TO THE multiple skillset that the successful freelance journalist must already rely on we must add another: being a better “data controller”.

A new Regulation from the EU will sharpen the teeth of our liability for the data we hold on other individuals. We are responsible for safeguarding that data and using it responsibly.

The General Data Protection Regulation (GDPR) comes into force on 25 May. It could have a significant effect on freelance workloads and the NUJ is preparing detailed advice for members. In a step towards producing it, London Freelance Branch in February held a discussion led by Freelance editor Mike Holderness.

He explained that everybody holding data on individuals must keep it “under lock and key, with good password protection”, on all devices and backups, and up-to-date. As Mike said: “This is about data, not computers. Records on paper must be physically under lock and key.”

Individuals seeking to find out what is held on them can already make “subject access requests” to see it, and to know what use we are going to make of it. But they don’t necessarily have to be told.

The good news is that journalism is exempt from this requirement, provided we reasonably believe it to be in the public interest – which might not cover everything that journalists do: Mike warned that “a record of a star leaving a nightclub the worse for wear at 3am” may not qualify for the exemption.

If you do supply information, you must “redact” it to protect other people if the documentation contains information on them.

We are likewise free of the duty to periodically delete all data no longer in use; it is recognised that journalists may well need to go back to old contacts from years ago if a subject comes up. It is though, Mike said, a good idea to be able to show that you keep your data up-to-date.

If freelances run mailing lists for their work, they must secure the explicit permission of everybody to be on those lists.

As data controllers, we are also, as sole operators, the “data protection officers” responsible for implementing the requirements that do apply, such as preserving and checking the data, and notifying the authorities if things go wrong.

If there is a “breach” of your data – if your phone or laptop is stolen or seized by immigration offices, for instance – you must inform the Information Commissioners’ Office (ICO). Mike conceded he did not.

There’s detail in December’s Joint Report from the Negotiators of the European Union and the United Kingdom Government and there’s much more, with links, at www.londonfreelance.org/fl/1801brex.html – and there have since been “clarifications” by UK ministers.

EU nationals “legally resident” in the UK by the “specified date” of 29 March 2019, and UK nationals living in other EU countries on that date, will, ministers currently say, automatically meet the criteria for permanent residence in those countries.

While it’s not stated in the document, EU nationals need to have been “legally resident” in the UK since 29 March 2014. They will have two years from 29 March 2019 to complete their application for a “residency document” and permanent residence, which they keep as long as they don’t leave the country for more than five years. Family members (broadly defined) can join them.

Applications procedures for EU nationals registering for permanent residence will include “short, simple, user-friendly” online application forms, will cost no more than £75 and will, it is claimed, take two weeks.

Citizens of other EU member states will have the same rights to benefits and healthcare and pensions entitlement that they enjoy now. Current EU Directives guaranteeing equal treatment of the “self-employed” and “economically inactive” will still apply.

A subsequent open letter from Prime Minister Theresa May to “our” EU citizens assured them: “I want you to stay,” adding that “right now, you do not have to do anything at all.” We’re waiting to see whether lawyers would agree.

There’s a promise that “domestic legislation will be enacted” to give EU citizens in the UK and UK citizens in the EU the same rights they have now. But the UK Parliament can later repeal the promised legislation, with “national laws” replacing EU directives in the UK from 2027.

See GDPR on page 3

See BREXIT on page 3
The Rate for the Job

Londonfreelance.org/rates – please give not only the basic rate (e.g. for First British Serial rights) but extra payments negotiated for extra uses, like the Web. These are shown as (eg) £400+100. Rates marked X are, in the editor’s fallible opinion, below par. Treat all rates as minima, even perhaps the happy ☺ few.

Broadcasting: US TV news, per story US$150 XX

Photography: ITV 1, archive photo for daytime TV £200; Newsflare (for London TV), 30 seconds video £50 – XXX; Computer Weekly video (details unspecified) £250; BPO or not-BPO.org video (details unspecified) £150, XX

Shifts: International Investment news reporting day £200; The Times subbing day £156.

Teaching: Daily Mail internal training, executive coaching, four sessions of two hours each, £1000.

Words, per 1000: Informal business-to-business title £400; Ars Technica long-form science article US$350. The Times feature in Register section, £250; Vice Tonic health section feature US$250; Vice UK, 1000 words, additionally 10 pics thrown in £420; Vice UK, £120; Eater London web feature 1800 words @ £180 = £100 X. The Times, unnamed supplement, £350; Computer Active words, additionally first-hand screenshots/images £138; UK Rock&Roll, articles and reviews, £0 XXXX; Global Island News 1800 words @ £300 = £167; Bauer recreational magazine title, 500 words (“plus thumbnail”) @ £75 = £150; Independent 1200 words @ £200 = £167; Mail on Sunday news £400; Space Arts website blog post, 500 words @ £100 = £200; Latin Finance £350; New Internationalist £250; Spear’s magazine 1200-word feature @ £480 = £400.

Words, other: Rokman Laing marketing consultancy, legal content, £60 XXXX; The Sunday Times page lead news story with shared by-line £300 X; Mojo re-use of article from 2005 £100.

Ministry of Late Payments

The SBC’s website. Photo: © Matt Salusbury; Crown Copyright

A call for rights for casual workers

A PARLIAMENTARY report has recommended that “worker status” be the default for “companies with substantial dependent workforces currently labelled as self-employed”.


It notes recent court cases that “have exposed a pattern of companies using bogus self-employed status as a route to cheap labour”. The “onus would be on the firm to prove self-employed status.” But any such measures “must not place unnecessary burdens on genuine self-employment, which is a positive choice for many individuals”.

The report also calls for a lower minimum wage for zero-hour contracts (which would not affect freelances). It makes this plea: “As it seeks to negotiate the best possible Brexit deal, the Government must not allow addressing urgent issues in Britain’s labour market to fall by the wayside.”

On 7 February, Prime Minister Theresa May responded with proposals on sick pay and holiday pay rights for all workers, plus a right for workers to receive a contract on “day one”. The higher minimum wage for zero-hour work is being “considered.” Four “consultations” have been launched to provide more detail, but no legislation has been promised yet. TUC General Secretary Francis O’Grady described the announcement as “a baby step.”

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• We report an example of gig economy companies “gaming the system” on page 4.
Windfall payments add up

ONE OF THE biggest problems that freelances face are the unfair contracts imposed on us. To try to fix this, Germany passed a law – the Urhebervertragsrecht – that allows German freelances to go to court to review such contracts. Even if the original wasn’t terrible at the time, under the so-called “windfall clause” they can ask for more if the work was an unexpected success.

Freelances at Nautilus magazine

FREELANCES in the US have even poorer provision for enforcing their rights than elsewhere. There is, at last, a move to set up relatively affordable Small Claims procedures – in the shape of a Bill before the House of Representatives, the would-be Copyright Alternative in Small-Claims Enforcement Act (CASE Act). The Electronic Frontier Foundation is opposing it in case, you know, people have to pay for copyright infringements.

In the meantime, nineteen contributors to Nautilus magazine have resorted to publishing an open letter to its publisher: “As of December 13, we are writers and editors awaiting payment from Nautilus magazine for a collective debt totalling $50,000. Some of us have been waiting to be paid for more than a year.”

They asked supporters to Tweet out #paynautiluswriters – saying “Hopes were high when Nautilus magazine was founded four years ago as ‘a New Yorker version of Scientific American’ featuring well-researched and thoughtful articles on science and philosophy.” Nautilus was “created with a grant from the John Templeton Foundation…” [the publisher] promised to pay upon completion of a pending merger with the American Association for the Advancement of Science, or AAAS;” they write. The grant was not renewed and that merger never came about.

On 1 February, Sharon Stiroine Tweeted: “the National Writer’s Union has reached a payment agreement with… Nautilus. Never doubt the power of a group fighting for what is right. Thanks to everyone for their continued support!” At the same time Evelyn Lamb noted that “Several writers have been paid in full already.”

It would of course be better for freelances in the US to have a proposed deal on citizens’ rights still stands if the UK crashes out of the EU with “no deal”. The European Parliament still threatens to veto the final EU-UK withdrawal deal over citizen’s rights.

Subsequent noises have not been encouraging. Speaking to journalists during her visit to China, Prime Minister Theresa May said that EU nationals arriving during the two-year post-March 2019 transitional period will be “registered” at the border, an issue over which a clash with EU negotiators is expected. Figures released in January showed a sharp rise in EU nationals in UK immigration detention. Der Spiegel in December documented recent cases of discrimination and harassment against EU nationals in the UK. These include a professional driver having the validity of his German driving licence questioned, loans and tenancies refused and unlawful requests to check passports. France 24 TV reported on a French sculptor advised by a Post Office clerk checking her PR application to “give up” as she was “without regular, full-time paid employment.”

GDPR from page 1

know what could happen then: “it’s one of the questions we need the answers to,” he said.

The Union is collecting questions to put to the lawyers it has on standby with expertise on data protection. Quite separate UK laws deal with the authorities’ power to look into our phones or computers.

Or, why should people have the right to know what information we hold on them and what we were thinking of doing with it? On this Mike said: “They don’t have that right, but there is the danger is that people will make ‘requests’ as a form of harassment, not least because of GDPR publicity.” When all the questions have been answered, he intends that the Union will produce guidance for members to use in response to such requests.

Tweet for pay

A year in DC?

Are you a young journalist who wants to work at one of the world’s premier newspapers? Do you want to follow in the footsteps of James Naughtie, Cathy Newman, Mary Ann Sieghart, Gary Younge and Lionel Barber? Every year, a young British journalist gets the chance to spend three months (paid) at the Washington Post and write for the paper as part of the Laurence Stern fellowship. The deadline is Friday 9 March. For more information and how to apply see: www.city.ac.uk/arts-social-sciences/journalism/stern-fellowship

© Mike Holderness

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Branch annual reports are here

Look for annual reports from London Freelance Branch officers online at: www.londonfreelance.org/lfb/reports2018.html
Gig economy companies ‘game the system’

Companies with “gig economy” operations are trying to “game the system” to avoid their workers getting rights, says those workers’ trade unions’ representative. As part of his new role, John – who has been a familiar face at LFB meetings – will continue to work on behalf of NUJ freelances in Scotland.

The Freelance thanks John for all his hard work for the Union’s freelances over the years. Coverage of rousing speeches by John at LFB’s own event on precarious work – as well as “Unpaid work… the curse of the freelance classes” from the 2014 NUJ Delegate Meeting – are linked from the online version of this article at www.londonfreelance.org/fl/1803jt.html.

Freelances with enquiries or in need of support from the union should contact Freelance Organiser (and Wales Organiser) Pamela Morton at the Freelance Office on 020 7843 3703 or email her at freelanceoffice@nuj.org.uk – Pamela

Crackdown on intern exploitation

Her Majesty’s Revenue and Customs (HMRC, the tax people) announced a crackdown on unpaid interns in February, with “media” expected to be one of the sectors it would be targeting. As of early February HMRC had already sent 550 letters to businesses warning them that many unpaid internships break the Minimum Wage Act, under which anyone whose role meets the definition of a “worker” must be paid at least the minimum wage. There was also the promise of HMRC “enforcement teams” to tackle repeat offenders over internships.

Former interns can claim the minimum wage via an Industrial Tribunal for their hours worked up to six months after their internship finished. The NUJ won such a case as part of its Cashback for Interns campaign back in 2011: see www.nuj.org.uk/campaigns/cashback-for-interns and members who believe their internship is or was unlawful can get free advice on their particular situation now.

Express way to join the Mirror

TRINITY MIRROR announced in February that it had bought the Express, Sunday Express and Ok! magazine from Richard Desmond’s Northern & Shell, along with its stake in the Irish Daily Star.

The deal, worth £126.7 million, will result in “savings” of over £20 million over the next two years. Trinity Mirror chief executive Simon Fox told Radio 4’s Today that these savings would be made “largely” through cuts to the back office.

As we went to press the deal was still subject to approval by the Competition and Markets Authority on “media plurality grounds” and also required approval by Trinity Mirror shareholders.

A spokesman for the Express Newspapers NUJ Chapel said that the “brilliant journalists” at the Express and Sunday Express had for years been “starved of investment.” They recently won a pay rise after many years without.

Soon after the announcement of the sale, Trinity Mirror announced a further 49 redundancies across its local newspapers nationwide.

#useitpayforit because images are worth it

The NUJ has run a month-long campaign to meet the “need to raise the awareness of the issue with amateur photographers and videographers who, by giving their work away for nothing, are undermining professional photographers and the worth of good photographs and videos”. There’s no reason to stop Tweeting: see www.nuj.org.uk/campaigns/useitpayforit and www.twitter.com/useitpayforit.
Lords call for new press inquiry

THE HOUSE of Lords inflicted a defeat on the Government recently by passing an amendment to the Data Protection Bill demanding the implementation of the promised second part of the Leveson Inquiry into the culture, practices and ethics of the British press.

“Leveson 2” would – if it ever happens – investigate “corporate governance and management failures” in Her Majesty’s Press, looking at specific claims about phone-hacking at the News of the World and what went wrong with the original police investigation into phone hacking. It was delayed pending criminal prosecutions around phone hacking, then reportedly “quietly shelved” around December 2015. The Conservative Party’s 2017 election manifesto pledged that it would not proceed.

The Lords vote followed a long and heated debate: Baroness Sheila Hollins gave an impassioned speech about her personal experiences of press intrusion and data theft after the death of her daughter. Government ministers, including the new Secretary of State for Digital, Culture, Media and Sport Matthew Hancock, denounced the vote as an attempt to curb press freedom. Reliant as it is on favourable coverage from certain national newspapers, the current Government is likely to seek to overturn the Lords’ amendment when the Bill returns to the House of Commons.

As we go to press, allegations are emerging about the conduct of investigators hired by newspapers that will probably make all of the above seem rather out of date by the time you read this. Watch this space.

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Crowdfund to stop the Murdoch bid for Sky

THE CAMPAIGN for Press and Broadcasting Freedom (CPBF) has launched a £20,000 crowdfund campaign at www.crowdfunder.co.uk/stopmurdoch to stop the Murdochs’ bid to buy all of Sky. Rupert Murdoch has agreed a deal to sell off most of his film and TV assets to Disney, but this was framed as happening after the takeover. The bid is subject to an inquiry by the Competition and Markets Authority into broadcasting standards at the Murdochs’ 21st Century Fox and News Corp media organisations: on 23 January it provisionally ruled that the bid was “not in the public interest” but that will almost certainly be challenged by the Murdochs.

Contrariwise, on 14 February campaigning organisation avaz.org won the right to a judicial review of a ruling by communications regulators that Sky would remain a “fit and proper” broadcaster if taken over. The £20,000 will fund a CPBF campaign worker and the production of campaign materials. LFB is proud to be affiliated to the CPBF. New Branch delegate to the Campaign Tony Levine was elected in January. See www.londonfreelance.org/fl/1803sky.html for updates and links.

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Libel update coming in Scotland, probably for the better

THE SCOTTISH Law Commission recently published its report on libel law reform. It’s at tinyurl.com/yd6tzxgg and it’s now gone to the Scottish Parliament for consideration of its implementation. The report is partly an attempt to adopt into Scottish law many of those reforms already enacted in the jurisdiction of England and Wales by its Defamation Act 2013. Its proposals include shortening the current three-year limit on libel actions to one year; updating “first publication” for the internet age and creating a specific public interest defence.

Other recommendations in the Commission’s report are a power to strike down “worthless or trivial” libel actions early and a requirement for the plaintiff to show that the libel causes “serious harm”. It also looks at “remedies”.

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Europe has a free press enforcer again

The Organisation for Security and Co-operation in Europe has a new Representative on Freedom of the Media: Harlem Désir. He leads the Organisation’s work monitoring and attempting to enforce untested freedom of expression in the 57 countries that are members.

Harlem is thus one of a few supra-national authorities whose responsibility is to defend press freedom. His role is likely to become more important as the UK decouples from the EU and its enforcement of rights.

On the occasion of his visit to London in December to meet press freedom activists, regulators and government representatives, Harlem was interviewed by NUJ President and Freelance columnist Tim Dawson. You can read Tim’s report and see a video of his interview at www.londonfreelance.org/fl/1801prez.html

More online
There are more stories and, we hope, updates to some of these, at www.londonfreelance.org/fl – and see NUJ President Tim Dawson’s column at www.londonfreelance.org/president
HAVE YOU noticed the dearth of cartoonists in our industry that are female? We have.

At the LFB meeting on Monday 12 March we will hear from two women cartoonists – Nicola Streeten and Blue Lou.

Nicola is co-founder of the Laydee Do Comics prize for graphic novels, and co-editor of the forthcoming The Inking Woman: 250 Years of Women Cartoon and Comic Artists in Britain. Blue Lou’s work includes cartoons for the Morning Star.

The issue of trust in journalism is on the agenda at the Branch meeting on Monday 9 April. Speakers from the Trust Project (thetrustproject.org) have been invited.

This initiative aims to help readers differentiate between “news content and fakey” by providing information online about the ownership, ethics and mission of the news outlet and the backgrounds of the journalists who wrote the story.

At the LFB gathering on Monday 14 May, the topic under discussion will be – provisionally – equality and discrimination around pay.

This follows recent revelations of paid much less than men, with an Equalities Commission investigation announced following the resignation of BBC China Editor Carrie Gracie over the gender pay gap. A significant speaker is being invited.

The meeting on Monday 11 June – around the second anniversary of the EU referendum – will provisionally look at a Brexit-related topic. A speaker from Europe Street News – covering the relationship between the UK and the European Union – has been invited.

LFB meetings are always on the second Monday of the month, from 7pm to 9pm in the basement of the NUJ’s HQ at Headland House, 72 Acton Street London WC1X 9NB, accessible to people who use wheelchairs. The nearest Tube is King’s Cross or Chancery Lane.

If you need the Branch to pay for care for a child or dependent so you can attend a meeting, contact a Branch Secretary: see www.londonfreelance.org/lfb/contact.html

For updates on meetings and for confirmation of themes and speakers for forthcoming meetings, see the Branch calendar web page www.londonfreelance.org/lfb/meetings.html and LFB’s Twitter feed www.twitter.com/NUJ_LFB

Can members who have difficulty reading the agenda on paper please contact us to get the agenda in electronic form ahead of the meeting?

For etiquette on recording or live-tweeting from LFB meetings, see www.londonfreelance.org/fl/1507film.html

NEW MEMBERS’ MEETING

For members new to LFB or recently joined, there’s a meeting on Thursday 29 March. It’s a chance to meet other new members (and some experienced journalists who can offer advice), to hear about the mission of the Union and discuss work issues.

It’s at the Camera Museum, Museum St, London WC1A 1LY, from 6.30pm. The nearest Tube’s Holborn.

Showed below is a recent LFB new members’ meeting in January this year, described by those there as a great success. Photo: © Francesca Marchese

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BLOGGING COOPERATION: Stuart Forster, the travel journalist and blogger behind Go Eat Do (www.go-eat-do.com) is looking to cooperate with fellow bloggers to build traffic and reach. Contact stuart.forster@gmail.com

WANT TO TRY YOUR HAND at writing fiction? Courses at The Groucho Club in Soho will inspire you, teach you the tricks of the trade and help you develop and polish your work. Our tutors are mainstream published authors. Our next term starts in January – for details go to www.writingcourses.org.uk

CONTACTS

Freelance office Pamela Morton .......................... 020 7843 3703 Membership via switchboard ........................................... 020 7278 7916 email .......................................................... freelanceoffice@nuj.org.uk post .................................................. 72 Acton Street, London WC1X 9NB Legal helpline for NUJ members in emergency only: England and Wales ........................................... 0800 587 7530 Scotland .......................................................... 0800 085 3425

Freelance editors Mike Holderness Matt Salusbury email: .......................................................... editor@londonfreelance.org

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