

Time Inc.

Editorial Guidelines

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1. INTRODUCTION: OUR FIVE COMMANDMENTS

Time Inc. is committed to producing journalism that meets the highest standards. Our magazines and digital products serve the public: They inform, they delight, they illuminate our world and they help our readers. And each one of them, no matter the subject or the intended audience, should reflect Time Inc.'s commitment to quality and to integrity. The reputation of the company, the respect accorded our publications, and the careers of all staffers depend on upholding shared journalistic values.

The guidelines set forth here, which apply to the editorial operations of all U.S.-based Time Inc. affiliates, and to international editions of *Time* and *Fortune*, are intended to help our staffers navigate confusing and sometimes treacherous waters. They supersede guidelines currently in existence at any specific magazine, except on those issues where the magazine's guidelines are stricter. Both employees and freelancers are expected to read, understand, and follow these guidelines, and they pertain to all work in our magazines, on Time Inc. websites, in other digital applications, and in broadcast and other public appearances (in the case of freelancers, in such appearances related to work published by Time Inc.). We recognize that the world and the media landscape are changing quickly, and this document does not pretend to cover every eventuality. Exceptions to these guidelines may arise, but the overarching principles are basic. Consider these the Five Commandments of Time Inc. journalism:

- 1. Be right.**
- 2. Be fair.**
- 3. Be transparent.**
- 4. Obey the law.**
- 5. When in doubt, or when there is a potential deviation from these guidelines, bring concerns to your managing editor (or a top editor designated by your managing editor), to a member of the Time Inc. Law Department or to the Time Inc. Compliance Office.**

This policy applies to all Time Inc. staffers and freelancers while they are on assignment for a Time Inc. magazine or website. Some items here overlap with practices outlined in the Time Inc. Standards of Business Conduct and the rules governing outside media projects; these policies, which all employees are expected to abide by, can be found on MyTime.

2. NEWSGATHERING

Time Inc. journalists (on staff or freelance) must in all instances obey the law while gathering the news, taking photographs, or performing other journalistic functions. Proscribed activity includes, but is not limited to, the following: trespassing, illegal eavesdropping or recording of calls, computer hacking, bribery, or stealing documents. (NOTE: As a worldwide operation, Time Inc.'s reporting may be subject to the laws and regulations of multiple states and countries. As a consequence, questions regarding what newsgathering is permissible can sometimes be difficult and complex. If you think there may be legal issues, please consult the Time Inc. Law Department.)

i. Identification

When reporting, it is best practice to identify yourself and your affiliation promptly. Any exceptions—reporting on overheard conversations or witnessed events, for instance—should, when material, be explained to the reader in the published story. This applies as well to online conversations in which those conversing can be identified, such as in chat rooms. In many such instances, particularly those that involve controversial issues or statements, journalists should go back to the source to verify the information and explain that it will be used for publication. When the participants in an overheard conversation have reasonably presumed they were speaking privately (for instance, in a conversation in a restaurant), it is generally advisable to let them know that they have been overheard.

On rare occasions, when the only way to get a story of importance—infiltrating a cult, for instance—is to hide your identity, the managing editor and Time Inc.'s editor-in-chief or his designee must be informed and will (in consultation with the Law Department) determine in advance whether the strategy is acceptable. However, in no instance do we lie about our identities as journalists when confronted. For instance, if you are attending an event seemingly as a citizen but in fact as a reporter, and you are asked if you are a reporter, you must confirm it.

ii. Notes and recorders

When interviewing subjects or sources, note taking is essential. The better the notes, the better the backup should questions arise later. Many sources welcome the use of a recording device, and to be safe, a combination of written notes and a recorder is usually best.

The laws of many states (including, as of this writing, New York and the District of Columbia) allow one party to a telephone conversation the right to record it without the consent of the other party. However, **both** parties must be in such a state; for instance, a reporter in New York calling California (which does not allow one-party taping) cannot record the call without the permission of the other party. (If you are unsure of what is legal in a particular state, please consult the Law Department.) Irrespective of state laws, whenever it's possible and appropriate, it's a good idea to let the person being interviewed know that she is being recorded.

iii. Email

Beware emails. They are very hard to delete permanently, easily forwarded, and can be interpreted as incriminating even when they are not. In general, it is hazardous to write any email that would cause you to wince if it were widely distributed, published by a competitor, given to an adversary, or blown up on a large screen for scrutiny at a trial.

iv. Promises to sources

A publication can be sued for breaking a promise to a source. Promises to protect a source's identity are addressed in subsection 3.iv, below; it is inadvisable to make other promises or representations to a source—such as promising a cover story, positive or favorable treatment, or to share a draft of the article prior to publication. Occasionally, but only with the consent of a senior editor, an agreement must be made; if it is material, it should be shared with the reader. For instance, if a story is not a back-and-forth live interview, but rather questions answered by email; if someone would speak only with a lawyer or publicist present; if certain key topics are determined, by mutual agreement, to be off limits—all should be disclosed to the reader.

v. Quote or copy approval

It is entirely acceptable to agree to read quotes back to sources for accuracy, sense, and context. But such an agreement should not give the source the blanket right to change quotes if you are absolutely certain of their accuracy. Ideally, you will offer to review the basic ideas embedded in the quote with the source rather than a full readback. But, in some instances, the agreement to read back entire quotes can afford an otherwise reluctant source greater comfort in choosing to cooperate.

vi. Embargoes

Usually, Time Inc. will abide by general embargoes placed on outside material, such as books for review, government reports or medical studies. If another news organization breaks such an embargo, editors, along with legal, will then determine whether it is appropriate also to break the embargo.

Embargoes directly negotiated with outside parties can, if violated, expose the company to significant liability. All written embargo agreements (including non-disclosure agreements) must be provided in advance to the Law Department for review, and to an assistant managing editor, director of photography, or higher-ranking editor for approval and signature.

vii. Requests to withhold information

We are in the business of reporting news, not hiding it. If a government or individual asks that information be withheld in the name of national interest, security, or other sensitivities, you should notify your managing editor immediately and, where appropriate, the Law Department.

viii. Payments to sources or subjects

Time Inc. journalists do not pay for interviews. We occasionally pay for items belonging to subjects, including photographs, video footage, etc. Photo credits should make ownership of such items clear to the reader. Any questions about best practices should go to senior management and/or Time Inc. legal *before* any agreements are made.

At times, we also pay appropriate travel and accommodation expenses to get story subjects together for photo shoots or interviews. All such payments or arrangements must be approved by the managing editor, or a designee.

ix. Travel or other accommodations provided by subjects or sources

Except for such items as holiday gifts of minimal value, our journalists may not accept gifts, payment, or in-kind emoluments from sources or subjects. In certain special circumstances, such as traveling with a subject on her private plane in order to get closer to the story, we must repay the subject the equivalent of commercial airfare.

Before accepting any benefits from a subject or a third party, journalists should consult with the Time Inc. Standards of Business Conduct posted at MyTime and, as appropriate, the Compliance Office.

x. Special circumstances: Dealing with minors, the bereaved, the injured

Not everyone is savvy or experienced with dealing with journalists, and just because something is gettable does not mean we should necessarily publish it. When interviewing or attempting to interview minors, for instance, it is advisable to receive consent from a parent, even in contexts that appear to be non-controversial; if the subject is in fact controversial, or might cause embarrassment or other difficulties for the minor being quoted, consult the Law Department before publishing. Whether parental consent is required by law depends, in part, on where the interview took place and other specific circumstances. Be aware that schools, camps, and other institutions do not necessarily have the right to give consent on behalf of parents.

Interviewing victims of crimes, the bereaved, or the injured likewise should be handled with caution. Consider the subject's sensitivity—or if the subject has even been informed of another person's accident or death. Under no circumstances should the names of victims be published until family members have been notified.

3. SOURCING

i. What you may use

Information obtained illegally by Time Inc. employees or freelancers may not be used in Time Inc. publications. Any information obtained by illegal means may subject reporters, as well as the company, to legal action. This includes information obtained through trespass, phone hacking, wiretapping, theft or bribery.

In addition, some legal statutes make possession of certain information a crime, whether or not the reporter himself obtained the information through unlawful means. **If you are offered or receive information you believe is classified, or subject to a court-imposed gag order or the like, you must raise the matter with your editor and the Law Department as soon as possible to determine whether, and/or how to publish the information.** This includes but is not limited to grand jury reports, trade secrets of a corporation, or information governed by a confidentiality agreement. The fact that a third party has broken the law in providing documents or information will not necessarily prohibit publication of the information; all such determinations are made by the managing editor, in consultation with the Law Department and, as necessary, the editor-in-chief.

However, in no circumstances is it appropriate to induce a source to break the law to offer up such documents or information—that is, for a journalist to suggest that a source take confidential documents out of an office or download classified files and bring them to the journalist, thus becoming a part of the taking.

ii. Verification of sources

Occasionally, information will come into the company anonymously—via a telephone tipline, for instance, or via someone who drops off photos or a video, or showing up on Twitter or other forms of social media. All efforts should be made to verify independently the source of all information, particularly that the person calling or tweeting is who she says she is. If you cannot ascertain the accuracy and the provenance of such material, it should not be published.

iii. Terms of the interview

For all stories the goal is the same: To rely, whenever possible, on clearly named and identified sources. The more the reader knows about the source of the reporter's information, the better the reader can evaluate the accuracy and fairness of the information offered. For all interviews, Time Inc. journalists are expected to have clear and ongoing conversations with sources about how that source will be identified, trying always to get as specific an ID as possible. **Except in those instances where a journalist has a long-established relationship with a source and a clear understanding of the terms of any interview, avoid using terms like “not for attribution,” “off the record,” “anonymous,” or “on background” with sources.** These phrases have different meanings for different people, even within Time Inc. Instead, discuss with the source the terms of the conversation: whether he will be named, whether she is offering information that you can print, etc. When the source absolutely refuses to be named, reporters must make every effort to negotiate the specific terms on which he can be identified that both protect the identity, but also signal to the reader the position and bias of the speaker. (“A senior Congressional source” is not a useful ID, nor is “a friend,” or “someone in a position to know.” Preferred alternatives: “A member of the staff of a ranking Democrat,” “a close family friend,” or “someone with approved access to board deliberations.”) Additionally, if this source is quoted elsewhere in the same story, the descriptive attribution must be identical to that attached to the original quote.

iv. Using anonymous sources

The company does recognize that the use of unnamed sources is often necessary; many important stories could never be published without such help. When a person insists on anonymity, the reporter should take a step back. Would a different line of questioning perhaps lead to the source's agreement to go on the record? Would the source agree to being identified if the reporter is able to get confirmation from other, named sources? Consultation with one's editor should begin as soon as the possible use of anonymous sources arises, and should be ongoing throughout the process of preparing an article for publication.

Reporters and editors should always make every effort to validate the person's information from other sources. It is preferable to paraphrase quotes, rather than publishing full quotations, from unnamed sources; with a paraphrase, the content can potentially be verified by multiple sources should legal questions arise, whereas a quotation has only one possible source.

Example:

"A witness said he saw Sandusky in the shower room with a boy engaged in what appeared to be rape" is preferable to "I saw Sandusky raping a 10-year-old boy in the shower room," says a member of the Penn State coaching staff."

It is against Time Inc. policy to allow individuals the cloak of anonymity when making accusatory, potentially defamatory, or otherwise critical statements about other individuals. If the preponderance of reporting indicates that the comments of an unnamable source are in fact correct, either find someone to say it on the record, or put it in your own words.

Example:

"Pelosi has threatened to withhold campaign funds from at least one member of the caucus if he did not vote with her on the bill" is preferable to "A House Democrat said, 'The Speaker threatened me and said I wouldn't get any campaign funds if I didn't vote with her.'"

Even though a reporter may eventually agree to protect the source, every unnamed source must be known to an editor; sensitive cases must be brought early on to the magazine's managing editor and the Time Inc. editor-in-chief, who in some cases may be the only individual, other than the reporter, who knows the source's identity. Only the editor-in-chief may waive the requirement that the identity of every unnamed source must be known to an editor. The editor-in-chief will, in consultation with others as may be appropriate under the circumstances, make a final decision as to what may or may not be published. The responsibility for this communication goes in both directions: The reporter must alert his editors early in the process about possible anonymous sources; editors must remember to check in and ask about the reporter's sources.

All news organizations are subject to the law—and for highly sensitive stories, **journalists should make this clear to their sources as part of their ongoing conversation/negotiation with the source.** Although journalists enjoy some legal protection from being compelled to testify about their newsgathering activities and the identity of their sources, we know that the privilege is not absolute. Please consult a senior editor or the Law Department as questions arise.

Please also keep in mind that reporters and editors should be extremely careful about how and where they store information that might identify an unnamed source. Most electronic records, including email, can be subpoenaed and retrieved in litigation. Moreover, such electronic records are almost impossible to erase or delete. In addition, hand-written notes can also be the target of a subpoena served on the company, and it can be very difficult to convince a court that a journalist's notes or other work product do not belong to Time Inc.

4. FROM REPORTING TO PUBLICATION

i. Transparency

In the writing and editing of all stories, it is vital that we review copy for fairness, for accuracy, and for possible bias of all kinds. In keeping with Time Inc.'s Third Commandment, transparency is key. Whenever possible, we should avoid even the appearance of conflict: a reporter whose spouse works for an oil company shouldn't be covering the oil industry.

At all times, we should clearly state staffers' and sources' affiliations or relationships wherever those relationships could be considered material by a reader. This includes, but is not limited to, familial, political, and business ties. The more a reader can understand about a reporter's, or a source's, own biases and decision-making processes, the greater the overall trust the reader can have in the story and the publication. For example, when covering a book written by a staffer or former staffer, the Time Inc. connection should always be noted. If a source studying obesity has previously accepted money from a fast food manufacturer, that connection should be made clear.

ii. Opposing viewpoints

Keep in mind that there is always more than one viewpoint. If the subject denies an allegation, that denial should be noted in the published article. We expect our reporters to remember this basic principle, but occasionally they do not; it is vital that editors, too, read carefully for such opposing viewpoints or denials.

Additionally, a person or group under attack may refuse to discuss its views, but the magazine should make every effort (and document those efforts) to get that side of the story, even if a refusal is a foregone conclusion.

It goes without saying that journalists should always keep an open mind, and that fairness is at all times a cardinal virtue. But it is worth noting that certain steps taken to ensure fairness can also make your reporting substantially more effective. When calling a potentially hostile source or subject, it is often wise (as well as fair) to be as specific as possible, especially as deadline approaches. When, for instance, writing about someone whom you believe has cheated on his résumé, your first instinct may be to say, "I'm a reporter from *Time*; please call me." However, you may be much more likely to get your call returned if you say, "I'm a reporter from *Time*. We're doing an article that may include assertions that your résumé contains false assertions about your education and previous jobs. Please call me."

Similarly, it is often appropriate to let people know what an article may say about them prior to publication, especially if they've previously told you they will not comment. Such disclosure will frequently lead them to change their minds and comment after all; additionally, it's simply fair to let them know what's coming. Such efforts at fairness may also be useful in our defense should the person later contemplate or initiate legal action.

iii. Information reported by others

In this age of media aggregation and instant global reporting, information gets repeated and quickly begins to appear as fact. **Just because something has been out there "everywhere" doesn't mean it is true.** Go back to the source or story subject and see if she has a comment, denial, or clarification, or if her thinking has changed since the initial reports. When using material taken from another news organization or similar source—all quotes, as well as unverifiable assertions of fact—be sure to cite the original source in the article. (See also "Attribution," subsection 4, iv.) But bear in mind: repetition or republication of a libelous statement is itself a libelous act. (For a detailed discussion of libel and defamation laws, see Section 7.)

iv. Attribution

Information taken from another news outlet poses a different problem. When other news organizations break news and we follow, we give credit to the originating source. How to know when to do it? Put yourself in their place: if we had broken the story, would we deserve credit in other news media? Similarly, when aggregating content on the web, apply the same standard: would you expect a similar amount of our material to be properly credited if aggregated by another news organization?

For quotes, if a statement was made in public, as at a State Department press conference, and reported by responsible news organizations without disagreement, then it is fair to run the quote. However, if the statement was made in an interview conducted by someone working for another news organization, the quote should be attributed to the source from which it was taken, or checked with the individual who said it. It may not be advisable to ask the person, "Did you make this statement?" An alternative approach would be to ask the source if the article from which the quote was taken was accurate. If the response is an unqualified yes, the quote is acceptable; if no, find out which statements are incorrect.

In general, follow the golden rule of attribution: attribute generously, as you would have others attribute unto you.

v. Private lives of private figures

Take special care with pieces involving the private lives of private people. When working on a breaking story in the heat of the moment, do not let eagerness for the "get" or the "gotcha" quote or detail take precedence over cool thinking about what is essential to the story, and what a story's possible repercussions may be. Exercise caution, think ahead, and ask hard questions: Is the information relevant to the main themes of the story, or just gossip? Suppose the named suspect or "person of interest" in a crime turns out to be innocent. Should such a person's private life be fair game for investigation, especially if no charges have been brought?

Similarly, does the victim of a crime want her name to be revealed? Also, as stated above, for every story involving minors, crime victims, and the bereaved, bring an editor into the loop for an extra read.

vi. Private lives of public figures

When asking the question or putting the detail into print, take a moment to consider the relevance of the information. Is a politician's sexual orientation meaningful in the context of your story? Are actions or affiliations from the distant past still important? These details may, for example, serve to point out a candidate's hypocrisy on an issue, or they may simply be private. Weigh these questions thoughtfully.

vii. Statistics

Be sure to secure the latest available statistics, and in all instances cite the date of the research (in most cases, except for polling on current issues and candidates, the year of the research should suffice). Be wary of relying upon such outdated sources as last year's annual corporate report; a company may have sold properties, acquired new ones or even changed its name.

Also be sure that statistics are used in context and not manipulated to prove a point. Understand the difference between *absolute statistics* and *relative statistics*. Saying that someone's blood test revealed he was .02 points over the legal definition of drunkenness (an absolute statistic) may seem minimal; but if the legal definition of drunkenness is .04, saying he

was 50 percent over the legal definition (a relative statistic) leaves a very different impression. Similarly, if unemployment in one month is 5 percent and the next month it's 7 percent, unemployment has not increased by 2 percent – it has increased by 40 percent.

Sets of figures within a story should be double-checked against one another to be certain that the whole does not differ from the sum of its parts.

viii. Stories involving products and quotes from experts

Full disclosure is always best practice. If a celebrity recommends a specific lipstick, but is also a paid spokesperson for the brand, the reader should be informed. If a researcher is receiving money from an interested party for her research, the connection should be disclosed. Similarly, if a person commenting on a product or a study has a relationship with a competitor, that should also be disclosed.

ix. Plagiarism

Passing off another person's work (or part of a work) as your own is plagiarism. With the proliferation of online sources, the potential for plagiarism has risen; so, too, has the ability to do a search and make sure you have not inadvertently plagiarized. Plagiarism is grounds for termination.

x. Fact-checking and Quotations

A story has many facets, but unquestionably the most important is accuracy. In its most elementary sense, accuracy involves getting all the facts correct - names, ages, places, dates, statistics. Nothing should be assumed. Take the attitude that every fact could be wrong. Beyond that, examine all the material and make sure that the conclusions follow from the facts. Caption material, headlines, table-of-contents items, and layout elements must also conform to the facts.

Generally, even though one editorial staffer may be assigned the primary responsibility for the accuracy of a story, *all* editorial staffers are responsible for accuracy. Good checking involves more than just spotting errors. Think about the meaning and ask: Is this true within the framework of the available information? Before the final copy is published, it should be reviewed again by those who wrote and checked the story.

Some stories are “self-checked,” that is, checked by the writer of the story (who may be a correspondent in the field). In such cases, the writer is responsible for the accuracy of the story, although a copy editor will often provide checks of proper names and the like. Staffers should consult their own magazine's procedures regarding self-checked stories.

When checking facts or quotations with primary sources, make every effort to give the person or institution you are calling an adequate amount of time to respond. Too often, checking calls are made so close to deadline that they can be unfair, careless, or simply rude.

There are many resources at your disposal where you can either verify or dig out facts, figures and background information, including electronic databases, individual magazines' libraries, and the various Time Inc. news services with their domestic and foreign correspondents and stringers. Public relations departments can be valuable, but since they are being paid to put their clients' interests in the best light, you should be wary about using them as the only source for a fact.

Primary or “red-check” sources should be used wherever possible. A red-check source is considered as close as possible to infallibility. Red-checks can be found, for example, for most

historic dates, geographic locations, universities and colleges, houses of worship, book titles, drugs, government agencies, company names, biblical quotes, Shakespearean quotes, trademarks and many proper names.

Secondary or “black-check” sources, while not so clearly defined, include a correspondent’s file, a phone interview with a source, a clip from a responsible publication, a wire service dispatch, and a press release. Still, wherever possible, it is desirable to have at least two black-check sources in agreement before approving a fact. When there is a discrepancy between black-check sources, the conflict must be resolved as judiciously as possible, using available sources, local sources or rechecking the original source. In instances when discrepancies cannot be resolved, be careful not to choose the one that conforms most readily to the writer’s intent. Either delete the “fact” in question, or inform the reader of the disagreement between sources.

Quotes should be accurate. If edited or cut, there should be no alteration of the meaning or the context. If a quote is paraphrased, it should not be in quotation marks. Grammar and spelling may be corrected, but not if such correction alters the reader’s sense of the person being quoted—if, for instance, a person’s speech is riddled with grammatical errors. It is unacceptable to add or delete a word or phrase that alters the meaning. If the direct quote contains checkable facts, like an historical date, financial figures or a scientific theory, these references should be checked for accuracy with independent sources. When incorrect, do not alter the quotation; either do not use it, or cite the discrepancy in the text.

xi. Editorial disagreements

The managing editor and the chief of reporters should be informed of any significant disputes pertaining to the content of an article. Staffers who disagree with decisions concerning an article are encouraged to express that dissent. The basis of the disagreement -- e.g., that a fact has been misstated, that a material fact has been omitted, that the interpretation of facts is faulty, that the article violates aspects of this policy -- should be clearly stated, preferably orally rather than in writing, in order to ensure prompt communication and attention to the problem.

The managing editor, who is responsible for the final decision, must carefully consider the objection. The dissenter may not always agree with the final decision, but it is important the objection be fully vented, the differing opinions explored, and the objection dealt with on the merits. Each publication should be sure that writers and editors feel that their dissent can be heard, and brought further up the chain of command if necessary. In the event an editor overrules the individual who is otherwise responsible for the content of the particular story, the editor shall be responsible for any resulting error, or any deviation from the standards expressed in this document or other Time Inc. policy statements.

xii. Display type and captions (for more on photography, see Section 5)

Give heads, captions, cover billings, pull quotes, contents items and text-as-artwork the same care as that given the story.

In writing and checking these elements, be sure that each represents fairly and accurately the text and does not mislead the reader about the content of the story. If you become concerned about any of the above, alert your supervisor or the Law Department. Photographs should be given as much consideration as the text. A photograph may unwittingly suggest that the person(s) pictured exemplifies the subject of the story, which can result in claims for libel or invasion of privacy. Be sure to view text elements and photographs together as a whole.

For many magazines, information for picture captions is provided by the Photo Department, which is responsible for accuracy only in describing what we see, who we see, where the picture was taken, when and by what photographer. Other dates, names, places and facts, even if supplied by the Photo Department, must also be checked by the individual who has primary responsibility for the accuracy of the story. A different procedure is used at some Time Inc. magazines. In these cases, the staffer working on the text supplies all the essential descriptive information about what is going on in the photograph. Checking back with the Photo Department is critical if there is a question as to the identity of the people in the picture. Cases of mistaken identity can be embarrassing and lead to legal challenges.

Text-as-artwork, i.e. words that are used as or appear within an illustration, must also be checked. Passages of text overprinted on a picture or running around a photograph are as much in need of accurate checking as stories and picture captions. Screen shots should be used carefully, following the rules of fair use; a caption or text in the story should explain what the shot is and why we are using it to illustrate the piece.

Be careful to check that late changes in the text of a story do not make the heads, captions and cover billings misleading or inaccurate.

5. PHOTOGRAPHY

The standards of fairness, accuracy and overall integrity apply to the obtaining and use of photographs as well as words.

i. Sourcing

Just because an agency or a source gives editors a photograph does not mean it is legal—or right—to use it. The person supplying the photo may not own the copyright. Photos must also have been obtained legally to the best of the editors' knowledge; we do not use pictures shot by someone who is trespassing or otherwise breaking the law. Even if the photographer was on public property, if the subject does not know he was being photographed, editors should use special care using that picture. For instance, we might run a picture of someone leaving a nightclub, or a meeting at the White House. But unless we have been invited to do so, we generally do not, for instance, publish a picture of a celebrity waiting to pick his children up at school if that picture would reveal the name or location of the school, thereby exposing the child or the school.

Social media sites pose a new set of challenges for photo editors. Consult with legal before using photos that appear widely available or disseminated via sites such as Facebook or Twitter. Standard practices about rights, permissions, and “fair use” apply to these images as well.

When the photos include minors, are there identifying details that should be removed for their protection? In photographs of celebrities' children, for instance, it may be prudent to blur or obscure the name of the schools they attend. Photo editors must obtain releases for identifiable minors photographed in a private setting.

And even with adult subjects, examine carefully any incidental people in a photo; what is their expectation of privacy? Does the caption accidentally place them in a false light?

ii. Stock photos

The same standards above apply equally to photos we purchase from photo agencies as to photos we commission ourselves: pay attention to the context in which the photo was shot, and make sure the context in which we are using it is appropriate.

iii. Altering photos

Different brands may have different policies on this subject, but overall, it is good practice to consider the overall intent of a photo. News photos must never be altered without explanation. When photos are altered for editorial purposes—to make a photo illustration, or for comic effect, for instance—readers should be so informed. A photo credit reading “Photo illustration by NAMETK” is usually sufficient.

iv. Graphic or violent images

Consult with the managing editor before using photos of dead bodies or other especially disturbing or violent images.

6. CORRECTIONS

When a story receives a challenge, take that challenge seriously and deal with it promptly. When an error has been brought to our attention and confirmed, the record should be corrected as soon as possible, generally by the person who checked the story. If misstatements of fact or other errors are brought to our attention by lawyers, or when the request is accompanied by the suggestion that the complainant may be consulting or has consulted a lawyer, the Law Department must be notified immediately.

Obviously, material corrections that may affect the reader's understanding of a published piece take precedence over such matters as incorrect middle initials or the like. Each magazine should have clear procedures and responsible parties to handle material corrections, but in general, as soon as a challenge has been received, notify the Chief of Reporters or another ranking editor, as well as the checker or reporter for the specific story. Investigation may show that no error was made. If so, a detailed explanatory memo should still be sent to the Chief of Reporters. If, on the other hand, there is an error, it should be taken care of quickly—with a correction appearing in whatever medium the error occurred (print, online or both) and with a response to the person who pointed out the error. The error should be identified completely and succinctly in the magazine's correction form, which is retained in the file for the story. Online stories can be corrected by changing the text online. However, whenever that is done, a note must be appended to the story indicating that the text has been corrected.

Please check your magazine's policies for further specifics, as there may be slight variations from the procedures described here at some Time Inc. brands. However, we do not take down or "unpost" articles or photographs that we have published digitally (this does not apply to self-posted reader comments). The editor-in-chief may suspend this policy in rare instances involving copyright infringement, the rights of minors, or other legal issues.

7. CERTAIN LEGAL ISSUES

It is the responsibility of all Time Inc. journalists to be on guard against publishing material that would expose the company to legal liability. At some of our magazines, copies of stories are routinely made available to the Law Department, but it is the responsibility of those who check the story to make sure that any potentially troublesome story—or late change, headline, photo caption or other element that might make an otherwise innocent story suspect—is brought to the Law Department’s attention.

Although there are numerous legal restrictions placed on the press, journalists need to be particularly familiar with three areas of concern: libel, invasion of privacy and copyright infringement. The following brief discussion of those problem areas will help you to recognize that a story you are working on may involve one of them. If you detect such a problem, you should contact the Law Department.

In addition to becoming familiar with the issues outlined here, we recommend that each magazine schedule annual information sessions for the staff with the lawyers overseeing that publication to go over legal basics, pitfalls particular to each title, and the changing legal landscape.

i. Libel

Libel is generally defined as “a statement in writing concerning any person which exposes him to hatred, ridicule or contempt, or which causes him to be shunned or avoided, or which has a tendency to injure him in his office, profession or trade” -- and, in all instances, which is also *false*. A publication may be responsible for the libelous content of every statement on any and all platforms, including print, online and on tablets, including quotations and statements attributed to others, including other publications. This may also be the case regarding statements made by our journalists in other media, including television and radio.

The term “person” includes not only living persons but corporations and other forms of business and noncommercial associations as well. However, under U.S. law a dead person generally cannot be libeled.

Libel may arise through the publication of a humorous statement. It is also possible to libel someone through a combination of text and headlines, text and illustrations, or headlines and illustrations, if a reasonable reader would conclude from the combination that a defamatory meaning was being advanced.

In all cases of libel, the defamatory statement must be understood to refer to a specific person or persons. Even though an individual is not named, a statement may be “of and concerning” him or her if other sufficient identifying information is given. Statements applying to a large and indeterminate class of persons may not be defamatory because they are held not to be applicable to any single individual. For example, “Brunettes are more likely to be criminals” is not defamatory (though it may be wrong!).

ii. Defense again libel

Truth is the best defense.

A second major defense, available only in the U.S., is the “constitutional” defense. This applies against “public officials” and “public figures,” the latter being people who have “pervasive fame or notoriety” within the community or who “thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved.” The constitutional defense prevents such individuals from recovering for libel unless they can prove a defamatory statement was published about them with “actual malice,” which means publishing defamatory information with knowledge of its falsity or “reckless disregard” (serious doubts) as to whether it was true. Reckless disregard may be inferred when a defamatory story is based entirely on an unverified anonymous telephone call, or when there are obvious reasons to doubt the veracity of the source, or when a story contains allegations so inherently improbable that only a reckless person would put them in circulation, or when a journalist purposefully avoids interviewing someone who is readily available and who has firsthand knowledge of the truth or falsity of the charges.

“Fair reports” of the official proceedings of government (executive, legislative and judicial) are protected against libel suits, even if an otherwise defamatory statement about someone is printed in such a report. To be “fair,” a report must be balanced. For example, when a person is arrested for a crime, such a fact may be reported as a fair report. But if the arrested individual has pleaded innocent, it would often be necessary to include the plea of innocence or other subsequent exculpatory information in the story in order to characterize it as a fair report.

Statements of opinion relating to matters of public concern are generally protected, as long as they do not imply facts that are provably false. Similarly, reviews of artistic works such as paintings, literature, plays, motion pictures and the like may be privileged from libel suits even if they contain severely critical statements about the particular work and artist being reviewed, as long as the scope of the critical statements is restricted to the aesthetics of the work presented.

iii. International libel law—and why it matters

Time Inc. operates under U.S. laws concerning libel, privacy, and other related issues. However, American libel law is significantly different from that of other countries. For instance, magazines published in Great Britain and most British commonwealth countries are also subject to contempt-of-court laws that are unfamiliar to American journalists. These laws generally prohibit the publication of information, even if it is true, that has the tendency to prejudice a future or pending trial. Because these laws are unlike anything that exists in the U.S., the Law Department should be given early warning of stories about British or British Commonwealth cases so that foreign counsel can be consulted as needed.

If you recognize a possibly libelous statement, contact the Law Department. In no instance should a story involving a potentially libelous statement be closed without checking with the Law Department.

iv. Invasion of privacy

There are three types of invasion of privacy with which journalists should be familiar. First is the right to be free from physical intrusion. Journalists do not have a special privilege to trespass into a person’s home, office, club, hospital room or similar zone of privacy, even in the pursuit of news. As a general rule, access to these areas is by permission only.

If a photographer on assignment for a Time Inc. magazine is assigned to take photographs within private premises, photo releases should be obtained from the individuals who are being photographed, unless the photographs are being taken in connection with an interview of an adult subject. In some instances, when obtaining releases is for some reason impractical, photos should not be used unless the Law Department indicates that a release will not be necessary.

A second form of invasion of privacy can occur if someone gives publicity to another person that places that person in a highly offensive "false light" before the public -- for instance, illustrating a story on embezzlement with a photograph of an uninvolved or otherwise innocent person handling money. The concept of false light is similar to that of libel in that a false statement is involved. However, the statement falls short of libel because it does not hold the subject up to ridicule but instead to embarrassment that would be offensive to a reasonable person. As with libel, truth is the best defense.

The last relevant type of invasion of privacy is one in which the public disclosure of private and embarrassing facts may, even though the facts are true, give rise to an invasion of privacy. The courts acknowledge that the revelation of an intimate detail concerning a person, made in the course of a news story or a general-interest story as a legitimate attempt to illuminate or explain a matter of interest to the public, will be exempt from this sort of invasion-of-privacy claim. However, the courts have said that if the intimate fact disclosed would be "highly offensive" to a reasonable member of the public, or if the publisher in revealing the fact was indulging in "morbid and sensational prying for its own sake," then there may be an actionable invasion of privacy -- for instance, a gratuitous disclosure of a gender change in a story about the victim of minor theft.

Courts are particularly sensitive to the privacy interests of children. It may be necessary to disguise the identities of children in some cases; seek guidance from the Law Department if there is any doubt.

v. Copyright and fair use

Time Inc.'s copyrights are among its greatest assets. Valuing our own copyrights as we do, we need to be respectful of the copyrights of others.

Copyright laws protect the "writings" of "authors," which include not only written works but photographs, illustrations, sculpture, music, audiovisual works, architecture and computer programs. Ownership of copyright is distinct from ownership of the physical copy of a work. The basic right given to the copyright proprietor is to control the copying of his or her work.

However, the "fair use" of a copyrighted work for purposes such as criticism, comment and news reporting is a defense against infringement. Whether a particular use of a copyrighted article, photo or illustration without permission of the owner is a fair use depends upon the circumstances of the particular case. Generally speaking, the fair use doctrine is applied less frequently to unpublished works than to published ones.

Copyright laws protect only the concrete expression of the author, photographer, or artist, and not the underlying ideas or concepts. Thus, a journalist is generally free to synthesize the underlying news and facts from other news reports, as long as he or she rewrites the facts in his or her own style and does not appropriate the wording of another reporter. But a new "original" work based too closely on an earlier work, like an artist's rendering of an existing photograph, could possibly be an infringement. Even setting up a similar scene for a new

photograph (for example, a kissing sailor and nurse in Times Square) might be an infringement of the original photograph.

Although there are no legal specifications giving the exact amounts of a work that may be quoted without the author's permission, it would appear, at least with regard to published works, that three or four lines of the average-length song, 250 words of the average-length book, and 20 to 30 words from the average-length newspaper column would be permissible under the fair use doctrine. It may be harder to make a fair use of entire photographs and illustrations since the "amount and substantiality" of the original work used in the new work is one of the factors considered in the fair use determination.

Parodies are generally considered a fair use, and so it might be a parody to change some element of a famous work in creating a new work. But to be protected as a parody the new work should be a commentary on the underlying work, and should use the minimum amount of the original work necessary to convey a sense of the original.

Because fair use is determined on a case-by-case basis, the Law Department should be consulted if you have any questions about whether the rule applies and whenever you intend to rely on it as a defense.

ADDENDUM: WHEN TO ALERT MANAGEMENT

In keeping with the five Time Inc. commandments, staffers owe their own publications a degree of transparency and fair treatment; “no surprises” is a good policy and will enable your editor and the company to back you up in the event of a complaint or threatened legal action. Whenever you have questions, take them to a superior.

In addition, there are circumstances in which you are *required* to alert your managing editor or a designated deputy, and he or she may then inform the Time Inc. editor-in-chief or the Law Department. Most have been covered in this document, but to reiterate, informing the managing editor or a designated deputy is required in the following instances:

- Use of anonymous sources
- Suspicion or belief that information you have may have been obtained illegally by a source
- Threat of legal action by a source or a story subject
- Decisions regarding payment for photos, videos, and the like
- Plagiarism or suspected plagiarism
- Agreement to stick to an embargo or hold back information—or the alternative: a decision to break an embargo