

Module	Media Law and Ethics
Course code	BAJH-MLE
Credits	5
Allocation of marks	40% Continuous Assessment
	60% Final Examination

Intended Module Learning Outcomes

On successful completion of this module learners will be able to:

1. Understand and be able to identify legally contentious issues.
2. Demonstrate knowledge of the wide variety of law attaching to the media.
3. Discuss main laws relating to work as a media professional i.e. Defamation Act 2009, Copyright Law and the laws relating to privacy and contempt of court.
4. Recognise when to seek legal advice.
5. Understand the laws and regulations in relation to court reporting and be competent in reporting from the courts within the legal boundaries
6. Recognise the legal and professional implications for their own copy and their employers' interests in relation to questionable copy.
7. Demonstrate a strong understanding of the Irish legal system.
8. Understand that all media professionals have a responsibility to tell the truth and operate within the laws.
9. Explain, operate and take responsibility for working within ethical guidelines

Module Objectives

The module aims to equip the learner with the fundamental principles of media law in order to be able to work within legal boundaries as a media professional. Journalists encounter legal issues in various aspects of their work from court reporting to defamation and need a good knowledge of the law in order to operate and understand the Irish legal system. This module aims therefore to introduce learners to main media law topics that most affect journalists in their daily work.

Module Curriculum

Topic: Introduction to Ethics

This topic examines what is meant by the term 'ethics' and importantly how it relates to the media. The introductory lecture offers a foundation in what is meant by ethics including secular philosophical approaches to the subject before progressing to cover and examine the National Union of Journalist's Code of Conduct.

Topic: NUJ Code of Conduct

Specific aspects of the NUJ code of conduct (e.g. privacy, deception, protection of sources, public service broadcasting, press regulation) are covered as part of this module's examination of ethics.

Topic: Examples of Media Ethical Issues

The purpose of this section is to get learners to grapple with the problems as they become evident. Examples used are constantly updated to take into account current events. The

Leveson enquiry and its impact on British media are used as a starting point given our proximity and the interwoven nature of the British and Irish media.

Topic: The Irish Legal System;

This section of the course attempts to introduce the Irish legal system to learners and focusses on the Common Law system, the Irish Constitution, the division of the courts between civil and criminal matters, the monetary jurisdiction of the courts, the jurisdiction of the courts. What cases are heard in the District Court, the Circuit Court, the Central Criminal Court, the High Court, the Court of Criminal Appeal, the Special Criminal Court and the Supreme Court.

Topic: Freedom of Expression;

This topic covers the origins of the doctrine of freedom of speech, the constitutional guarantee of article 40, the courts balance of rights between freedom of expression and persons right to a fair trial or persons right to privacy, major case law relating to freedom of expression and also a look at other parts of the world where freedom of expression is not guaranteed. The seminal case of Mahon v Keena is examined and discussed.

Topic: Reporting from the Courts;

In this topic we examine the constitutional guarantee that justice shall be administered in public and examine where and what type of cases are journalists allowed to report? We examine the restrictions to rule that all courts shall be in public and in particular we look at reporting restrictions attaching to children in criminal courts, sexual offences and rape. In this topic we look at issues of identification and reporting. We also focus on what is meant by *in camera* and what it means in the context of court reporting.

Topic: Contempt of Court

In this topic we focus on the main types of contempt and how the contempt of court laws in Ireland need to be up dated. We look at criminal contempt in particular with publication prejudicial to an accused person's fair trial and the impact of such reporting. We also look at in detail the factors that the court will look at in deciding whether a case has been prejudiced.

The case of DPP v Catherine Nevin, DPP v Laide, Mackey and Ryan and DPP v Paschal Carmody will be examined and discussed in detail.

Topic: Privacy law

In this section we define what is meant 'privacy' and ask the question do public figures have the same rights to a private life. We examine the different way the courts treat a photograph and a written article in the context of privacy law. We look at the consequences of breaching privacy laws in Ireland and how privacy legislation is lacking in Ireland. The phone hacking scandal in the UK is examined. The case of the Irish Daily Star and the publication of the topless photos of Kate Middleton is discussed.

Topic: Copyright Law

This section examinea what is meant by copyright and the type of materials and work that is covered by copyright. What is meant by original works?; What is meant by literary?; Is copyright law good or bad for the media? This topic examinea the recent amendment to the Copyright and Related Rights Act 2000 and the significant High Court case of EMI v UPC.

Topic: Defamation Law

This topic focus on the new defamation law contained in the Defamation Act 2009. We attempt to explain what is meant by 'defamation' and what is meant by slander and libel. This section examines the essential ingredients for defamation; publication and identification.

Topic: Defamation Defences

This section examine in detail the defences to a defamation action pursuant to the Defamation Act 2009 such as truth, honest opinion, absolute privilege, qualified privilege, consent to publish, innocent publication, apology, offer to make amends, fair and reasonable publication on a matter of public interest. The case of Fr Kevin Reynolds v RTE, Monica Leech v Independent Newspapers and Denis O'Brien v Associated Newspapers are examined in detail.

Topic: Data Protection

In this section, the learners examine the relationship between the media and data protection. The duties of a data controller are discussed and the definition and meaning of 'data' and 'sensitive personal data' are examined.