



PAYING FOR INFORMATION

A Report of the Ethics Advisory Committee of The Canadian Association of Journalists

December, 2015

PANEL MEMBERS: *PATRICK BRET HOUR AND IVOR SHAPIRO*

“Chequebook journalism is also a routine method of gathering the news, but few would suggest that this too should be constitutionalized.”

- Supreme Court of Canada decision, R. v. National Post

Paying sources for information—a.k.a. “chequebook journalism”—is a common practice globally, but, at least until recently, extremely rare within Canada. The CAJ code of ethics prohibits payment for information, although it immediately proceeds to note a number of exceptions:

“We do not pay for information, although we may compensate those who provide material such as photos or videos. We sometimes also employ experts to provide professional expertise, and pay for embedded activities. We are careful to note any such payments in our stories.” (Canadian Association of Journalists 2011)

So what, exactly, *is* chequebook journalism? It is not simply paying for information. Newsrooms do this every day, through payments to staff, wire services and freelance contributions.

Of course, it is the third category—payments to outside contributors—that is at issue, particularly with the rise of ubiquitous smartphones, which enable any non-specialist to obtain and offer newsworthy images for sale.

Paying for access to information is clearly different. Is it problematic? Indeed it is, because it distorts the news marketplace. As the (U.S.) Society of Professional Journalists has suggested, these payments tend to:

- Call into question the motives of those providing information. Is the information provided important—or merely profitable?
- Call journalists’ motives into question. Once payment is made, will proper skepticism be applied, or will such scrutiny threaten to waste funds?
- Provide an incentive to pursue profit at the expense of subjects’ rights. Witness the increasingly aggressive tactics of paparazzi. (Farrell 2015)

On the other hand, many payments to outsiders are unquestionably legitimate.

Obviously, stringers and “fixers” deserve to be paid for leads and other information they provide, and even court documents and access-to-information disclosures often come with a fee. To distinguish between legitimate and problematic payments, three elements must be considered: what is the nature of the content; who is selling; and what is the price?

What follows is a framework for examining those questions as well as the supplementary question of when these payments should be disclosed to audiences. We do not suggest that these individual questions are hurdles that must each be cleared in order to justify a payment; rather, we offer these questions as helpful waypoints toward a responsible decision.

What: The nature of the content

As noted above, the simple act of paying for information is unremarkable. Paying experts for broadcast interviews related to their expertise, for example, is within established practice, as are payments to researchers.

Still and video images occupy a distinct category. Newsrooms often pay for such content, both to freelancers of long-standing, and to non-specialists. The practice is both common and ethically defensible: a photograph or video—when sold as a visual record—is in step with the practice of freelance payments. Thus, the mere fact of payment for images does not constitute chequebook journalism.

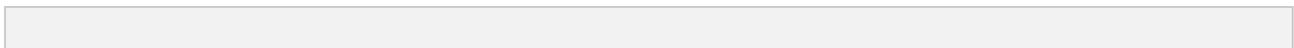
However, paying news sources for documents or factual information supplants newsgathering skill, and replaces a professional relationship with sources with a business transaction. In instances of these kinds, journalists should probe the circumstances with special care.

Who: Observer or newsmaker?

Not relevant is the artificial line sometimes drawn between working journalists and “citizen” journalists. (Rosen 2011) Equally, whether or not the seller of a particular image has a history of selling such material is irrelevant.

A somewhat clearer distinction may be drawn between the roles of participant and observer. This line is still not readily precise; few observers of a tsunami would be left unaffected by the news event, no matter what their roles. But a careful exploration will usually tease out intuitive differences. Is the person part of a large group, or a small one? Did they have the ability to influence events? Do they have a continuing association? And do they figure in the narrative presented? Those are all key considerations in distinguishing a participant from an observer.

As well, sellers’ motives may become a factor. Does this person have an axe to grind against someone who will be harmed by the disclosure? Are they trying to raise money to pursue lives of crime? People’s motives are rarely clear, and should not necessarily



drive our own choices one way or another, but it would be unnatural to stay unaffected by apparent ill-will when making a responsible decision.

How much: Reasonable compensation

The amount of compensation is rarely a distinguishing characteristic in matters of ethics. Blackmail is wrong whether the amount demanded is five, five thousand or five million dollars.

However, the selling price for content should be viewed within the context of comparators. A purchase of an image for a fee consistent with existing freelance rates, if it clears the ethical bar of what was sold and who was selling it, is unproblematic. On the other hand, outsized payments are a danger sign, and will expose the news organization to the economic conflict of interest described above. (See also Shapiro, Bernier, and Snow-Capparelli 2014)

Social importance

Once again, we do not suggest that questions such as the above constitute a series of tests or a checklist for moral behaviour, but rather that they will help to make a decision that won't soon be regretted. At the same time, the weight of all these questions will be affected by the social importance of the information offered—the public interest, as distinct from matters interesting to the public. The planned location of a celebrity's wedding is far from equivalent to hard evidence of corruption, harassment or crimes committed by a public official. The greater the information's importance, the less ready any responsible journalist will be to pass it up. But this is not a formulaic consideration; as with all the factors outlined above, social importance must be examined in context. The simple fact of an intersection of the possibility of payment with a story touching on legitimate issues of public concern should not automatically result in a decision to pay for news.

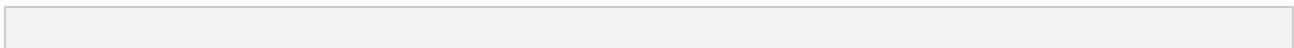
Disclosure

In weighing a payment for information, journalists should consider typical responsible industry practice, as described above. If it's a grey area, then full disclosure will allow the public to be the final arbiter of the decision to pay for information.

As our committee colleague Stephen JA Ward has noted, transparency is one of a “web of values” that should guide practice: “Just telling people ‘where you come from’ is not enough for journalism ethics.” (Ward 2013) We agree. Transparency is not enough to settle a moral ambiguity (Basen 2011), but a full explanation of the circumstances of the payment and payee will let audiences properly assess both the quality of the information procured and its significance.

In short, when money talks, the full conversation deserves to be heard.

Co-author Patrick Brethour was an editor at the Globe and Mail at the time when the news organization purchased still images of a Rob Ford video in 2014. Although not involved in the negotiations, he was involved in how the images would be presented to the public.



REFERENCES/FURTHER READING

Basen, Ira. 2011. "Transparency Is a Double-Edged Sword: Being Ethical Takes More than Self-Exposure | J-Source.ca." *J-Source*. November 25. <http://j-source.ca/article/transparency-double-edged-sword-being-ethical-takes-more-self-exposure>.

Canadian Association of Journalists. 2011. "Principles for Ethical Journalism." September 20. <http://j-source.ca/article/caj-principles-ethical-journalism>.

Farrell, Mike. 2015. "SPJ Ethics Committee Position Papers: Checkbook Journalism." Accessed May 22. <http://www.spj.org/ethics-papers-cbj.asp>.

Rosen, Rebecca J. 2011. "Why We Should Stop Asking Whether Bloggers Are Journalists." *The Atlantic*. December 13. <http://www.theatlantic.com/technology/archive/2011/12/why-we-should-stop-asking-whether-bloggers-are-journalists/249864/>.

Shapiro, Ivor, Marc-François Bernier, and Shauna Snow-Capparelli. 2014. "How Close Is Too Close?" *Canadian Association of Journalists*. June. <http://www.caj.ca/how-close-is-too-close-conflict-of-interest-in-journalists-relationships-with-sources/>.

Ward, Stephen J. A. 2013. "Putting Transparency in Its Place [Ward's Words]." *J-Source*. October 21. <http://j-source.ca/article/ward's-words-putting-transparency-its-place>.

