

**Submission
No 2**

INQUIRY INTO BROADCAST OF PROCEEDINGS RESOLUTION

Organisation: The Scottish Parliament

Date Received: 30 August 2019

From: Grice PE (Paul)
Sent: Friday, 30 August 2019 1:17 AM
To: Procedure Committee
Subject: RE: Call for submissions: Broadcast of proceedings resolution - NSW Legislative Council

Thank you for the opportunity to contribute to your inquiry. Our submission is detailed below. Please get in touch if we can offer any further assistance.

Kind Regards,

Paul Grice

P E Grice
Clerk and Chief Executive
The Scottish Parliament
Edinburgh EH99 1SP



The Scottish Parliament
Pàrlamaid na h-Alba

From: Procedure Committee
Sent: Wednesday, July 17, 2019 6:26 AM
To: Procedure Committee
Subject: Call for submissions: Broadcast of proceedings resolution - NSW Legislative Council

Call for submissions: Broadcasting of proceedings resolution

On 20 June 2019, the Legislative Council Procedure Committee established an inquiry into the broadcasting resolution. The resolution was last revised in 2007 with many technological advances having been made since then. The purpose of the inquiry is to investigate whether the current resolution is fit for purpose. The inquiry will also consider how the resolution can be made more compatible with contemporary media, and how other comparable jurisdictions have modernised their relevant rules in this area.

The Committee is calling for written submissions to the inquiry from interested stakeholders (the submission closing date is **4 September 2019**). In particular comment is sought on the following issues:

1. Some Legislative Council members are enquiring about posting images of parliamentary proceedings on social media platforms, such as Twitter and Instagram, and posting video on live streaming sites such as Facebook live. It is likely that any parliamentary proceedings posted on these social media platforms would be open to public comment.

The Procedure Committee would be interested in the experiences of other jurisdictions in this area, including any steps taken to address any privilege issues.

This is something we both do ourselves and actively encourage Members to do. Whilst there are some risks to this, given that you cannot legislate for the comments and replies that people make, the channels all have measures in place for dealing with these (such as deleting, banning and reporting people if necessary), and we moderate our content accordingly. We believe that the public engagement benefits, of widening our reach and making it easier for people to participate, outweigh the risks. We regularly stream parliamentary proceedings live on Facebook and Twitter, and we make editorial decisions on this based on topicality and relevance. For example we stream First Minister's Questions as standard, high profile debates or ministerial statements, and some committee meetings with a more general appeal or which relate to an inquiry we have used social media to engage with people on (we tend to refer to this as the feedback loop – making sure that people get the chance to find out what has happened after and as a result of their contributions). We also live stream some of our higher profile events that take place in the Chamber (or committee meetings), such as Festival of Politics sessions. These are all just taken direct from the Parliament's webcasting service rather than being filmed specifically.

FMQs is our biggest hitter each week. On 3rd July 2018 we reached 81,000 people, had 897 peak live viewers (i.e. watching at the same time), 108,000 total minutes viewed and 8,800 engagements. We streamed a statement on Scotland's future post Brexit in April 2019 which reached 64,000 people, had 1,427 live viewers at its peak, 138,727 minutes viewed, and 15,000 engagements. We marked our 20th anniversary on Saturday 29th June this year with a Chamber event which the Queen made an address as part of. Our Broadcasting Team pulled together a highlights package from the session and we posted this on Facebook later in the day (having streamed it live on twitter in the morning). This had a reach of 50,000, 1,500 engagements and 28,000 views. The Twitter live tweets were seen by more than 65,000, and gained 2,300 engagements (including 146 retweets and 327 likes). Live we had 195 peak viewers and 3,000 in total. From the overall 13,400 views, 4,250 were live and 8,900 were on replay. Watch time is lower on social media channels than on Parliament.tv (live) and YouTube (retrospectively), but we view this as an additional rather than an alternative service, and we are able to get our business in front of significantly more people this way.

We also post some proceedings retrospectively – either clips or whole meetings. We make a decision on this based on the content itself. If a meeting has the potential to be of wide interest we will often wait to see how it actually went before deciding when to post. At other times we might choose to put something out later in the day depending on our target audience and what we know about when they are online. For example, we have posted videos aimed for teachers in the evenings as we know they will be in class when the meetings themselves take place. Anticipated levels of required moderation are also a factor in when we decide to post videos, and we would avoid evenings or weekends when we know that there is a strong likelihood of offending content being posted.

We moderate all of our social media content, although we do so more vigorously on Facebook than on other channels given that here we are accountable for comments that appear on our page regardless who posted them. We have online discussion rules which we point people to: https://www.scottish.parliament.uk/gettinginvolved/56277.aspx?fbclid=IwAR0RZcrZvZwrwq9hMtZJTMweppKpq8Mw0HfLC3tFPNaePFfQwzW_eJ0vnlo and which we remind people about in some of our livelier threads. If content is irrelevant to the post we tend to hide it, if it is offensive, abusive (etc) we would delete it. We can also ban people or report them, which we try to avoid as far as possible but have done so occasionally. Twitter has recently introduced functionality which allows you to delete replies to tweets, which is still in beta and which we haven't as yet been able to test, but this is an interesting development that reflects

how the channels themselves are approaching online safety and taking steps to make it easier for organisations to manage.

In addition to public social media platforms, the Parliament live streams and archives all business on our own dedicated website scottishparliament.tv. This does not have any public comment functionality. The website does offer the ability for users to create their own video clips, which are then downloadable by users who add material onto their own social media feeds. Current technology has limited clipping to material some time after the webcast has finished and user feedback is that this delay significantly reduces the value of the material, as users want to upload clips as quickly as possible to maintain social media interest. In response to this feedback, we are upgrading the service to enable live clipping. All material is archived on the website, with links to the Official Report, and automatically uploaded to our YouTube channel.

All our parliamentary proceedings videos are also uploaded to YouTube and, again, we encourage people to take their own clips. Comments are currently turned off as we found that most of these needed moderating and we don't currently have the capacity for this. Members do not use the clipping functionality either on YouTube or Parliament.tv as much as we would like. However, we're not aware of any issues in terms of inappropriate use to date, as per the restrictions listed below.

2. How to manage committee witness expectations, and will knowing that their evidence might be permanently accessible via social media platforms (which could be commented on or digitally altered) be a deterrent to participation? This question particularly applies to vulnerable witnesses.

How we deal with comments on social media is covered by our relevant General Data Protection Regulation (EU) 2016/679 (GDPR) [privacy notice](#). We will always try and let people know in posts what we are asking for and what we will do with the information, as well as feeding back later in the inquiry, although this is not always possible as sometimes it is not clear at that point of the engagement work. We expect individuals to take responsibility for their own contributions they make on social media, having signed up to the channels' own terms and conditions. There are internal processes in place that allow us to alert colleagues when we see comments that raise safety and welfare concerns about people who have posted comments about either themselves or other people. Furthermore, we will only use social media to actively seek and harvest "evidence" when we think this is likely to be the most effective way of reaching and engaging with our target audience. This would be discussed at the engagement planning phase, and we would normally use a different approach to hearing from vulnerable witnesses.

3. What realistic safeguards and sanctions are available to parliaments to ensure that members of the public comply with the broadcasting rules?

Our material is covered under open licences (available [HERE](#)).

- i) **Members.** Members regularly use footage from parliamentary proceedings on social media to engage with constituents. This is something we actively encourage and provide support to Members as we recognise the benefits of this with engagement. The clips can also be used by Members to promote a local campaign they might be running in their locality providing they do not stray into party political territory.

The only restriction is that the material should not be used for party political purposes primarily electioneering or campaigning on a party political matter.

The Parliament should be seen as impartial, especially during election periods, including UK General and local government elections. We have to ensure that our material is not used for party political purposes during election periods, as this could be seen as an in-kind donation to a party, contravening legislation and so we actively remind Members about this restriction. We have found there is a large grey area between what is seen as constituency rather than party political, and we do have on going conversations about this.

Members must seek approval of their Parliamentary colleagues before featuring them on their social media feeds.

- ii) **Broadcasters.** Broadcast coverage is regulated by the Rules of Coverage. Originally broadcasters were not permitted to use material for advertising endorsements, or for satire or parody. However, Copyright Law was amended by the UK government in 2014, and Parliamentary material was governed to fall under “Fair Dealings” classification, that expressly allows the use of material for satirical and parody use.
- iii) **Public.** The open licence allows the public to use the material with the exclusion of advertising endorsements or for party political activity such as electioneering.

- 4. Incidents or reasons that have led to other jurisdictions updating or modernising their broadcasting rules and practices.

Legislation that has, or will impact on our output:

- i) **Copyright.** As mentioned above the Copyright Act 2014 has changed the copyright protection of our material, to allow use under Fair Dealings. In negotiations with the BBC, we did agree that the BBC editorial policy specifies that whilst the material can be used for parody and satire, there must be no distortion or manipulation that will create a false representation of originality.
- ii) **Accessibility.** The Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 enforces public sector bodies to make digital content accessible by audiences with restricted hearing or sight. We are now reviewing our strategy for creating live subtitles for our online output.
- iii) **British Sign Language (Scotland) Act 2015.** We provide live sign language translations for our key Chamber debates which are live streamed. In addition, we publish the signed output with closed captions on YouTube within 24 hours.

Social / Technological impacts:

- i) We have been looking at innovative ways to engage new audiences in our output and as well as reviewing the social media channels used, we are piloting the use of new technology, including 360 degree live streaming providing an immersive experience of activity in the Chamber.
- ii) As part of the replacement of the Chamber electronic sound and voting system, we are reviewing the use of live metadata tagging on the live stream to give the user a more interactive experience.

[Overview of the current broadcasting resolution](#)