



Code of
Conduct for
**Digital Media
Practitioners**

The Preamble

The purpose of this Code is to provide guidelines for digital media players. It aims at promoting self-regulation in the digital media space by empowering practitioners to adhere to the set legal, professional and ethical standards.

The intent of this code is to define and adopt a set standard of industry practice and professionalise digital media communication so that it accords dignity and respect to all. The code emphasises the responsibility that digital media practitioners owe consumers and the society.

The creators of the code hope to promote good practices in content generation and dissemination and largely self-regulation in a sector which is evolving radically daily.

Principles of Regulation

This Code shall be an inclusive and holistic guide to Digital Media Practitioners. The Code neither substitutes nor contests the provisions of the Constitution or any other national legislation. The Code acknowledges the rule of law and outlines the ethical and behavioural rules for Digital Media Practitioners.

Specifically, the Code:

1. Is drawn by and on behalf of stakeholders in the digital media industry and is aimed at operating in the interests of practitioners, consumers, and society in general.
2. Sets standards for practice for digital media practitioners.
3. Encourages adherence by players in the digital media sector.
4. Recognises and promotes freedom of expression, privacy and other rights enshrined in the Constitution.

Definitions

The following definitions apply to the Code and to the procedures for its implementation:

1. Pursuant to section 22 of the Copyright Act, the following works shall be eligible for Copyright;
 - a) literary works;
 - b) musical works;
 - c) artistic works;
 - d) dramatic works;

- e) audio-visual works;
 - f) sound recordings; and
 - g) broadcasts
2. "Digital Media Practitioners" The term refers to online media players who include journalists, influencers, bloggers, vloggers, online media publishers and other practitioners operating on online media platform.
 3. "Digital manipulation" is when content is changed from its original form by deleting or adding something.
 4. "Online piracy" is the practice of downloading and distributing copyrighted content digitally without permission and sharing it on social platforms.
 5. "Professionalism" includes showing consideration for the audience and all those affected or influenced by a digital media practitioner's content. To be a professional means to hold oneself accountable for any post made and to be willing to make amends when in the wrong.
 6. "Public interest" refers to citizens' rights to get information about an important issue.
 7. "Vulnerable groups" include people with disabilities, ethnic groups/minorities, persons with a limited lifespan, persons suffering from dementia, persons with mental disorders, abusers of drugs and alcohol, refugees among others.

Scope and Application

The Code should apply to digital media practitioners. Media enterprises and associations shall encourage their members' compliance with the Code. Digital Media Practitioners may be required to comply with such additional requirements under any written law.

SPECIFIC ETHICAL GUIDELINES

Truth and accuracy

Digital content should be accurate, fact-checked, and capable of substantiation.

Digital media practitioners should present facts as they are, even if they disagree with them.

Mistakes should be corrected promptly. During correction, it is important to reference the content corrected because even if the erroneous content has been deleted, some-

one may have saved it to use as evidence.

Digital media practitioners should always use relevant sources to verify information before they share it with the public. This can be in the form of online links or offline sources of information.

Digital media practitioners should verify the authenticity of online resources, and accounts of individuals tagged on Twitter or Facebook and other platforms.

Balance and Fairness

Digital Media practitioners should avoid suppression, exaggeration, and distortion of facts.

Opinions should be presented fairly and reasonably taking cognisance of the rights of other online users.

Digital media practitioners should never post malicious or misleading content about an organisation, colleagues, competitors, or other stakeholders.

Privacy

Digital media practitioners must exercise caution and care when content creation involves intrusion into the private lives of individuals.

Digital media practitioners should remain cognisant of the fact that all persons are entitled to their right to privacy as enshrined in the constitution.

Care must be taken to ensure that disclosure of private information does not cause unnecessary harm to individuals or their families.

Digital media practitioners should be guided by the constitution and other legal provisions when dealing with information that requires them to infringe on an individual's privacy.

Intrusion into people's private lives without their consent is not acceptable unless doing so is in public interest.

People's homes, families, religion, tribe, health, sexuality, and other aspects of their private lives should not be exposed unless doing so is in public interest.

Private communication, including SMS, WhatsApp and other forms that use SIM technology should be avoided, especially if illegally accessed. Such information should not be leaked unless doing so is in public interest.

Should intrusion into people's private lives be warranted by public interest, digital

media practitioners should stick to, and address the issue connected to public interest.

Hate Speech

Digital Media Practitioners should not publish threatening, abusive, or insulting words or behaviour, or share any written or published material which intends to stir up hatred against a group of persons by reference to color, race, sexuality, nationality, religion or ethnic background.

Protection of vulnerable groups

Tropes and stereotypes against vulnerable groups should not be entertained, promoted or amplified. Instead, the tropes and stereotypes should be debunked. Digital media practitioners should stay neutral if they do not agree/ sympathise with such situations.

Issues affecting ethnic groups/minorities, persons with a limited lifespan and disabilities should be given voice.

While covering people with disabilities:

The basic rule is to use people's first language. For example, "people with disabilities," not "the disabled." Demeaning and negative language such as "wheelchair bound" or "suffers from" should be avoided.

When in doubt, a digital media practitioner should ask a person with disability how they identify.

If the subject uses a translator, a digital media practitioner should talk to them, not the translator.

If someone has a speech impediment, a digital media practitioner should never pretend to understand what they said if they did not.

Content on people with disabilities should be reported and published objectively, in a manner that upholds their dignity.

Digital media practitioners should exercise care while reporting on persons with mental health conditions.

Abusers of drugs and alcohol should be covered with sensitivity, in a way that benefits them and addresses the vice.

While reporting on refugees

Digital media practitioners should establish the legal status of refugees in order to report objectively.

Hate, extremism, and inflammatory language such as "swarms", "floods" and "waves" should be avoided.

People displaced from their land by acts of war, famine and other atrocities should not be victimised.

Facts should be sourced from all parties: The refugees, communities hosting them and representatives of refugee organisations.

Protection of children

All content on children should be published with consent of their parents/ guardians unless in cases where such consent is likely to jeopardize the safety or rights of a child. In addition, identities of children involved in criminal cases, whether as perpetrators, accessories, victims, or witnesses, should not be revealed.

Digital media practitioners should avoid interviewing and photographing children without consent of their parents and guardians.

Children in learning institutions should not be interviewed and photographed without the permission of school authorities.

Digital media practitioners should show compassion, care and caution when posting content featuring minors and children.

Digital media practitioners should avoid republishing content generated by minors even if it is publicly available online. Should such content be of public interest, practitioners should exercise care to protect the privacy of minors.

Intrusion into grief and shock

In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively.

Full disclosure

Digital media practitioners are encouraged to provide the audience with prominently visible visual cues, on visual content, and/or a verbal mention of the brand in audio/ audio-visual content, to enable them to understand, immediately, that they are engaging with marketing content.

Plagiarism/copyright infringement

In digital content creation, giving credit (attributing) to a source of information is as important as the information itself.

A digital media practitioner owes his/her audience authenticity and integrity.

Digital media practitioners should respect proprietary information and content, confidentiality, brand, trademark, copyright, and fair use; and they should ensure they protect their own intellectual property rights.

Digital Media Practitioners should seek consent for works they don't own and intend to use like photographs/videos/articles if it exceeds fair usage.

Digital media practitioners should give credit to the sources of their work and not lift content from websites/TV/Newspapers without attribution.

A Digital media practitioner should be aware that initial content belongs to them, and by virtue of this, copyright vests in them.

Sources and accurate attribution

As part of fair usage, digital practitioners may use part of other people's content as long as it is attributed to the source and the entire work is not copied and presented as one's own.

Digital media practitioners should choose sources carefully as they affect the authenticity of the content.

Particular caution should be exercised when dealing with information from anonymous sources, information from sources offering exclusivity, and information provided from sources in exchange for payment.

Digital media practitioners should identify sources of stories unless doing so would threaten the well-being of the sources.

Protection of sources/Confidentiality and anonymity

Where sources wish to remain anonymous, a practitioner should ensure protection of the identity of the source.

Digital Media practitioners should use information gathered for the intended purposes and ensure security of such data.

Digital media practitioners should not disclose any information that is confidential or proprietary to an organisation, its clients or any third party that has confidentially been disclosed to them.

Endorsement, advertising/marketing,

Digital media practitioners are encouraged to separate endorsements, adverts, and marketing campaigns from editorial content.

When seeking to show that the content is sponsored, digital media practitioners should use appropriate labels such as #ad, #sponsored etc.

Conflict of interest

Digital media practitioners should openly declare any conflict of interest they may have in relation to an individual, organisation, product, or service in their coverage

How to deal with conflict of interest:

1. Being open and declaring interests, affiliations, personal agendas and associations with people, products, and organisations if any.
2. Exercise discretion while accepting commissions, financial support, gifts, preferential treatment, or employment that create or could be perceived as creating conflicts of interest or bias in relation to content. The digital media practitioner should ensure that the audience is aware of potential conflicts or biases.

Content Removal and Corrections

Digital media practitioners should admit errors and take remedial action.

Corrections, clarifications, and apologies should be issued to concerned parties without coercion and threats of court cases. Such remedial measures should be given the same prominence as the offending content.

Clarifications, explanations, citations, and attribution should be offered if one must defend posts deemed erroneous and misleading.

When content is recalled on ethical grounds, an explanation should be issued to audiences.

Misinformation and Disinformation

Digital Media Practitioners should not publish or share misleading content, fabricate, or falsify data, information or any other content published on their digital platforms.

Digital media practitioners should help the industry deal with disinformation by:

- a) Reporting or alerting consumers of such content;

- b) Providing the correct information and;
- c) Ensuring that all content posted is well sourced, packaged and presented in clear and precise language.

Digital Content Manipulation

Digital media practitioners should:

1. Not manipulate images and content and pass it off as original. These include videos, audio, text, images, graphics, and all other kinds of digital content.
2. If something has been changed, the content creator should acknowledge that they changed certain elements.
3. Artificial Intelligence and related technologies should be applied responsibly.

Right of Reply

A fair opportunity to reply should be given to parties to reply to inaccuracies when reasonably called for.

Facts Versus Opinion

Opinion should be presented as opinion.

Digital Media practitioners are encouraged to monitor and moderate commentary shared by their followers.

Digital Media practitioners should formulate guidelines on commentaries and encourage users to adhere to them.

Digital Media practitioners should act fast on complaints and mitigate harm caused by toxic comments.

An administrator should take responsibility to monitor the dissemination of hate messages, falsehoods and potentially harmful and defamatory information shared by the platform's followers.

Spamming

Digital media practitioners should avoid sending unsolicited messages to a large number of recipients for the purposes of commercial advertising or undue influence.

Spamming of all kinds, such as: email spam, social spam, web search engine spam,

blog spam, wiki spam, ad spam, messaging spam, file sharing spam among others should be avoided.

Digital media practitioners should avoid spamming SMS subscribers in marketing campaigns and should make it easy for clients to unsubscribe to their service.

All data obtained from readers and clients should be protected as prescribed in the law and only used for the purposes for which it was collected.

Responsibility and Accountability

Digital Media Practitioners should:

1. Take responsibility for the content they put up on their platforms, including material from third party platforms.
2. Be accountable to themselves, their peers and their audiences.

Hacking

Digital Media Practitioners should:

1. Avoid unethical hacking. Avoid taking part in any black hat activity or being associated with any black hat community that serves to endanger networks.
2. Handle content obtained through unethical hacking with care, including avoiding dealing in it.

Terrorism/Crime /Crisis content

The coverage of crimes in progress or crisis situations such as hostage-taking, hijacks or kidnapping should not put lives in greater danger than what is already inherent in the situation.

The identity of victims of crimes or crisis situations in progress should not be announced until the situation has been resolved or their names have been released by the authorities.

The names of the fatalities should be released only when their next of kin have been notified or their names released by the authorities.

Coverage of crime, security operations/investigations, or crisis situations should not provide vital information or offer comfort or support to the perpetrators.

Digital media practitioners should always consider how reports on accidents and crime may affect the victims and next-of-kin of both victims and the accused.

The identity of victims or missing persons should only be revealed when the next-of-kin have been informed.

Taste/Disturbing Content (Language, Gory Images and Videos)

Digital Media Practitioners should avoid posting:

1. Potentially libellous content as prescribed in the Defamation Act.
2. Obscene or sexually explicit content or comments.
3. Hate speech.
4. Content depicting graphic violence.
5. Adult content on public platforms.

Online Harassment and CyberBullying

Digital Media Practitioners should:

1. Act responsibly and avoid taking part in smear campaigns and cyberbullying.
2. Help minimize social media harm by deleting comments that can be clearly identified as cyberbullying and are an attempt to intimidate other users.
3. Issue warnings to repeat offenders and if they do not listen, they should be blocked so as to minimise harm.

Proposed best practices for digital content creators

This can be achieved via a number of means:

1. Use of prominent brand logos or names at the beginning of the content to clearly indicate the brand's association with the content.
2. Use of Hashtag, this can be #ad or #sponsored
3. Placing disclosures at the top of a post when possible. They should not be hidden at the bottom of a long post.
4. Use of simple and clear language in posts or videos that state there is a commercial benefit.
5. Placing the disclosure about an endorsement of a product in the video itself rather than just in the video description on the platform.

6. Repeating the disclosure several times, when making an endorsement in a livestream.
7. Digital media practitioners should be cautious when accepting gifts/products for review.

Public protection

The public should be protected from harmful / fraudulent persons, products, services, and organisations - such persons and products should not be endorsed, advertised, and marketed on one's channel.

A digital media practitioner should be accountable for endorsements, adverts, and marketing campaigns he/she runs on his/her platform.

Digital Media Practitioners should avoid any actual or apparent conflict of interest. A conflict of interest occurs when a Digital Media Practitioner's private interest interferes in any way with the interests of a client or intended audience, and/or makes it difficult to perform his or her duty objectively and effectively.

ACKNOWLEDGEMENT

The following individuals/institutions were involved in drafting this code having been appointed by a larger sitting of digital content creators and journalists. Media Council, led by the CEO David Omwoyo, MBS is appreciated for providing the resources that made this possible.

Digital Broadcasters Association

1. Joel Karanja (Chairing)

Bloggers Association of Kenya (BAKE)

2. Kennedy Kachwanya (member)
3. Rayhab Gachango (member)

Digital Natives/Influencers

4. Martin Wachira (member)
5. Janet Machuka (member)

Academia

6. Dr Muthoni Kingori (member)

Mainstream Journalism

7. Joy Chelagat (member)
8. Harry Misiko (member)

Media Council of Kenya (MCK)

9. Stella Kaaria (member)
10. Jamila Yeshe (legal)
11. Terence Bavon (legal)
12. Mutisya Leo (member)

ethics
features media
television issues
magazines story
government rights
verification
public
audience
reporting
photographs
newspaper
news
institutions
entertainment
sports
investigation
journalism
truth
cover
trends
education
responsibility
cultural
distinction
aspects
reports
writing
radio
business
genres covering
photojournalism articles
society events
organizations
documentary
elements
attention

