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Dear Sir/Madam,

Section 40-style costs sanctions clause in Data Protection Bill

I am writing to you to express the concerns of Baylis Media Ltd regarding the Section 40-style threat to local newspapers in the form of the amendments to the Data Protection Bill voted through by the House of Lords in January.

Just as with the original undemocratic and unfair Section 40 costs sanctions in the Crime and Courts Act, the amendment would mean any newspaper not signed up to the state-recognised regulator IMPRESS would be forced to pay all the costs of claimants in data protection actions, whether they win or lose the case in court.

The data protection version of S40 is potentially even more damaging as data touches every part of the news operation from information gathering to final archiving. Any article, piece of information or inquiry relating to an identifiable living person is encompassed by the data protection regime and the amendment threatens to open the floodgates to baseless claims.

The estimated cost to a newspaper of striking out such a claim in court is £15,000. This would be crippling to local newspaper publishers like Baylis Media and the threat of costly litigation would chill all newspaper journalism.

This is at a time when local papers are operating in the most severe financial climate they have ever experienced as they grapple with the challenges of adjusting to the digital world.

Editors would be forced to be infinitely more cautious with practically all stories, resulting in bland and supine newspapers unable to investigate wrongdoing or hold the powerful to account.

The Lords amendment is also another attempt to force publishers into the system of press regulation by Royal Charter which we consider amounts to state sponsored regulation of the press.

Baylis Media's titles – the Maidenhead Advertiser and Windsor and Slough Express - are instead regulated by IPSO, the tough independent regulator supported by the majority of the national, regional and local press and magazine publishers.

Baylis Media does not want to be part of a press regulatory system established by the state and changeable by politicians. The Charter was written by politicians, brought into existence through the Privy Council and underpinned by legislation that can be changed at any time by politicians. We believe this to be simply incompatible with press freedom in a democratic society.

We also have grave concerns about the recognised regulator IMPRESS, funded as it is by press reform campaigner Max Mosley and with a chief executive who was found to have brought the organisation into disrepute by sharing tweets attacking national newspapers he disliked.



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Having seen members of my staff 'trolled' on social media by supporters of IMPRESS during the last Section 40 campaign, I have very serious doubts about the organisation's ability and willingness to be a fair and equitable regulator. In addition, the costly arbitration scheme that would be forced upon us by IMPRESS is unnecessary for the local press and would only increase the financial pressures on us.

The clauses in the Data Protection Bill have created a backdoor to Section 40. Baylis Media believes they must be resoundingly rejected by the House of Commons.

The challenges facing the local newspaper industry are well documented and the threat posed by Section 40 is an unwelcome distraction from the real issue at hand which is ensuring high quality journalism - which people are consuming in greater numbers than ever before - has a financially sustainable future.

Baylis Media is committed to high quality journalism in the public interest and calls on the Government to look at ways to help us – and the industry – continue to produce quality journalism, for example by exploring the impact of the big technology and social media platforms on newspapers, and investing much more of its taxpayer- funded ad spend in trusted news brands.

Thanking you.

Yours sincerely,



Jeremy Spooner
CEO Baylis Media Ltd



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