

# Editorial Policy



## Guidance Note

### Privacy and Missing People

*This guidance note should be read in conjunction with BBC Editorial Guidelines ([www.bbc.co.uk/editorialguidelines](http://www.bbc.co.uk/editorialguidelines)) Section 6: Privacy.*

*In cases of doubt, further assistance can be sought from the duty Editorial Policy Adviser by telephoning 0870 333 4550 or BBC extension (02) 81819.*

*All Guidance Notes can be found at [edpol.gateway.bbc.co.uk/guidance\\_notes.shtml](http://edpol.gateway.bbc.co.uk/guidance_notes.shtml) (BBC internal link) or [www.bbc.co.uk/guidelines/editorialguidelines/advice/](http://www.bbc.co.uk/guidelines/editorialguidelines/advice/).*

#### **Introduction**

When people go “missing” it is not always the case that they have been harmed or are seeking to evade the law. We need to consider at what point their right to privacy outweighs the public interest in identifying them in the context of a BBC programme or web site.

It is worth bearing in mind some basic points:

#### **How old is the missing person?**

- A child under sixteen may be considered to be at risk of moral or physical harm if alone and unsupported in the world. A young person between 16 and 18, depending on their circumstances and their capacity to support themselves, may also be at risk. Their safety would outweigh considerations about their privacy in the first instance; however, the decision whether to identify them would be taken in conjunction with their parents and any relevant authorities. If and when a child is found, no matter that their name and picture may already be in the public domain, the decision to further identify them would need to be considered once again in relation to their current circumstances and future welfare.
- An elderly person may be considered to be as vulnerable as a young child, depending on their age, their state of health and mental capacity. However, their right to privacy needs to be considered when deciding what intimate facts about their life to report, however relevant to the story of their disappearance.

- If a person is a competent adult, and there is no reason to believe they have been abducted, assaulted or murdered, their right to privacy may outweigh the public interest in identifying them as a “missing person” on national television. A judgment will have to be made based on the known circumstances of their disappearance.

### **What is their legal status?**

- If a person is facing legal charges or is believed, with good reason, to be involved in criminal activities, their disappearance may be linked to a desire to evade the law or to live outside of the law. Their right to privacy is compromised by their criminal status.
- If a person does not have the right to remain in the UK, then their disappearance may be related to a wish to evade detection as an illegal immigrant and consequent deportation. This would also undermine their right to privacy.

### **What is their state of health?**

- If a person is currently suffering a mental illness, or has a history of mental illness, such that they may harm themselves or harm another, identifying them may be more important than their right to privacy. Equally, if they are by virtue of their illness unable to take responsibility for themselves, identifying them may be important to their safety.
- If a person needs urgent medical attention or medication for a chronic illness, this too could be seen to outweigh their right to privacy; however, to broadcast details of their illness or treatment would usually be considered an infringement of their privacy.

### **What are the circumstances of their disappearance?**

- If an adult disappears from a domestic situation which is conflict-ridden and stressful, or possibly abusive, their right to privacy and to make a new life might outweigh any desire by friends and family to identify them with the intention of locating them or persuading them to return home.
- If an adult leaves a family with no visible means of support, with a large number of debts or in desperate personal circumstances, our sympathies might lie with the family but we would still have to consider whether such a person has lost the right to privacy. The fact that they have abdicated their social responsibilities may or may not have a bearing on our decision to identify them.
- If an adult is reported by family to be missing but we have good reason to believe, from talking to friends or work colleagues, that he or she may simply

have re-located to escape an untenable domestic or professional situation, we should respect their right to privacy above and beyond the willingness of the family (or the police) to identify them as a “missing person”. If we cannot establish, evidentially, whether a person has gone missing willingly or unwillingly, we should consider the balance of probabilities according to the circumstances and in relation to the public interest in telling the story. There should be no automatic assumption of exposure.

- If a child or young person runs away from what is reported to be a conflict-ridden, abusive or neglectful home, their ongoing safety and welfare should be considered according to the BBC’s Child Protection Policy ([link](#)). The case may need to be referred to Social Services. In this instance the family’s possible desire to identify and locate them would take second place to the child’s needs.