

Sanef Guidelines on 'Confidential briefings and sources'

Adopted at Sanef Council, 30 May 2004, Durban.

General principles:

Sanef stands for values of openness, transparency, non-racialism and the public interest, and this informs our approach to confidential briefings whether given to a group or an individual journalist.

In general, on-the-record information sources are desirable. Efforts should be made to get anonymous sources to go on-the-record. Anonymous sources should generally be used only as a last resort – i.e. when there is no other way to get and publish the story. Anonymous sources should not be used routinely in minor stories or to cover up lazy reporting.

Multisourcing is preferable where sources set “off-the-record” conditions. Anonymous sources should have direct knowledge and evidence of the story, and independent checking of their information is strongly recommended. Editor-level approval should be required for use of anonymous sources. The question of then identifying the source to the editor is a distinct issue which depends on the institution’s policy.

A story should usually indicate in its contents the reason why the source wishes to remain anonymous. Whatever commitment a journalist has given a source should ethically bind that journalist. There may be exceptions such as if the information turns out to have been given with malicious intent or inclusion of deliberate falsehoods. However, qualifying a commitment to confidentiality in this manner ought to be made clear to the source at the outset.

Sanef members should be sensitive to the possible implications of attending off-the-record briefings convened along selective lines such as race, or hand-picked briefings convened by public officials whose job requires them to be even-handed in regard to all media.

Checklist of questions journalists should consider when dealing with confidential sourcing:

Are the terms of the briefing or interview clarified before it begins?

If the source wants it “off the record” at either the outset, or asks for this to commence at a later point in the proceedings, are you prepared to begin immediate negotiations on this?

Are you asking yourself the following questions:

Does the source supplying the information/briefing need the media more than vice versa?

Are you as a journalist using the source (in the interests of informing the public), or is the source using you for a different agenda? What is that agenda? What information is the source likely to be leaving out of the briefing? Can you, rather than the source, set the terms of the engagement?

4. Consider these options:

If the source argues for the briefing to be “confidential” in one form or another, is this absolutely necessary? Can you persuade him or her to go “on the record” before or after the engagement? Can you convince the person to take named responsibility for the sake of credibility of the story and veracity of the information?

Have you assessed how much trust and reliability is there in the relationship, before agreeing to confidentiality?

Are both the contents of the briefing, as well as the fact of its occurrence, supposed to be “confidential”? Does the source realise whether this is practical or not?

If the source is not savvy, do you have a responsibility to explain the implications of his or her name going into the media? Are there legitimate reasons why the source should be advised to operate in confidence?

5. If the source speaks “on-the-record” and then retrospectively declares something “off-the-record”, you must argue that this was not agreed by you beforehand, and that it is therefore something that you are not bound to respect.

6. If the confidential engagement is agreed (in advance) as being “off-the-record”, “background”, or “deep background”, etc., is the meaning of these words mutually understood and agreed? In particular, do they mean either one of two things: “not for attribution” or “not for use”?

a. “Not for attribution” – i.e. the information may be used but not attributed to the particular source:

i. In such a case, is the precise public form of the sourcing – eg. “a source close to the Minister” - agreed by both parties?

ii. Is it possible to increase the credibility of the source by getting as close an identification as possible without jeopardising the individual (eg. an “official in the Presidency”, not just “a government source”)?

“Not for use” – i.e. the information may not be used:

In such a case, may the info still be followed up independently through pursuing other avenues?

If not, is it possible to point out to the source that no point is served by the briefing if the information or perspective given is not to have some manifestation in the media?

If not, is it possible to go back to the source at a later point and persuade him/her to drop the restrictions? Will changing situations affect the status of the information and enable you to re-negotiate?

If the source begins to touch on information which you already possess, and you do not want to be bound by “not-for-use-nor-for-independent-follow-up”, are you ready to promptly and explicitly terminate your participation in the confidential briefing/interview or particular phase thereof?

7. Does the source know whether you may need to disclose his or her identity to your editor?

8. Does the source require that he or she can see your story before publication and have veto rights over what you will publish? Do you know your newsroom's policy on this?

9. Are you abiding by professional ethics and respecting the terms of a commitment to confidentiality which you have given in the name of journalism?

10. Is your negotiation on confidentiality really the best deal that can be secured for the public interest? Will you be able to defend your participation in it if the need ever arises?