

# Whistleblowing in the wind

WHISTLEBLOWERS were the subject of September's London Freelance Branch meeting. How can we best deal with them, and protect them from retaliation? We heard from Cathy James of Public Concern at Work ([www.pcaw.co.uk](http://www.pcaw.co.uk)) – whose free advice line has received 20,000 calls since 1993 – and from Andrew Bousfield, who's worked on *Private Eye* investigations involving health service whistleblowers.

Cathy helps whistleblowers exercise their rights under the Public Interest Disclosure Act 1998 (PIDA). If the whistleblower can show a connection between their revelations and wrongdoing covered by the Act, PIDA can override the most draconian confidentiality clause in a worker's contract. "For the reasonable and honest worker who sees malpractice, there's a legal route to get compensation for dismissal," through PIDA (<http://pida1998.notlong.com>). A Mr Watkinson, about whom Andrew has written, got £800,000 from the NHS in Cornwall after being dismissed for reporting that managers failed to consult on changes to the service.

But it was a hard fight to get compensation due to him – "something needs be done about public sector organisations hiring lawyers to run rings around individual claimants," Cathy says. She's seen a recent 50

per cent drop in calls from financial sector workers. She suspects there's been a clampdown on confidentiality clauses.

Cathy doesn't know of anyone who's publicly blown the whistle and kept their job. "I think the law has resulted in a change in the culture," Cathy concludes: but "like measures against sex or race discrimination it takes time to have an effect." Three-quarters of people surveyed weren't aware of any whistleblowing law, or positively believed there is none.

Andrew, who has worked with many whistleblowers, says a journalist dealing with a whistleblower needs the humility to understand that their source is enduring something way beyond the journalist's experience. "When you see someone die on the operating table it has a visceral effect... other people have much grittier lives than we do". If you can't deal with someone who's on an emotional roller-coaster, "don't do whistleblower stories."

Sources working in hospitals who've been in contact with Andrew have suffered "constant character assassination" – managers would send daily letters and emails for their partners to see, lawyers serve threats to their home addresses – they're on headed note-paper and they seem important but "are still bullshit". No wonder, then,

that "people with moral judgement will soon be an endangered species." Conscience "is being bred out of society". And you have to get the whistleblower's consent to go to others to corroborate the story. A friendly MP can be a whistleblower's best friend – they can ask questions under Parliamentary privilege.

Cathy lobbies for the right to publish data on what claims are being



made, so we can see the extent of the issue. Andrew is fed up with going through official channels, and advises, "get the documents.

Remove all identifying information. Source the story to someone else if need be. Publish it."

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## How to look for a dictator's loot

How do dictators and corrupt politicians loot government coffers? How does the global financial sector "facilitate" this, and how can we uncover all that cash? That's the subject of a Centre for Investigative Journalism/London School of Economics (LSE) seminar on **20 October**. Global Witness campaigners Robert Palmer and Anthea Lawson will look at the banks holding the Gaddafi regime's state assets and other case studies. Admission is free, and it's at Saif al-Islam Gaddafi's *alma mater*, the LSE, Clement House, Aldwych, London WC1 from 6.30-8.30. Details: [www.tcij.org/events/loot](http://www.tcij.org/events/loot)



Andrew Bousfield & Cathy James speak: **Photos © freelancedirectory.org ?name=Hazel.Dunlop**

## Social media get canny

WHAT HAPPENS when a journalist decides to share some of their work to the world though one of those "social media" websites? A headache, first: you're enjoined to read dense legalese. So we read lots of you.

The owners have got canny. All the sites we checked – blogger.com, facebook.com, flickr.com, photobucket.com, picasaweb.com, twitpic.com and youtube.com – now say you retain all rights in works that you upload. This is not what we remember from a couple of years ago. We suspect changes followed user outrage – and the suit and counter-suit between Daniel Morel and Agence France Presse over photos posted to Twitpic: see [www.londonfreelance.org/fl/1101afp.html](http://www.londonfreelance.org/fl/1101afp.html)

You may be familiar with the "you keep copyright BUT..." manoeuvre: all these are similar. All require "a non-exclusive, transferable, royalty-free, worldwide license to use any content that you post on or in connection with" their service. Fair enough, up to a point: the entire point of uploading something is to let others see it. Now for the devilish detail.

Facebook, Twitpic and Photobucket (owned by News International) drop in a mention that this licence is "sub-licensable". Picasaweb (owned by Google) clearly "includes a right for Google to make such Content available to other companies, organizations or individuals... for the provision of syndicated services". Blogger, also owned by Google, does not.

Yahoo! as owner of Flickr appears not to make sub-licensing a general condition. You can choose to allow licensing of photos through [www.gettyimages.com/flickr](http://www.gettyimages.com/flickr) – which is good... apart from wannabes undercutting professional photographers, a different discussion.

Twitpic now has you grant a licence to all users of their services to display your work "within the functionality of the service". Photobucket has you grant users a licence to "make derivative works" – so we won't be going there again.

All require that you give permission for them to modify your work: the lawyers probably justify that to allow thumbnailing photos, but that's not what it says.

All say they won't be responsible for anything, really. Flickr, Blogger and Twitpic have explicit clauses making you "indemnify" them – that is, agree to bear the full cost of any lawsuit resulting from what you upload.

Several services once earned opprobrium by stripping out "metadata" – the fields within an image file in which you can indicate ownership. We ran a few simple tests, and all now seem to preserve the basic "IPTC" information – except Facebook, which stripped out everything but copied the "copyright" line into the Facebook text database. Blogger stripped everything from a resized photo, but not the full-size version. Picasaweb and Flickr now by default display an "all rights reserved" message alongside photos.

The conclusion? Building your own website seems like the only safe way to go. And, sorry, but you'll still have to check the terms for yourself; they may well have changed since we looked on 30 September, and we deny all liability for missing anything. That's catching.

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## Support James Fallah Williams

Please take the time to look at and consider signing the petition for James Fallah Williams – the exiled journalist from Sierra Leone who reported on corruption there and is currently fighting deportation from the UK. See [www.nuj.org.uk/innerPage.nuj.html?docid=1851](http://www.nuj.org.uk/innerPage.nuj.html?docid=1851) for more.

## Some more rights

If you work long-term through a temp agency, the new Agency Workers Regulations may confer on you the same rights enjoyed by employees recruited directly by the hiring company, such as holiday pay. See [www.londonfreelance.org/fl/0711work.html](http://www.londonfreelance.org/fl/0711work.html) for more on the rights as a worker you might in some cases possibly accrue if you do regular shifts. Also, the National Minimum Wage went up on 1 October to £6.08 an hour.