship we had with it. Of course, if you have such a programme again, it may be easier to do tougher investigative programmes because if somebody wishes to complain, they can come on *Right of Reply*, or they could if it existed. But to be fair to Channel 4, BBC Television has never had and doesn't have today a programme like *Right to Reply*, not remotely. Here is the biggest public service broadcaster, getting £3.5 billion worth of income, making a whole range of programmes and it doesn't have it in any of its television networks. Apart from the BBC News Channel, where it does its thing in relation to news, none of the terrestrial networks have a programme where individuals or organisations can challenge the BBC. It does *Feedback* on Radio 4, but not on television. That seems to me to be extraordinary. I think if broadcasters did that, Channel 4 and BBC Television did that, it would also strengthen their hand.

Mr Roger Graef: We are obliged in any of these investigations to submit our findings to the target organisation or person and give them a right of reply and publish at least an accurate synthesis of their usually prolonged response. But again, what Roger was implying about delaying is that very often they will not reply sometimes until the night before transmission and then say, "We didn't have a chance to respond," even though we had asked them weeks before. That is just a tactic.

The other thing I was going to say is the notion of fair comment needs further development and reinforcement. There is a sense that—and it is quite an important point, if I may, and I hope you will agree with me—the implication, partly because of the tabloids, is that what we do is somehow spiteful, and it is as though we are just pulling the wings off butterflies, and everyone goes about their business and cruel journalists come along and expose them. It is a

complete confusion between what might be described as the footballers' peccadilloes and institutional corruption, which is only exposed, because of the way the systems work, through very diligent journalism. That is getting harder, not easier, partly because of the judicial suspicion of the institution itself that we are part of, and I think that you could all make a contribution in respect of defending the public interest investigation rather than just the spurious "sell newspapers" kind of suspicion.

Q220 Bishop of Norwich: You have already talked a bit about threats and opportunities over the medium term. When we had Nick Davies giving evidence here, he talked about information chaos because of the internet and social media and an inability to sift anything from it, and that that was a danger to investigative journalism in the future. Do you agree with him, or do you see social media and the internet as an ally?

Mr Roger Graef: You are looking at three experienced journalists, if I can put it that way round here, who really knew what original sources meant. A lot of young people come out of the media—teachers, students as well—but they think of Wikipedia as an original source. If you have to say, "Actually, sorry, it isn't, and anybody can change their own entry," that is about making it up as you go along.

Mr Roger Bolton: The eternal trouble for most journalists is that their glass is always half empty. I think Nick's is a quarter empty, or three-quarters empty. I like the book he wrote, but his pessimism is overdone. Like a lot of these things, they are almost neutral in themselves, but it is the way in which they are used. Potentially they can confuse; potentially they can very quickly provide you with information that is of great assistance. Where it relates to personal experience, where it relates to public observed events, I do know we will never have a situation again where Trotsky can be airbrushed out of the photograph, because the visual image will be there and available. But they have to be aware of it. I agree

with the reservations about Wikipedia, although it is not a bad guide as an introduction to something as long as you check everything once you are going down the road. I think that it is a big bonus, but it is a bonus in a limited area.

Mr Roger Graef: Have you looked at Demotix? If you haven't, I suggest you do. Demotix is user-generated content, photographs from all over the world by users, and it is very, very interesting. Just one small example that actually put us slightly on the back foot. When the Ladbroke Grove crash happened, my office was about 150 metres from the first visual sight of the track, and by the time we got there, there was some guy on the back of a lorry who had already taken the pictures and sold them to *Sky News*, and we were a film crew, and by the time we got out there, it was practically on the air. So in that sense, from a news point of view it is fabulous, but the checking—and I don't know if you would agree with this. One of the problems is that the 24-hour news and the fact that everyone is watching each other means that the regression to the mean about the one story is reinforced because they are saying, "They've got this. Why don't we have it?" and they drop whatever they might have done in the original journalism to try and chase the story that their rival has, and that is a narrowing. You can see the physics in that. It is totally—

Mr Roger Bolton: It is another source available to you, but what you have to have is the same scepticism about that source. The Soviet Union would have provided lots of pictures on a range of things, which were true to an extent. It is what they were not showing or filming, and who controls the angle of the photograph.

Mr Roger Graef: I agree again, because what I was getting at is that the impatience, the deadline, the pressure, the time to check that out, to go back to the first sources and say, "Where did that picture come from? Who is this guy? Can we check them out?" is what is evaporating, just like a magic slate.

Q221 Lord Gordon of Strathblane: It seems to me that one of the motives for doing investigative journalism is not so much the intrinsic merit of the programme but the general reputation of the company that is doing it. It enhances the reputation in going the normal route, which anyone could do, as it were, and also the morale of its own staff. We all think of regulation in a negative sense, preventing people doing things. Is there any way that we could use regulation to encourage good investigative journalism? Perhaps the answer is no. I don't know.

Mr Roger Bolton: I am not sure. Our motives are undoubtedly mixed, like everybody else's. There was a situation, and I am not saying it was the right situation, but under the old franchise system in ITV, you had to do two things. You had to deliver audiences and deliver prizes, and the prizes often could compensate for the absence of audience. We don't have that situation now in the commercial sector. I think people still do care in some areas, but I am not sure what regulation can do. What can be done is to keep the pressure on the BBC and keep the pressure on Channel 4. I suppose you can only regulate where people are making a profit. If you regulate them and they are not, you just regulate them into bankruptcy. But in terms of the BBC with its costs, and in terms of Channel 4 with its rediscovered income, shall we say, although I can see it is going to get more difficult, I think the continued pressure in terms of the requirement placed upon it, in terms of investigative journalism, is what should be done. I do feel, obviously, prizes elsewhere help.

Q222 Lord Macdonald of Tradeston: You suggested the BBC was cutting back on investigative journalism, but their latest statement says that they intended to have more investigative journalism on *Panorama*. As a former editor on *Panorama*, how do you rate that as a trade-off?

Mr Roger Bolton: To be fair to the BBC, they have set up a separate fund as part of the cuts to be used for investigations, but it is also, as I understand, part of their submission to this Committee that they said there would be less investigation; bigger, fewer. I know the BBC wants to make a big bang, and it is a good thing to make a big bang, but a lot of little bangs are important some times, and the danger is that there will be fewer bangs. Maybe they will be bigger, the ones that happen. It is like having a bonfire night, having one big rocket and nobody is making the other things that are rather nice to watch. There is a BBC commitment there and there is some money set aside, but as you all know, if you worked in television, that is the first money that gets raided the next time there is a cut, because you don't have to take a programme off the air. You just take the sum of money set aside for investigative programmes and it somehow disappears. It is very, very vulnerable.

What I think happened was that people like the Director-General and others were genuinely worried that the consequence of their cuts would lead to a significant diminution in investigative journalism, having said there was going to be some diminution, and they put aside some sums of money to a fund that people can go to, but these things disappear. If there are further cuts as regards the BBC, as there may well be in the future, its productivity requirements are going to be very tough indeed to meet. It may not make the savings that it is hoping to do in that. Sums of money set aside for investigation that way disappear to meet other needs.

Q223 The Chairman: Time is up, I fear, but I would just like to ask each of you a final question, if you could answer very succinctly, please. Each of you has spent your careers in investigative journalism with success. If you have done it, why this? Are you impelled by a political desire—I use the word in the widest sense—to get to the truth or did it just happen to be a niche you found yourself in? What was the driver?

Mr Roger Graef: If I may make a distinction, because I do documentaries, but I do documentaries for current affairs programmes and the nature of most of the films we have made is in plain sight. For example, the rape film that changed the way the police handled rape in the Thames Valley and so on would have counted as a current affairs investigation, but in fact we did it with Thames Valley and it was as influential as any current affairs programme, any kind of undercover. *Secret Policemen* is another example of a very good undercover equivalent. But for me, it is a feeling of holding people to account that deserve to be held to account, when I do it and when I can do it successfully.

By the way, I want to make this clear, I respect GSK for accepting the fact that we treated them straight, that we gave them the information and we had taken the care to get it right, and in that sense it is very important when you go after somebody that you do it with respect so that nobody feels that there is a kind of extra motive, grinding an axe, that you would call bias and so on; that it is simply, this is a matter of public interest and people deserve to know more about how the EU works, how British Steel works, how police forces work, how teachers' experience works. We are doing six films right now in Great Ormond Street where you could say it is not an investigation but it is an exploration and there is quite an interesting, subtle distinction about the hard decisions they have to make, life-or-death decisions. That would not count as investigative journalism in your case, but it took three years to get in, and we did three films that were quite shocking, and then they wanted six more. In that sense, it is holding people to account who act on our behalf. That is why I do it.

Mr Roger Bolton: If we take out the usual self-serving motives, of which there are many, and this sounds a bit highfalutin, because I thought it was part of public service, because I think that an essential part of a democracy is to provide information on which people can make decisions, but in certain circumstances politicians either can't or won't provide that

information to the public, and it was a proper job to do that. It verges into self-righteousness frequently, but I think it is still a necessary response. It is a responsibility. It is a necessary function and I am very proud to do it.

The Chairman: Thank you each very much indeed for coming along to talk to us this evening. Thank you.

Examination of Witnesses

Witnesses: **Ms Elizabeth Linder**, Politics and Government Specialist, Facebook, **Professor Jon Crowcroft**, Marconi Professor of Communications Systems in the Computer Laboratory, University of Cambridge, and **Ms Elena Egawhary**, Investigative Journalist, *Newsnight*.

Q224 The Chairman: Welcome to each of you. First, just a couple of housekeeping points. The first one is that chances are there is going to be a division in the middle of the evidence session, so if all the Members of the Committee just get up and evaporate, please do not feel it is anything to do with your contribution. I apologise, and we will be back as soon as we can. The second thing is to let you know that we understand that the proceedings are being filmed and may be included on the Parliamentary Channel at some point in the immediate future.

If I might then, formally, say a very big welcome to each of you. We have circulated around ourselves a CV for each of you. Elizabeth Linder—originally it was going to be a colleague Richard Allan, but he had to be elsewhere, I gathered, so you kindly stepped in. Professor Jon Crowcroft, you are from Cambridge and know about things that I do not think we understand much about, and Elena Egawhary, thank you for coming along, and you know

about forensic modern-style journalism that perhaps we are less familiar with, so we look forward to hearing what you have to say.

The way that the Committee works is that the various Members of the Committee have some questions. Please, each of you, feel free either to answer or not to answer. Please do not feel you are in any way inhibited by this being Parliament. Say what you think, and if you do not particularly want to contribute, do not feel that you have to.

First, if any of you have any particular introductory statement you would like to make, we would be very pleased to hear it, but there is absolutely no need to say anything.

If I could start, if I may, each of you is from a slightly different perspective. How would you define a journalist in the context of a world that is very different from one that was the case, say, 20 years ago, with all the new technologies and really a different form of society? Perhaps I could just start, with no prejudice, with Elizabeth Linder.

Ms Elizabeth Linder: Yes, sure. I would say that today journalists have an unprecedented opportunity to reach so many more people, so many more real people with different points of view from around the world. I would really step aside from actually defining journalism and instead define the opportunity that I think Facebook, other social media sites and other internet sites have to open up new realms for journalists to enter and to explore.

I was sitting in on the previous session and one of the panellists cited that investigation is increasingly becoming exploration. I think that rings particularly true in today's interconnected world where there are, in the example of Facebook, more than 800 million people that are out there and could potentially have very interesting points of view, very interesting insights, that they are willing to share in public spaces and can very much be made use of by the journalistic field.

Q225 The Chairman: The journalists then mediate the Facebook material. That is what you are saying.

Ms Elizabeth Linder: I think the journalist has an opportunity to take advantage of new opportunities that are out there through using the internet.

The Chairman: Professor?

Professor Jon Crowcroft: Okay, yes. I will not remember to say “My Lord Chairman”. I think that is what we were instructed to do.

The Chairman: Do not feel you have to.

Professor Jon Crowcroft: I think a journalist is a channel, and associated with a channel is the idea of a kind of imprimatur that there is some kind of associated persistent quality that a channel has. The difference between a journalist a long time ago who was just an employee of a large aggregating channel, a TV company, a radio station or a newspaper, is that a journalist today could be anyone who can act as that channel. The channel has certain qualities that are different from a Joe Public who Tweets or graffiti on the wall, or whatever. The qualities are those that have always been that of journalism—because of their persistence and certain qualities, you know it is the same channel. The last time you read something or you looked at something or listened to something from that channel it was the same person, then you know about veracity, that you have some feel about the truth, you have some feel about the angle that is being spun. There may be some political bias or there may not. You may have some confidence in the level of checking of provenance and truth of things that are being delivered through that channel.

The nice thing about thinking about it like that is that it does not stop a member of the public becoming such a thing. I think the earliest that it impinged on public consciousness was perhaps the Baghdad Blogger, if people remember. That became quite a popular channel. Of course, it does not remove the fact that some channels become disreputable. You

suddenly uncover the fact that actually it is just somebody making it all up and they have not checked their sources at all.

Of course, in some of the work we have done, we have been studying exactly this notion of channels. We are seeing more and more of these people that are not officially affiliated with any of the traditional channels, or people that are affiliated with traditional channels but also have a role outside that as well; they act in several ways. That is my view. The qualities are the same as those were of journalism, but I just feel that it has become abstracted away from this notion of being old fashioned. It is a bit like the abstracting away from the notion of banks being a building, somewhere you go and beg for money from, and they are virtual. Journalism has become like that, but you still have to have this notion of permanence of the system.

Q226 The Chairman: Is it the concept of brand attached important, which has qualities of confidence and integrity? Some do not, but do you think that is a theme that comes through?

Professor Jon Crowcroft: Yes, except brand is associated immediately with somebody who is trying to make money or somebody—

The Chairman: Yes, I appreciate that.

Professor Jon Crowcroft: That is why I come back to the imprimatur. The University of Cambridge publishes things as technical reports and puts them in a library. We do not charge anyone any money ever in the world for those. I suppose they have the brand, which is the University of Cambridge.

Ms Elena Egawhary: I should first of all say I am very junior in the world of investigative journalism compared to the other people that you have seen, so I should probably acknowledge that.

The Chairman: But they all started very junior, so be confident.

Ms Elena Egawhary: You are getting a view from the bottom up with me, I suppose, and also that I am not speaking on behalf of the BBC but speaking as myself. I do not think that the role of journalists has actually changed at all with the internet. Journalism remains the same, which is that you gather from all the sources you can and you try and find the truth of the situation or as close to what you think is the truth of what you have received from all of your sources. The thing with the internet is that we now have a lot more sources that we can start going through, but I do not think the nature of journalism itself has changed. I think the skills are still the same. You talk to as many people as you can; you go to as many places as you can; you read as many documents as you can; and you hope that out of this mass of information you somehow get to the place that you are trying to go to and you get the proof for the story that is there ultimately with all of this information that you are gathering.

Q227 Bishop of Norwich: I am interested in that idea that the role of the journalist has not changed, because we have heard from some other journalists who think that there are particular threats as well as opportunities over the next 5 to 10 years. I wonder whether you can say what they might be. Elizabeth will have heard that when Nick Davies was here, he talked about information chaos as being around the corner because of the amount of stuff that is there and how you sift it. As he was talking, I was thinking of that wonderful phrase from TS Eliot back in the 1930s, “Where is the wisdom we have lost in knowledge? Where is the knowledge we have lost in information?” That was rather a long time before the internet. There must be a difference between information and knowledge. Is it part of the journalist’s vocation to change the one to the other? Is that what the sifting is? Do you have more opportunities or are there threats that you identify?

Ms Elena Egawhary: I think there are more opportunities. There are more opportunities in the sense that the internet suddenly opens up a world more of people to you. As a journalist, I can start to look for people that I might not have found before, which is great, and it is now not as difficult to find people from the other side of the world. Those are the opportunities that the internet gives you.

But the threats that Nick is talking about I do not disagree with at all. He knows it better than anyone. I hate to say it, but I think there are probably more threats than opportunities in the sense of lack of funding, lack of jobs, permanent jobs, especially for my generation. They are all contracting, which is quite difficult if you want to go forward and you are not from a great financial background. You need to pay your rent regularly. You do not know if you are going to be able to at the end of your whatever month contract it is. Lack of time; I do not think that has changed at all. I should say that these are industry-wide things, not particular to the BBC. I actually think I am quite lucky at the BBC because we get a lot more than a lot of my colleagues who are in the freelance market. Growing stress that journalists can protect their sources: the internet does not solve that. I cannot go and meet someone. If you are a source and you have information, the last thing you are going to do is hand it over to someone you do not know and have not evaluated, particularly given that it could ruin your career as well as your personal life if it comes out that you have given it to them. Ultimately, anonymous drop boxes and things like that that we are starting to see, I do not necessarily see as that wonderful a mechanism.

In particular as well, if you are looking to protect a source, I think I can best protect them if I know who they are because I know their situation and I can advise them somewhat. Usually sources get very nervous when you go to publication. What you want to do is keep an eye on them when you publish and tell them to hold their nerve. If you do not know who they

are, it is very hard to do that. There are extra threats out there as well as opportunities. You kind of balance the two, but it definitely is not easy.

You also have the PR industry that people have spoken to you about already. The difficulty now is for a journalist to talk to an ordinary person without that ordinary person being at risk of disciplinary offences just for talking to you. They might not be giving you any secrets, you are just talking to them, but it now all has to be sifted through a central press office. Commercial confidentiality was also mentioned before. If you are doing Freedom of Information requests, I am almost always stymied on that ground. That is it from my point of view.

Ms Elizabeth Linder: Just to elaborate, I opened with seeing opportunity in journalism, and I would say that the exciting element of walking on a new street is that element of discovery. You see something new that you would not have seen had you stayed at home. I think the same exists online. There are times where a friend of mine or another page or person that I am connected to will post content I would never have seen if I was just reading my favourite section of the newspapers I subscribe to. There are opportunities for journalists to discover ideas—in the real world by taking a walk and in Facebook by just traversing a few of the pages across the site. It is a great font for creativity. I am constantly writing articles in my head based on what I discover on Facebook. Speaking from a non-journalist point of view, I of course specialise more in our product itself and in working with governments and politicians on using that product.

When it does come to the potential disadvantages or threats, I do think that there are some very interesting questions of ethics that are probably raised by media organisations and by journalists when it comes to encountering potential sources in new spaces. So, as Elena cited in the example of being somewhat careful with your anonymous sources and how you treat those sources and protect those sources, when it comes to Facebook, many of the

interactions a journalist might have with their real friends on Facebook would be interactions that you would have over a drink on a Friday after work. You would not necessarily see those interactions as potential for a story or for an interview, but because they happen online and on Facebook, they are happening in such a new medium and in such a new way that the distinction between a professional interview and a personal conversation can get somewhat blurred. I think that is probably an area that has been greatly explored by media organisations and by journalists—to think very carefully about where they encounter story ideas, where they encounter potential sources and how they treat those people online just as they would in the real world.

Q228 Lord Macdonald of Tradeston: Elena was talking about confidential sources and whistleblowers, sometimes very sackable offences, probably, in many companies. Do you think, Professor Crowcroft, that those sources are more easily uncovered now because of the internet?

Professor Jon Crowcroft: Yes.

Lord Macdonald of Tradeston: I am not asking, “Could you do it?” but if you have the intelligence services at GCHQ looking for whistleblowers, can they easily be found?

Professor Jon Crowcroft: I just need your cell phone number.

The Chairman: Think about the reply and we shall come straight back.

Professor Jon Crowcroft: Sure.

The Committee was suspended for a Division in the House.

On resuming—

Q229 Lord Macdonald of Tradeston: On the question of protecting sources, and given that for investigative journalists a lot of that information might come through electronic communications, through digital whistleblowing or whatever, how secure is that route going to be for the whistleblower or the informant? I would ask Professor Crowcroft, can he or could the intelligence services track just about any leak that a journalist is likely to get that comes through electronically or digitally?

Professor Jon Crowcroft: The answer is yes and no. It would not be legal in Europe to do that for some ways of tracking leaks, so the technology that we use for protecting privacy on the internet is typically an anonymising system like Tor or anonymising remailers. There is a whole bunch of technologies but they all fall into the same thing, where if you had some suspicion about who might be doing things then you might get a lawful intercept, you might get a wire tap on their home or the internet access line out of that home or on their smartphone or cell phone line or whatever.

In this day and age, for a lot of people who might be using a cell phone and Tweeting or maybe even using anonymous Twitter technologies that do exist, it is possible to intercept that. During the riots in London there was a rumour that the Government asked the RAF to deploy some drones and intercept things at a wireless level. I have no idea if they did that. I do not think that it would stand up as evidence in any court, but it might be useful if you thought there was something very bad going on and you needed some army intervention or whatever. That would certainly nail anything. So you can imagine if you are in Syria and you are trying to detect somebody saying something, then the Government would have all that technology, because unfortunately a lot of people in the West sell them all that intercept technology. Intercepting things at the source will always work, even if you are going through all this anonymous, fancy Tor mechanism.

There is a much more difficult problem, which is classical intelligence gathering, which does not rely on that. It is just being clever and looking logically at who must it have been. You just say, “Well, who had access to this, when did this come out and who was there then?” Classical, if you like, investigative journalism applied to the protected source.

The last thing I would say is that unfortunately social media also makes this even easier to figure out, because the set of friends of somebody is a signature of that person and if you were to go around asking a few people, “Did so and so do it?” or to look at what those people were commenting on and Tweeting about something, you might get an indication that it was likely to be that person who is in common for that set of people saying something without having any smoking gun. It is relatively difficult to do it on Facebook nowadays because, walking across the whole web of interconnections, the graph of Facebook is not something that you can do outside of Facebook. They can do it internally. But on Twitter, it is very easy to do. It is pretty much completely open, so you could infer that somebody might have been the person who said something because of who else said something similar at the time or who said nothing around them. That would just be classical intelligence-gathering. This would be a bit like during the Second World War, station X was doing intercepts, and to avoid the Germans figuring out their intercepting, Churchill explicitly ordered them not to act on certain information because that would be a giveaway that they knew something. That type of thinking is what is behind tracking what you might think is a protected source, but unfortunately it is very, very hard in today’s interconnected world to really protect a source.

Q230 Earl of Selborne: Getting on to the opportunities that are created by this social media, whether Twitter, Facebook, internet, and thinking of its relevance to investigative journalism, I think we have established that it does indeed give access to a whole new wealth

of data and information that might not otherwise be available. Does it follow from this that investigative journalism is going to be easier and cheaper?

Ms Elena Egawhary: I do not think so, no, because as I said, you can find people, but in order to get that person to talk to you or co-operate, you probably need to go and meet them and speak to them and gain that person's trust to know that you are not going to turn around and leave them or expose them if they do trust you. I just view it as another tool. It is a great tool, a useful tool, and it will help us in a lot of ways, but it does not change all the things that you have to do before or that you did before. You still do all of those too.

It makes certain things faster. For example you do not need to go to Companies House perhaps in person anymore—you can go online, pay £1, get a corporate document—but for other things, there are whole tranches of our society that are just not on there, so court records, for example, are not on there. Especially if you are covering things like fraud cases, for example, which are very longwinded and can go on for months, I think there is a big gap at the moment because I do not know how many reporters are able to sit through all the evidence. That evidence is often a lead or a story in itself that is probably not being reported on at the moment because that is very time-consuming, and you certainly do not get those records online.

So, yes and no is the answer. It is not very satisfactory. It has some wonderful things that can help you, but I do not think it makes it faster overall. It can make some things faster; you do not need to go to Companies House.

Earl of Selborne: So you still need to do the shoe work?

Ms Elena Egawhary: You do, yes.

Ms Elizabeth Linder: I do not think the Facebook perspective would have a whole lot to add on this, because as you say, it is a matter of the time that each agency would have to invest in doing the research, and that is really where so much of the funding probably does

come in. Facebook obviously is a free service, so setting up an account and all of that is completely free, but the stories and the sources would not magically appear without investing the time. So I do not feel that we have a specific answer to help flesh out what the impact would be on sheer cost.

Professor Jon Crowcroft: The vast amounts of data are not necessarily a barrier to making some forms of investigative journalism easier, because the vast amount of computing power that is very cheaply available, almost freely available, offsets that. I am not a journalist and do not play one on TV, but as with lots of social science, which I do know about, even if you were, say, getting some data from a Freedom of Information request or some court records and merging them with some other information and finding something out through a computer programme—we talked earlier about using Excel to do something like that or some database trick—you would almost certainly go and check a few of them by eye to make sure you understood what they meant as the journalist reporting it. That is something in social science where you might get all these people in some tribe doing X and some other tribe doing Y and then you compare them using some programme and say how often they committed some particular cultural act. But then you go and check that this makes sense and you were not being made a fool of or whatever. So I do not think there would be a shortcut there to the real story.

What would happen though is that you would have a weight of evidence behind the story, which might help to convince people, but the journalism would be the same. The biggest barrier seems to me, as in many walks of life, that to do anything reasonably new you might need to do some new piece of computing that might need some extra skills and resources in the journalism world that they might not have. You might need some people around who have the ability to do a little bit more than just use an existing program.

Q231 The Chairman: What you are basically saying is you need the right software for this trick. When you said “a bit more computing”, I am not sure—

Professor Jon Crowcroft: You may need something to write some extra software because it may be that the software as is may not do quite what you want, so somebody would need to refine it in a direction that helps, and that person will have to be expert in journalism.

The Chairman: As well as computing?

Professor Jon Crowcroft: As well as having some skill in computing, so presumably as people learned to use typewriters and fax machines and photocopiers, now they are going to learn how to reprogram Excel or write a script that tells Facebook to do something or Google to do something. That is certainly something that I think is happening, but it will take a long time for a significant fraction of the base set of people doing journalism to have those skills. It will take a while for that to get through the population, as in any other walk of life that is not pure geek computing people.

Q232 Lord Gordon of Strathblane: You have made it very simple for me to go on to my topics because it seems to fit in. I can see that the internet can be a huge advantage if you know what you are looking for, but if you take something like the Arab Spring and things like that, I understand from Google that 48 hours’ worth of visual material is uploaded onto YouTube every minute. How on earth can a journalist cope with that volume of information? Can it not in fact be a disadvantage?

Ms Elena Egawhary: I find it hard to say that having lots of information is a disadvantage, but that is because I am a bit of an information absorber/reader, so I do not usually say no to having lots of it come my way. Yes, if you have very little time, it is, because it is hard to then work out, but there are ways probably of trying to work out when it was posted, who posted it and what other videos they might have posted. Using the skills that you would use

as an investigative journalist in person but transferring them to the internet—so looking at things like timing the individual, whether it is the same piece of film, whether the film is slightly longer or shorter in terms of minutes, and whether there is more footage. It is the same film but there is more footage in this one than that one, so you watch the whole one through. There are probably programs that you can write. I am not a specialist in terms of YouTube. My area tends to be more things like data, figures and things like that, but I do not know. Are there programs that can?

Professor Jon Crowcroft: A lot of video, as with photographs, is tagged with authors and other information, so there is some help there. What there is not is the ability yet to do very rapid automatic extraction of the objects in it—the things in an image. So if you were looking for all of the YouTube videos that had a particular dying Gaddafi image in, that would be something very, very hard. It is not impossible but it is not something that is out on the street as a piece of software yet. It is something in research labs and it is some way off before it will be affordable, so I think this is—

Lord Gordon of Strathblane: By which time there will be 96 hours going up every minute. Okay, I will leave it at that.

Q233 The Chairman: Do you think that will come?

Professor Jon Crowcroft: Yes, absolutely.

Q234 The Chairman: What sort of timeframe are we talking about?

Professor Jon Crowcroft: In terms of image segmentation and videos, we have capability now in labs and people in most of the big computing companies have the technology for it. In still photographs, I remember when I was working in Reuters about 20 years ago they had a fantastic photojournalism database where they already had a thing where you could mark a

particular person's face and it would find it in all of the photos that we had. It took a while. It took a few hours, but now you could pre-do that. But in moving images and video, that is all a way off from doing it. Exactly when this will catch up with the rate of upload to YouTube I do not know, and whether people are that interested, because a vast amount of things on YouTube are, I am afraid to say, cats falling off things.

Q235 The Chairman: Do you have any thoughts about that from your perspective?

Ms Elizabeth Linder: I would add just the value of search. As information becomes more available and increases, searching for that information also gets better. In the example of Facebook, it would be possible for a journalist, for example, to search public status updates for certain terms that might be of interest. Of course, as you might know, each time you post a status update on your profile, you have privacy choices, whether you want to share those just among your friends or your friends of friends or make them available to everyone. Updates that are made available to everyone could serve as interesting pulses on points of view, and it is very easy to do a quick search on how many people are talking about Egypt or Algeria. There are possibilities there. If it comes to looking for people that have to do with a specific geographic areas to perhaps source opportunities to hold interviews or something like that, it is also possible to search for people by where they live or what school they went to or what workplace they have, again depending on the individual's choice of their privacy settings.

Q236 Lord Clement-Jones: You also have tagging as well. Is that part of that process?

Ms Elizabeth Linder: I suppose the term searches would be what flags it. A specific word I would use in a public status update is what would flag that update as coming through on public search. I am not sure that it would be defined as a tag.

Lord Clement-Jones: Sorry, I meant visual tagging.

Ms Elizabeth Linder: Visual tagging. There are captions that you can put on photos, and of course, depending on what the privacy setting of that photo is, those captions perhaps would be public, and you can tag people in photos. There are examples of tags that exist on Facebook, but for each piece of content that you are sharing, the privacy settings would be different and would constitute different types of how that visibility is seen to a researcher.

Lord Clement-Jones: So you cannot access that?

Ms Elizabeth Linder: Right, so if I put up a personal photo about my vacation with my mother two weeks ago, just sharing it with my friends, a journalist would not be able to see that photo or its caption, but if I decided to make that album public because I thought it was generally more interesting, then a journalist would be able to see that photo and the caption associated with it.

Q237 Lord Macdonald of Tradeston: In this blizzard of information that is going on, whether it is being Twittered or coming through via Facebook or whatever, are there ways in which journalists can analyse what is going on to try to decide that here is a real story, here is something that we do not know about that is emerging? For instance, with the work that you have been doing, Professor Crowcroft, with the Arab Spring and the Twittering that comes out right across North Africa, is there a way of being able to analyse that fairly quickly and say, "There are enough people in this area saying that Gaddafi has been captured to believe that this could be true," or, "This is just another rumour"?

Professor Jon Crowcroft: We have not quite finished doing that bit. We are just trying to work out how accurately we can say that a number of people have Tweeted or Facebook status update, whichever. A similar thing includes mentioning a picture or a bit of film on YouTube or video and saying that there is an earliest point and these are all not just

derivative from that but are concurrent rather than just people re-Tweeting the same story. Essentially if people are retelling the same story, this is a bit like news, that there is a press release and all the newspapers publish the press release. How do you know? It does not give it any more veracity, so you need to have independence of the source.

This is not a conversation that we had, but I did talk to a friend who worked at the BBC, and they will check other things. If somebody Tweets a picture, they will get somebody who knows the area to say, “Oh yes, that is how that looks now.” You could crowdsource that. Of course, we have not really mentioned that. Implicitly you were essentially mentioning crowdsourcing, the veracity of what is going on. You could ask a lot of people, even if they had not said something at that time, “Was this what you saw?” and you can elicit a response from them, but automatically it is not very reliable yet. I would not claim we can do that reliably yet.

Q238 The Chairman: Will that be cracked?

Professor Jon Crowcroft: Sometimes, and sometimes not. I think it will just depend on the situation. By the way, for me, that is not investigative journalism. That is breaking news or trending. That is just, “Oh well, there is this item that came up”. You get something earlier, but if you have the BBC, Reuters or AP, or whoever who has a reporter on the spot, they may well say something and it just does not get sent out for half an hour until they get their satellite uplink spot or whatever it happens to be. Of course there could be a case—the Syrian case is the best one—where there are no western journalists there, so then you are reliant on something and you do need to check. You can do similarity of stories. We can do that. I have not seen anyone do the ground truth check to go back and say, “How well did our clever algorithm match what really happened?”

Q239 Lord Macdonald of Tradeston: Let us take a more traditional area, which is just to interrogate for the information that is in the public domain, much of it coming perhaps from public agencies. With data-mining, can you, more effectively than a traditional journalist could in the past, interrogate that to say, “Policemen are four times more likely to take sick leave in this bit of Britain than in another part,” or, “Nurses are particularly off with bad backs three times more in the north than in the south”? How far can you analyse that and find genuine stories with a real dissonance in them that would hit the headlines?

Ms Elena Egawhary: That is the sort of thing that I suppose you can get to, sort of. The way it tends to work is you make a Freedom of Information request for a database and get hold of that database and analyse it and view it. I tend to see data as just another source, so I interview it without literally speaking words to it, but I would ask questions trying to find out what the patterns mean.

Q240 Lord Macdonald of Tradeston: Presumably you can ask far more questions and get answers much more quickly than you ever could in the past.

Ms Elena Egawhary: Yes, but it does not prove anything. It might show that police officers are taking more sick days than others in one part of the country, but you have to go and ask and try to find out why or see whether there is an error within that database. A lot of the time my baseline when I am doing data analysis is, “If it is too good to be true, it probably is and there is an error in there”. You will find these interesting patterns, perhaps, and then you will go and ask people and do your right of reply, and then they will come back. It can vary from being something very simple, which would be the Ofsted data that I looked at when *Panorama* was looking at Baby Peter. That was a very simple sort. I saw that Haringey had the Ofsted data on the year that Baby Peter died. It had been recorded at, I think, 4.5, which was the second lowest—4.5 child social workers per 10,000 children at that time—

and I went and put it to Haringey, who came back and said, “No, that is inaccurate, that figure is wrong”. Then I went to Ofsted and I said, “Well, Haringey are saying this figure is wrong,” to which Ofsted said, “Haringey are wrong”. So I went back and forth from both of them and then eventually Ofsted said, “No, the figure is wrong,” and then eventually I think Ofsted did end up saying that they were not certain of their data on inspections. So it can go from that point where you look at data and then you find some error within it, and then you realise that the whole system is somewhat flawed, because Ofsted were reliant on self-reporting so they were not ever certain. No one was going there on the ground and counting these things. They were reliant on self-reporting, so it was a very difficult situation. You can start off on that basis or do something else. In America they do this a lot more. For example, they cross-referenced two databases, which we would not be able to do here. One was school bus drivers and the other was people who had committed felonies in America using their social security numbers or something else. They worked out how many school bus drivers had been convicted of felonies. That was a local paper in America. We are not able to do that here because we have the Data Protection Act, which means I cannot get NI numbers, and also all of our bus companies are run by private companies, so that sort of data is quite difficult to get hold of. But that is the sort of thing that you are able to try to do sometimes and link up. Sometimes you find stories that really are of quite strong public interest that people would not have thought to find.

Q241 Baroness Fookes: Following on from that, is there perhaps a story to be found in how accurate the data is on which we are relying?

Ms Elena Egawhary: Yes, which is the Ofsted situation.

Baroness Fookes: Yes, but could one broaden that out a little bit?

Ms Elena Egawhary: Potentially, I imagine. Again it comes down to looking at the data and seeing whether it tallies with everything else that you are being told and what is being said by all the experts that you speak to. I do not ever throw anything out there after looking at a database. I will go and ask people and do a right of reply. If I am doing something like the top 10 donors to political parties—who they are—I would probably go to the top 20 or 30 and say, “This is the figure I have for you,” because obviously they are the top 10. There might be someone lower down who has given more or less and they might go back up, so I will overcompensate. So yes, you are always reliant on the data though and it is quite imperfect sometimes.

Baroness Fookes: That was not my real question.

Ms Elena Egawhary: Sorry.

Baroness Fookes: It was so interesting just to follow it through a little.

Q242 The Chairman: Can I ask you about that? Are you naturally somebody who enjoys looking at that sort of material? My understanding of training journalists was that this is not traditional mainstream.

Ms Elena Egawhary: No, it is not the most fun part of my day doing this type of work, but the thing that I like about it is that if you do do it, you have a number of advantages. If, for example, you have analysed a database of, say, Employment Tribunal cases and you know the patterns within it, and then you talk to an expert, they respect you more because you know the patterns over a number of years. So you have a nice base to start from.

Q243 The Chairman: When you were training, did you get much training in this? I am only wondering whether, in the potentially different kind of world we are moving into, there is a deficiency in traditional training for journalists.

Ms Elena Egawhary: Yes. It is interesting. I did, thanks to the Centre for Investigative Journalism who cottoned on to this early. I think they were the first organisation here who really started doing this. They brought over, and had been bringing over for years, David Donald, who is at the Centre for Public Integrity in America, Aron Pilhofer, who is at the *New York Times*, and Jen LaFleur, who worked for *ProPublica*, who are all experts and specialists, including Brad Houston, who has written a book on it, to train people. I was one of the lucky people who went to their summer school and was trained by these people. It helps that my mother trains in Microsoft Excel, and my father is a programmer, so that helps. When they came over, I knew what they were doing and I understood it. Maybe I am a little bit of a born geek, but I have to say that I do prefer the door-knocking and speaking to people more.

Q244 The Chairman: Is the level that you need to get to such that many people who are in equivalent jobs to yours would need some forensic expert at their right hand?

Ms Elena Egawhary: No, I think people can learn it. You do not need to know that much. You need to have a basic grasp of Excel and be confident with dealing with figures, but you kind of hope that journalists would be able to do that because otherwise all the figures that we get given to us are not checked, and that is part of our job, to check everything. So no, it does require learning, literally learning Excel and SQL, Structured Query Language, which is a really big database if you want to go further. That would probably be enough and it is doable. I do think that courses are teaching it. I think City is teaching it.

The one thing I would say is it is very time-consuming because all data is what we call dirty data. You need to clean the database before you analyse it and that takes a very long time. I know *The Guardian* invests an awful lot in it and the BBC has a special department and the investigations unit at *Panorama* invests a lot in it. You can do it, but it is very time-consuming.

Q245 The Chairman: And expensive, presumably, because of that?

Ms Elena Egawhary: Yes. Well, not expensive in the sense of all the tools that we are using. Excel will be on most computers with Microsoft Office packages and SQL you can get. MySQL is free. You can just download that from the internet.

Q246 Lord Macdonald of Tradeston: One of the complaints of recent times has been that too many bright students end up going into the City of London, whether they are physicists or computer analysts or whatever. Is there a chance, Professor Crowcroft, that we begin to see a crossover between the kind of disciplines that you are teaching and the kind of investigative journalists we might need for the future?

Professor Jon Crowcroft: That is a very timely question. The Royal Academy of Engineering and Royal Society are engaged right now in trying to push computational thinking into the school curriculum, and there is a big difference between what people currently talk about as IT, which is just looking after a computer, plugging in a printer, and what Elena was just talking about, which requires some level of sophistication about statistical methods and databases and cleaning of data. When I was a kid, geography was laughed at as a subject and nowadays it is exactly one of those subjects where people are taught properly how to do that. If you embed computer science in schools from the age of eight or 10 years-old upwards with examples like that and journalism and many other walks of life, then there is a hope that you do not have to do really an advanced journalism with computation course. It would be just something that you say, "If you want to be an investigative journalist, you may need to deal with a large amount of data. You should have read Ben Goldacre and you should have read *Flat Earth News* so that you are aware of the distribution problems, the self-selection of data problems, the whole list of statistical things. That should just be second

nature to you, now go and find a good story.” But we are not there yet, so I think Elena here is an exceptional journalist in terms of ability.

The other thing that I have noticed, and this has been reported by other people elsewhere, is that editorial lines tend to be drawn between different subjects that are being reported in journalism. Once a story reaches a certain level of importance, it tends to be reported by somebody who has less of those skills, which is sort of odd. You would think that as soon as something becomes to do with the investigation into a bad trial of some drug, you would hope that the science journalist who knows the science, the journalism and the statistical methods is the person handed the story. That may be something that just is the second order change after enough people have gone through an education.

We did have a lecture from Schmidt at Google recently when he said that he could not believe that we were teaching kids how to plug printers into computers and not how to program. Anyway, I am hopeful that we will fix that problem, but it may take up until the point when we are uploading our entire lives to YouTube every day. It could be 20 or 30 years before that really has an impact, unfortunately.

Ms Elizabeth Linder: When it comes to how journalists can potentially tailor the Facebook experience a bit more to what they need, it was mentioned before that there are some applications that you could potentially foresee being very beneficial, perhaps a contact information form that people can send for story ideas or perhaps a welcome screen that is tailored to you or your agency to encourage people to interact with you and engage with you. These kinds of tools are quite simple to learn. They can even be just very easy lines of code that you are dropping onto your page. The “Like” button, for example, that you see websites putting on, that could not be easier. I am a French and Italian major with a focus on the nineteenth century metropolis and I have been able to successfully figure out how to integrate the “Like” button on a website. As consumer-facing technology gets more

widespread and advanced, it is easier to incorporate something that maybe 5 or 10 years ago would have seemed completely overwhelming—to add my own buttons to my website—and now, thanks to websites that you can create yourself and sites like Facebook that know that people at an individual level want to do this, you can really take advantage of quite an interesting experience online without hardly knowing anything about programming.

Q247 The Chairman: What you are saying is that it is likely that over time, as these tools develop, that individual journalists will develop their own ways of using this type of technique to go to the heart of the topics they are interested in?

Ms Elizabeth Linder: Yes, I think so. The parallel I might draw is in the political world. Being able to do a Q&A or to be able to live-stream something like this is now something that the political world has realised is massively beneficial for us. We like to have transparency in the types of committees we run, so we will incorporate this on to Facebook, and then you might have a local developer here in London that says, “Oh, it is interesting that these Committees in Parliament are using this feature. Maybe we could develop something for them that is even slightly better”. I think you do see innovation coming from people finding new ways of really harnessing the opportunities that are out there.

Q248 The Chairman: This Committee, I gather, is not on Facebook. Do you think it would be to the benefit of the wider world were we to be so?

Ms Elizabeth Linder: The door is always open if any of you would request some advice.

Q249 Baroness Fookes: Chairman, could I come in again, if I may? It is just that we have obviously been talking about this enormous wealth of information, but are there means by which you could request information if you are pursuing a particular story? Maybe it would

be the extent of illegal dogfighting or the number of forced marriages as opposed to arranged marriages. Is there any way in which you could request information?

Ms Elena Egawhary: Do you mean from a Government body or we collect it ourselves?

Baroness Fookes: I was thinking more of individuals.

Ms Elena Egawhary: Yes, I think you can. I think *The Guardian* tries to do that now and again, and they are very good at crowdsourcing. You can ask people to report in to you and then you can say, "Of the people that came to us, X." It is never ideal but it is possible. If there is no other way of doing it, it might be a way of starting to see whether there is a pattern. Then when people come to you, you can go and find out their individual stories. But with this sort of area of research, you are very reliant on Government data and Government data sets in the main, or private data sets if private companies will share them with you. For example, it would be very interesting to see mortgage data by region and what types of mortgages people get in different areas. But you are very reliant on companies being open with their data, and that is a lot harder.

Baroness Fookes: I was thinking of going further back, to individuals who know about something in which you are interested.

Ms Elena Egawhary: Oh yes, partnering up with academics is something that you could do all the time, and anybody else really. Generally, as a journalist, I would go and speak to anybody who is willing to speak to me.

Q250 The Chairman: Did this not happen in the Tomlinson case?

Ms Elena Egawhary: Yes, Paul Lewis.

The Chairman: He out-sought evidence through a social network and got a photograph off a phone, which proved the point.

Ms Elena Egawhary: Yes, which is crowdsourcing.

The Chairman: He crowdsourced, but it was also within the crowd. It was not taking an average of what the crowd said.

Ms Elena Egawhary: No, it was from someone within.

The Chairman: It was going in and he managed to pick someone out.

Q251 Lord Clement-Jones: How do you do that? How do you put that stake in the ground and say, “Come and talk to me”? Is it Facebook? Is it Twitter? What is the network that you would use?

Ms Elena Egawhary: That is probably more of a question for Paul, I guess, but if you have a platform like *The Guardian* or the BBC or somewhere where a lot of people come to, then I suppose you can go out there further. If you do not, you could probably target it to different groups, the groups that work within areas, interest groups. So you could probably go down that road. There is one thing, if it is all right, that I just wanted to clarify. I did not want to give a misleading impression, which is that you can do investigative journalism without these skills. It is the same as someone being skilled in finance or being able to read a balance sheet, I think, in terms of the data side of things. It is very useful. It gives you another source and another way of gathering information, but most of the big stories that we have seen so far have come from human sources first.

Q252 Lord Macdonald of Tradeston: Can you use BBC Online and its considerable resources to progress your stories at all?

Ms Elena Egawhary: You probably can. I do not know how far along they are in terms of working out how they are going to go about bringing in crowdsourcing. I think they have done it once or twice. They might have done it more.

Lord Macdonald of Tradeston: It is one of the most successful sites on the planet.

Ms Elena Egawhary: Yes, so technically in terms of crowdsourcing, the BBC website would have massive potential, yes.

Q253 Bishop of Norwich: If I can just follow that up before I go on to something else. You mentioned Government data, and an earlier witness said that Government data, in terms of the way it is put out by the Government, was much less reliable than it used to be because of the amount of PR and communications officers working for every Government department. Would you say that is true?

Ms Elena Egawhary: I would love it if Government moved their press officers into their Freedom of Information office, which is often under-resourced and will give me information, whereas I find that press officers within Government, I am afraid, are generally hostile and politicised these days, which is quite difficult if you are genuinely—I am not looking for a line when I go there usually, I am looking for information. It would be great if we could see some of that army being moved to Freedom of Information, as it were, and helping out there.

Q254 Lord Macdonald of Tradeston: Can I just come in there and say on behalf of the civil service that the number of fishing expeditions from journalists who do not have a story, who are just searching for one and demanding very wide swathes of information, is hugely costly, obviously, to the State and costly in the time of the people who might be doing more productive things. How would you discipline that?

Ms Elena Egawhary: I can understand that, but I still say it is public information and public data, and until and unless we see it, we do not know. To my mind, if it is public information, it is something that the public is entitled to see. It is collected at their expense. So regardless of what the press officer's perception of what a journalist's purpose is for asking for that information—I might not always tell them why I am asking, also because maybe I have been

told by someone that this is something that they think is interesting, and if I tell them I have been told by someone, I then set off a train in motion. There are plenty of things that could be put out there that are harmless that do not need to be restricted. The Employment Tribunal database in Bury St Edmunds is a case in point. Right now you have to go all the way to Bury St Edmunds if you want to look up previous cases. There is a big database. I had to appeal from the court service to get that database in hard copy just so I could search it from my desk so I did not need to go to Bury St Edmunds every day. Now it is a year out-of-date. That sort of thing could be made available. It is already available in Bury St Edmunds; you just need to find an online platform for it.

I understand what you are saying. I understand it is costly, but at the same time, I also think if it is public information. A lot of the time, I find more time is wasted fighting me on it than engaging with me, which should be a lot easier a lot of the time. I do not want to characterise all Government press officers as negative. I find some very helpful ones too. It is just that in the main, I do find that with certain departments there is a more defensive approach straight from the off when sometimes it is not even going to be a critical story at the moment. I am just trying to find out if there is something there.

Q255 Lord Macdonald of Tradeston: Our All-Party Group on Statistics meets in about 10 minutes' time. I will put it the other way around. One of the concerns is that because of the fear of Government that you will find information that is uncomfortable for them, in fact the standard of information being offered is deteriorating and being distorted. Do you think there is a battle that has to take place to get better statistics more automatically put into the open forums?

Ms Elena Egawhary: Yes. One of the things we have seen is a cut in the number of figures that are being collected. Every time the Government says that they are cutting red tape, that

also means they are cutting data. Those figures, for example, that Ofsted collected on the social workers per number of children were no longer done after that year, so I would not be able to find that data anymore. You do find that.

Professor Jon Crowcroft: Just to answer the three similar questions, when you do an FOI you are getting data, not information. When a journalist or anyone else gets that data, it will help, because they may tidy up the data and prove the statistical properties of the data, so the Government should be happy that they are getting an improvement in the way they can have data support decision-making. When my friend and colleague, Frank Kelly, was the scientific adviser to the Department for Transport, we did a lot of work on looking at how you could publish data about road use so that lots of people and lots of agencies could make use of it. It could be haulage companies, it could be people just deciding where they want to live so they could figure out their commute time and their road journey versus rail, and so on. But of course the first thing that happens when you publish the data is that a bunch of us geeky types go and look at it and say, “Actually, there is quite a high error rate, but we quite like helping.” That is the really strange thing.

Just to follow that through, it also applies to trying to crowdsource eliciting an answer to a question. If you try to elicit an opinion from a crowd and you do a kind of old style kind of oracle trick, you will get nonsense. That is why the Government petition stuff is a bit crazy, in my opinion. Surprisingly, if you want to get people to report some missing piece of information you are looking for and you need to fill the gap, then just as people contribute to Wikipedia, bizarrely, spending vast amounts—I have—of one’s spare time fixing stuff, people like to fix stuff and only a few people are odd and try to break it. Of course, then you need all your standard techniques for detecting that and verifying it and so on.

I support the idea that lots of data is useful for investigative journalism and it should be useful back to the Government for improving its statistical processes, and it is free work.

You are getting labour for nothing, virtually, and then again there is this fear that if you try to elicit a viral marketing trick to find something out, firstly you will get nonsense back—I think that is only true if you are doing opinions—and secondly you will get fatigue setting in from all the people you are asking. I do not think that is true if you are trying to identify a missing bit of data. People, surprisingly, continually go on helping in my experience of doing some of this.

Q256 Bishop of Norwich: Just one final thing in relation to the BBC. We keep being told that investigative journalism takes a lot of time. You are working for a daily current affairs programme, which has to produce quite a lot each day. How important is investigative journalism to a programme like *Newsnight*? Is it likely to diminish because it takes so long to produce a story, or is it an integral part of what it claims to be?

Ms Elena Egawhary: I would say, in terms of the diminishing and what impact DQF is going to have on *Newsnight*, that is probably out of my remit. I know we are losing three reporters out of 12. *Newsnight* has a great history of investigation which, in particular, Meirion Jones there has been spearheading. The cash for boxing gold medals that came out recently, which the IOC are now investigating, was a *Newsnight* story. The other one was the Gaviscon price-fixing, which led to the Treasury clawing back £10 million. The NHS is now suing Gaviscon for £90 million more. That was a result of a *Newsnight* investigation. Bogus bomb detectors. So they do them, and yes, it is not as easy as *Panorama*, I feel, as a researcher. I do not have months. But that said, I do get given months as well as other things. The priority will always be that evening's programme, but I can have things ticking along, and then obviously when they are ready you can run with them, which is an advantage because at *Panorama* you would have to wait longer.

Both, I feel, having been there and been fortunate enough to be there, have excellent investigative journalism. They just manage it differently because they have different demands on their time.

Q257 The Chairman: When you are doing your work, do you say, “Look, there is something big behind this, I sense. Can I spend more time on it?” or do they come to you and say, “Look, we think there is something here that you ought to look at”?

Ms Elena Egawhary: It works both ways, so I have had it where I have gone up to my editor at *Newsnight* and said, “I think this is a really good story. Can I look into it?” and they say, “Yes, sure, go for it. How much time realistically do you think you need?” It will be a negotiation at times as well, if I have something else that I have to get done. If they agree with me and they think it is a really good shot, I might get given a full free run, and vice versa. Sometimes they will have stories and they will come to me and they will say, “We would like you to work on this completely and focus” so it works both ways. It is largely dependent on the context of whatever it is that I am working on, if you see what I mean, and what the other thing is that I might have been working on.

Q258 The Chairman: It is also to do with judgement, presumably, on your part and their part?

Ms Elena Egawhary: Yes, I would say so, and again, I do not know how they come to their judgements, but I assume it would be a whole range of things that various commissioners would say. It is similar to what Tom Giles would have said as to how he makes his decisions.

Q259 The Chairman: Thank you. I think we have gone beyond our allotted time with that little interlude in the middle. Do any of you have any particular thoughts, bearing in

mind the kind of techniques we have been discussing? Is there anything that you have not said that you would like to say to us vis-à-vis the relationship between the new media and the new techniques of analysing data and so on that are available as it relates to investigative journalism?

Ms Elizabeth Linder: Lord Clement-Jones asked about how journalists put their stakes in the ground. This is quite a new and interesting space to watch, especially given the Facebook perspective. As you all probably know, anyone can open a public page and those have become quite popular with businesses, politicians and public figures, but we also have recently launched the “Subscribe” button on a personal profile, which I think is going to be very popular among journalists, and already really is, to allow for their personal profile to be used in a slightly more public way. I have seen some very interesting status updates where you will see a journalist say, “I have this story. It has this kind of angle to it. Do you think this is appropriate to publish, given its sensitive qualities?” and then I have seen really interesting commentary that comes from that. This is all just beginning in that area, but that is one stake in the ground that I was not able to mention.

Aside from that, the only final remark I would just have is that I am of course here representing Facebook. There are a number of different mediums available to really take full advantage of the social web and sourcing information, whether that is YouTube or Scribd or Twitter or any of these other services. They all operate slightly differently; their terms and policies are all slightly different. Facebook is about real names and real identity, so an undercover journalist wanting to assume a pseudonym would not meet great success using Facebook. They might go somewhere else. Someone who is looking to crowdsource information and get input from real people would find great advantages to using Facebook. There are nuances to each of these platforms that all offer their own potential in different ways.

Professor Jon Crowcroft: I love all this new technology. I have been doing stuff on the internet since 1980. However, I would just say that in the past couple of weeks one of the things that I did was studying the diversification of people's interests and news sources according to political bias on Twitter. That came out of a chance meeting in Saarbrücken in southern Germany of an Indian researcher with a Korean woman who happens to be a PhD student of mine from North London. We are probably going to have a discussion later about a possible story that came out of a chance meeting outside here, and I never underestimate the real-world meeting. Of course, there is a completely different level of trust established in that compared with the online experience. We do not want to lose sight of the journalist as something that is immensely valuable that is rooted in the real world. It is very hard to see how that is going to be replaced in a hurry.

Ms Elena Egawhary: I would echo that. I do not think the various tools that are on there are going to change anything in terms of the nuts and bolts of investigative journalism. It is still exactly the same and, sadly, the same problems that have already been thrown out there that people of my ilk and above face are still very much there.

The Chairman: Thank you very much, each of you. We are most grateful.