

Information leaflet

Journalistic due diligence in online media

Anyone publishing content on the Internet must comply with journalistic standards under certain conditions.

This has been stipulated by law for TV, radio, and the Internet content of publishers for a long time already, and is checked by the Media Authorities and the German Press Council. A new development since November 2020 is that other online media must also observe journalistic due diligence. This particularly applies to Internet content that is journalistic and editorial, regularly contains news or political information, and that are offered on a commercial basis (Article 19 of the Interstate Media Treaty (MStV)).

But, which content are they referring to exactly? And what are these journalistic duties of due diligence? We want to answer these questions in this information leaflet and clarify the content to which this new rule applies.



1. Which online media are included?

The law says:

Article 19 para. 1 MStV: “Telemedia with content that is journalistic and editorial, in which the full or partial content of periodical print products is reproduced in text or images, must comply with recognised journalistic principles. The same applies to other commercial telemedia content that is journalistic and editorial, which regularly contain news or political information and which do not fall under sentence 1. [...]”

What is commercial content?

Content is considered to be commercial if it contains material intended for other than private use, and is not maintained only occasionally. This means that commercial content is created for long-term sustainable use, regardless of whether it also generates income.

When is content “journalistically and editorially designed”?

Journalistically and editorially designed content comes in many shapes and sizes. For example, they include Internet newspapers, newsletters, YouTube channels, blogs and vlogs, podcasts, and social media profiles – these are all covered by this legal provision. The designation as “journalistic and editorial” initially refers to the journalistic mode of working. This includes researching, selecting and putting together information, and classifying it in the respective context. In doing this, the editorial staff must work independently of the interests of those who are the subject of the content. Journalistic and editorial service if, for example, is not something that is done for self-promotion, marketing, (political) lobbying, or public relations, and this is recognizable to the user.



What constitutes a journalistic and editorial service?

- The contents are updated regularly or new information is added continuously.
- The content is aimed at a large target group.
- The provider selects the content and edits it for publishing.
- It is related to current debates or topics.
- The content is aimed at contributing to the formation of public opinion

Of course, this list is not exhaustive, nor does it have to be completely fulfilled. And, of course, all content is reviewed again individually, taking into account fundamental rights – in particular, freedom of the press and freedom of expression.

And how would one define “regular news” and “political information”?

The term “news” is understood as all current information that relates to facts and that can affect the formation of public opinion. The situation is similar for “political information”. It is of relevance to the public and can influence the formation of political opinions. News is referred to as “regular” when it is or can be updated



In a nutshell:

Two types of journalistically and editorially designed telemedia content is included. That which reproduces the content of traditional press, and that which regularly contains news or political information – if these are offered commercially.

Statements and opinions that are made transparent as such, and that are clearly not intended to inform the user, are not deemed to be news.

2. What are duties of due diligence?

The law says the following in this regard:

Article 19 para. 1 MStV: “Telemedia with journalistic and editorial content [...] must comply with recognized journalistic principles. [...] Before it is published, news must be checked by the provider for content, origin, and verity with the due diligence required by the circumstances.”

An important reference point for the evaluation is the [Press Code of the German Press Council](#), which stipulates the guidelines for journalistic work. Those who comply with these rules meet the essential requirements for journalistic due diligence. Moreover, decisions made by the Press Council and court rulings are taken into account.



So, what are the requirements for journalistic due diligence?

In principle, there are two things that apply. Content must not violate human dignity. Religious, ideological, and moral views of others must be respected. Personal rights must be respected. The identity of victims of criminal offences must be protected, in particular.

There is a duty to research information

Platforms that provide information have a duty to thoroughly research this information. The credibility of a source must be considered and, if in doubt, must be checked through further research.

This applies, in particular, if:

- ... the report is about people, and especially if allegations are being made against them.
- ... potentially incorrect reporting could pose a risk, for example if the topic is a health issue.
- ... content is deliberately taken out of context and used for the purpose of manipulation.

Although there is no fundamental obligation to reproduce every single detail of the information, omitting parts of the information may not result in a distorted picture.

The reporting does not have to be neutral. In contrast to broadcasting, the press and telemedia providers have the freedom to impart a political view (what is referred to as “ideological protection”).



The following checklist serves as a good basis when handling sources:

- Have the authorship and credibility of the information source been verified? If there is reason to doubt the credibility or the origin of the source, has this been indicated?
- Is an anonymous source also designated as such?
- Can rumors and assumptions be recognized as such, and are they designated accordingly?
- Have all the quotations been reported correctly?



What should be considered when publishing surveys?

When publishing surveys, it must be expressly stated whether these are representative. A survey is representative if it is carried out using social-scientific methods.



What is the process of the Media Authorities?

During their review, the Media Authorities do not check whether the content is correct or incorrect. It is also not important who is hosting the content or whether the information is correct or even appealing from their point of view. Rather, the question is one of whether the person who published the information has checked its content, its origin, and its verity carefully and with due diligence. Moreover, the Media Authorities only look at content after it has been published, never before publishing, as this would violate the prohibition of censorship.



What are the Media Authorities responsible for?

The Media Authorities are responsible for checking whether the duties of due diligence have been observed – unless these online media join the Press Council or a different self-regulatory institution. They act if they become aware of violations of journalistic principles in the course of continuous monitoring or selective focus analyses, or if complaints are lodged.

Site notice:

Responsible body:

Dr. Wolfgang Kreißig –

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