# INVASION OF PRIVACY IN THE MALAYSIAN PRESS: A CASE STUDY ON THE NEW STRAITS TIMES

MARILYN GERARD

MASTER OF COMMUNICATION

FACULTYOF CREATIVE INDUSTRIES

UNIVERSITI TUNKU ABDUL RAHMAN

AUGUST 2012

# INVASION OF PRIVACY IN THE MALAYSIAN PRESS:
# A CASE STUDY ON THE NEW STRAITS TIMES

By

## MARILYN GERARD

A Thesis submitted to the Department of Mass Communication,
Faculty of Creative Industries,
Universiti Tunku Abdul Rahman,
in partial fulfillment of the requirements for the degree of
Master of Communication
August 2012

# ABSTRACT

## INVASION OF PRIVACY IN THE MALAYSIAN PRESS:
## A CASE STUDY ON THE NEW STRAITS TIMES

## Marilyn Gerard

Privacy is often understood as the right to be left alone. It can also be defined as a person's personal space that they do not wish to disclose or be encroached on. The objectives and questions of this research is to identify the level of awareness and the different types of invasion of privacy in the Malaysian press, namely the New Straits Times Press (NSTP), to investigates the factors that influence journalist's decision-making and identify the accountability of the journalists when encountering privacy issues This research used the methodology of intensive interviews and surveys. A total of six editors and journalists were interviewed, and a mini survey was conducted on journalists from the NSTP headquarters. The research findings confirmed that the level of awareness of privacy issues among journalists is minimal. Among the types of privacy invasion are going undercover, using long-lens cameras, eavesdropping, and publishing personal information without the sources permission. The researcher also found that journalists justify their action by making a distinction between private and public figures and disclose private information if it is for the purpose of saving lives and public interest and their belief that they are accountable primarily to themselves. Invasion of privacy is an ethical matter and codes of journalistic ethics can be a tool to help journalists battle between their personal and professional values.

# ACKNOWLEDGEMENT

The writing of this dissertation has been one of the most significant academic challenges I have ever had to face. Without the support, patience and guidance of the following people, this study would not have been completed. It is to them that I owe my deepest gratitude.

- To the Almighty God, Jesus Christ, for empowering and strengthening me throughout this whole journey. For being a my stronghold and refuge.

- The Faculty of Creative Industries, Universiti Tunku Abdul Rahman, for their support and help towards my postgraduate affairs.

- Ms Pauline Leong and Ms Sharon Wilson, for their supervision and constant support. Their wisdom, knowledge and commitments to the highest standards inspired and motivated me.

- The editorial team from the New Straits Times Press who participated in this research project with interest and enthusiasm.

- Peter Gerard and Marie Gomez, my parents, who have always supported, encouraged and believed in me.

- Paul Pretheban, my fiancé, your love, support and constant patience have taught me so much about sacrifice, discipline and compromise.

- To all those who indirectly contributed in this research, your kindness means a lot me.

**APPROVAL SHEET**

This dissertation/thesis entitled "**INVASION OF PRIVACY IN THE MALAYSIAN PRESS: A CASE STUDY ON THE NEW STRAITS TIMES"** was prepared by MARILYN GERARD and submitted as partial fulfillment of the requirements for the degree of Master of Communication at Universiti Tunku Abdul Rahman.

Approved by:

_____

(Miss SHARON WILSON)
Date: 10 August 2012
Co-Supervisor
Department of Mass Communication
Faculty of Creative Industries
Universiti Tunku Abdul Rahman

**FACULTY OF CREATIVE INDUSTRIES**

**UNIVERSITI TUNKU ABDUL RAHMAN**

Date: 10 August 2012

**SUBMISSION OF FINAL YEAR PROJECT /DISSERTATION/THESIS**

It is hereby certified that **MARILYN SHARON GERARD** (ID No: **0908816**) has completed this final year dissertation entitled **"Invasion of Privacy in the Malaysian Press: A Case Study on the New Straits Times"** under the supervision of **Sharon Wilson** from the Department of Mass Communication, Faculty of Creative Industries.

I understand that University will upload softcopy of my final year dissertation in pdf format into UTAR Institutional Repository, which may be made accessible to UTAR community and public.

Yours truly,

_____

(**Marilyn Sharon Gerard**)

**DECLARATION**

I hereby declare that the dissertation is based on my original work except for quotations and citations which have been duly acknowledged. I also declare that it has not been previously or concurrently submitted for any other degree at UTAR or other institutions.

MARILYN GERARD

10 August 2012

**TABLE OF CONTENTS**

# LIST OF TABLES

# CHAPTER ONE

## INTRODUCTION

Gathering and attaining information is vital today. It helps us keep abreast with what is happening around the world and gives us sufficient information. The media is the main platform in which information is disseminated (Lee & Tse, 1994). Varying from traditional to alternative media, each medium strives to gain a competitive edge against the other (Tsang, 2000).

Abu and Siti (2002, p. 34) states that the role of the press is to

*"help in nation-building – creating one nation, one people, out of the different races, worshipping different gods – by informing and educating the public of national policies and issues and inculcating good values in people".*

It is certain that without media presence, many issues would go unnoticed. Since the media functions as a tool to foster communications and spread news to the public, it would be like a bird without wings if issues were not highlighted (Sutter, 2001).

Thus, the media is in the business of revealing rather than concealing information. The media aims to be involved in every aspect of the public and private lives of people through the dissemination of ideas, comments, images and information (Abu & Siti, 2002). An ethical dilemma arises in deciding where to draw the line between reasonable and unreasonable media conduct and intrusion.

As much as news reports function to inform, educate, remind, reinforce, entertain and enlighten, they also have the tendency to invade individuals' privacy and cause emotional damage to them. Therefore, the balancing of an individual's right to privacy and the public's right to know has been a constant ethical debate among journalists in news reporting.

Therefore, news desk journalists constantly battle between their personal values on respecting an individual's right to privacy and their professional values on respecting the public's right to know. One's personal values are oftentimes cultivated through the eastern philosophies that were passed down from the family, peers and community. However, the professional values are fundamental in the media as it has its own standards and practices that must be adhered to. With the different situations media practitioners have to face, these changing environments enhance journalists to compromise their values to adhere to their professional values.

## 1.1 Definition of terms

### 1.1.1 Privacy

According to Kieran, (2002),

*"A journalist's basic obligation is to tackle tough issues that involve the people, to investigate them, to study them and to go into them. Then they have to report the best information possibly gotten back to the people".*

Westin (1995) defines privacy as

*"the desire of people to choose freely under what circumstances and to what extent they would express themselves, their attitudes and the behaviors to others"* (as cited in Gellman, 1997, p 428).

Privacy means drawing a line from what society can intrude, and can be divided into four components:

(i)   Information privacy – involving the collection and handling of personal data such as credit information and medical records;

(ii)  Bodily privacy – concerning the protection of people's physical being against invasive procedures such as drug testing and cavity searches;

(iii) Privacy of communication – concerning the security and privacy of mail, telephones, e-mails and other forms of communications; and

(iv)  Territorial privacy – concerning the setting of limits on intrusion into the domestic and other environment such as the workplace or public space (Abu & Siti, 2002, p. 3).

Based on the research done by Abu and Siti (2002), this research will extract and adapt from the four components of privacy. However, the researcher will only be using information privacy which would include personal data such as family matters, banking / financial matters, career

development, personality traits, health issues, marital status, social life, employment history and personal arrangements.

As privacy is understood as the right to be alone (Ernst & Schwartz, 1977), for the media, invasion of privacy is divided into four parts:

1. Unreasonable intrusion into another's seclusion while gathering information;

2. Appropriation of another's name or likeness usually for commercial purposes;

3. Being placed in a "false light" of libel or slander;

4. Public disclosure of embarrassing private facts (as cited in Abu & Siti, 2002, p 372).

In this research, the researcher will be adapting the unreasonable intrusion into another's seclusion while gathering information and the public disclosure of embarrassing private facts.

On another note, the Australian Privacy Charter Group (1994) states that

> *"privacy is the key value which underpins human dignity and other key values such as freedom of association and freedom of speech".*

Privacy is said to be a basic right and a reasonable expectation of every person.

In this research, privacy is intended to mean as the fundamental right of any individual to not reveal any information that is deemed private to them. For the purpose of this study, informational privacy is defined as the right of sources to not disclose private information during news gathering. These private information are gathered mainly through interviewing and observations throughout a journalist's news gathering.

**1.1.2 Journalism & Accountability**

Pritchard (2000) comprehensively elaborated on the definition of accountability by including the constituents in the process of accountability. In making the media accountable, the role of a journalist is crucial and critical. Accountability means that the journalist has to render an account to the higher authorities. Thus, Klaidman and Beauchamp (1987) classified accountability into four categories, namely, accountability to employers, subjects, sources and public. He stated that the highest form of accountability of a journalist is to his or her employer. However, among the journalists interviewed, only the editor said that the main priority is to the newspaper employer.

According to Gibbons (1991), such form of accountability means being supervised to control the content. With that, the crux of the problem lies with the media practitioners. If newspapers journalists are objective and follow ethics, then the need for more privacy protection will be at its minimal. In the era of globalization, the role of the newspapers is very significant and they are

expected to be much more responsible to the public because of their reach-out capacity to the global audience.

Therefore, Callahan (2003) calls for development of ethics universally as globalization can speed up global ethics. He points out that accountability cannot be defined as it will "remain fluid, even, vague, because it will continue to evolve to correspond with the shifts in values we hold as media users". These shifts in values can create different "calls for account" of media behavior at different time periods.

Furthermore, newspapers are considered as the fourth pillar of democracy. Although the media is a check and balance on the judiciary, legislature and executive branches, there is little mechanism to control it, except in certain circumstances where the law can be invoked when it steps out of line. In this respect, Murthy (2007) states when a higher authority calls for media to account, the journalist's behavior is always questionable as they are expected or obliged to render an account to their constituents. The higher authority could comprise of "a group of people or constituencies in the event of the journalists is questionable". They could comprise from the editors, the newspaper owners, or any organization whose goodwill is important for any media organization (Pritchard, 2000).

Accountability is understood as an individual's responsibility to be answerable for their actions and activities. Therefore, this section of the research is in line with research question 4 (see page 9) whereby journalists will likely be accountable to their employers, subjects, sources, public or themselves.

## 1.2 Problem Statement

There is a great importance in carrying out this research as the researcher discovered that media practitioners understanding of privacy does not correspond with the existing privacy laws. There are various prominent figures and scholars that are also aware of the lack of awareness on the issues of privacy of personal information. Coupled with the electronic devices that this technological era envelops, personal data are unrestricted, and therefore these prominent figures have commented on them on various occasions.

Lawyer and former Kota Bahru Member of Parliament (MP) Datuk Zaid Ibrahim states that

> *"there is no law in Malaysia to safeguard or even recognize an individual's right to privacy. It's not even in the Constitution,"* (NST, 2008, p. 10).

On another note, the then Bar Council Vice-President, Ragunath Kesavan, echoed the deputy president of the International Association of Consumer Law, Datuk Dr Sothi Rachagan, saying,

> *"Information sharing can improve delivery services, but there are risks involved if information is unprotected and the sharing of the information is unregulated. It is important to have the act [Personal Data Protection Act] up and running"* (NST, 2008, p. 10).

Interestingly, the then former Deputy Prime Minister, Datuk Seri Najib Razak, states that Malaysia has no plans for privacy protection as the present legislation is deemed sufficient (*NST*, 2008, p. 2).

Although Malaysia is part of the United Nations, which supports the right to privacy through its Universal Declaration of Human Rights (UDHR), Malaysia has no legislation on this.

It is no wonder that Malaysia is ranked among the lowest in a 50 country survey on privacy protection conducted by Privacy International in Britain *(NST, 2008, p. 10).*

In early 2008, Dr Chua Soi Lek admitted to being the person featured in a sensational sex DVD that was widely circulated in Johor. The DVD shows Dr Chua having sex with a young woman, described by him as a "personal friend". The DVDs are believed to be wireless hidden camera recordings in a hotel suite. This demonstrates ways in which electronic devices can be used extensively in Malaysia, where personal data is often shared by various third parties without permission.

This was one of the foremost cases that brought about considerable public discussions on whether there is a need for the disclosure of private information. Malaysia's Personal Data Protection Act was finally tabled in Parliament in 2009 since its first draft in 1998. It was rejected numerous times due to protests from various government departments and private sectors who wanted to be exempted from this Act (*The Star*, 2009, p 5).

However, on 5 April 2010, the Lower House passed the Personal Data Protection Bill. Following Royal Assent and gazetting, the Bill will be enforced. At present, apart from certain sectoral secrecy obligations, information of a personal nature is protected only as confidential information through contractual obligations or the common law.

Apart from that, in an email interview with Associate Professor Dr Mus Chairil, who has conducted research in journalism ethics in Malaysia, he revealed that there are not many research done in the areas of privacy and journalists accountability (see Appendix 1).

Based on these current problems, this issue is deemed important enough to investigate because NST journalists seem to understand privacy in an unclear, vague and ambiguous manner. Therefore, it is important to examine journalists understanding on the concept of privacy because it impacts the way they deal with sources and in reporting news.

The findings of this study would provide useful information on how frequent editors and journalists invade their sources' privacy and the different situations. The findings would be based on the ethical dimension rather than legal framework.

The research would also indicate whom journalists should be accountable to, taking into account journalistic codes. Therefore, the study provides a clearer view on whether current newsroom policies are adequate in tackling issues pertaining to privacy in the Malaysian press.

Furthermore, there are studies done on journalists but are mostly limited to essays published in daily newspapers or in journals without significant circulation. As an example, the Alliance of Independent Journalists has conducted a survey of 276 journalists in East Java (Budiyanto & Mabroer, 2000). Another study was conducted by a researcher from the Institute for the study of the Free Flow of Information, who surveyed 240 journalists working

for news media in the capital Jakarta (Eriyanto, 2002). In the middle of the 1990s, Romano (2003) conducted interviews with 65 journalists, but her sample was limited mainly to journalists working in the capital Jakarta.

Therefore, this proves to show that although there is some level of the need for privacy protection, yet there is not much research done on privacy and journalist's accountability. Instead, most journalists have a somewhat vague and unclear understanding of privacy. According to the trends, there is no doubt that there is an existing gap in the study of privacy and journalist's accountability.

In short, there is great importance in carrying out this research for the following reasons:

1. There lies an existing gap between privacy laws and media practitioners understanding and usage of these laws in news reporting.
2. There are various prominent figures and scholars that are also aware of the lack of awareness on the issues of privacy of personal information. However, Personal Data Protection Bill is yet to be enforced.
3. There are not many researches being done in the areas of privacy and journalist's accountability

**1.3 Research Objectives**

1. To determine the level of awareness of invasion of privacy in the Malaysian press,

2. To find out the different types of invasion of privacy among Malaysian journalists;

3. To investigate the factors that influence journalists decision-making when encountering privacy issues; and

4. To find out to whom Malaysian journalists should be accountable to on the issue of invasion of privacy

**1.4 Research Questions**

The four basic research questions in this research would be:

1. What is the level of awareness of invasion of privacy issues among NST journalists?

2. What are the different forms of invasion of privacy among NST journalists?

3. What are the factors that influence journalist's decision-making when they encounter privacy issues?

4. Who should NST journalists be accountable to on the issue of invasion of privacy?

**1.5 Scope of Study**

The parameters for the interviews were done among one editor, two senior journalists, and three junior journalists. This study focuses on journalists at NSTP headquarters, involving only news desk journalists.

However, the parameter of the research for the survey questionnaires includes NST journalists also at NSTP's headquarters Jalan Riong from the court desk, crime desk, features, and online desk from the ages of 21 and above. The selection of journalists for the questionnaire was based on the selection and recommendation of the editor. The main criteria for selecting the interviewees are

1. Journalists have worked with NST at least for one year
2. Journalists should be over the age of 21
3. Journalists are full-time employees of NST

These criteria were important to validate that all interviewees are full-time journalists at NST, and not interns or stringers. NSTP was selected for this research because it has a readership of 214,000 and a circulation of 109, 341 (Audit Bureau Circulation). Being the pioneer newspaper in Malaysia, the evolution of this issue can be vastly observed in NST. However, the results from the findings cannot be generalized to all journalists in Malaysia. It is only subjected to journalists from NST.

In summary, this chapter has provided an overview of the need and purpose of this issue on the issue of privacy invasion among NST journalists.

It provides a general focus on the need of this study, while highlighting the research objectives and questions.

In the following chapters, the researcher will be analyzing the trends of privacy, accountability and rights practiced by journalists in the Literature review. This will be followed by the explanation of methods used in the chapter on methodology. In the fourth chapter, the researcher will present the findings in relation to the research questions and objectives. In the following chapter of analysis, the researcher will then discuss the relevance of the findings with the research questions and research objectives, gathering insight from the literature and methodology as well. In the final chapter, the researcher will make critical conclusions and will try and establish sound explanations to fill the gap in the study of privacy and accountability and ensure a concrete contribution to the body of knowledge.

## 1.6 Significance of Study

It is hoped that the results of this study would help editors and journalists to understand the concept of privacy in their line of work and to examine the boundaries. This would result in the fostering of standard practices towards privacy, thus narrowing the conflict between professional and private values.

Therefore, this study will help in contributing to the body of knowledge in terms of ethical practices of journalism in Malaysia, as well as

academicians and practitioners to gain insight in journalism practices and proper codes of conduct.

**CHAPTER TWO**

**LITERATURE REVIEW**

## 2.1 Conceptual Discussion

News was once difficult and expensive to obtain. Today, it surrounds us like the air we breathe; displayed on the computer, public billboards, trains, aircrafts, and mobile phones. Obtaining news no longer involves catching either the morning newspapers or watching television news bulletins. News in the 21st century is global, instantaneous and interactive (Zerman, 1995).

Although news reaches us faster today, this culture of attaining news does have its drawbacks. Journalists often rush to publish news as they have become accustomed to the idea that time cost money (Eriotis *et al.*, 2004). To avoid being "scooped", journalists find different ways to gather additional information to satisfy their readers. The public today is bombarded with news, leading to information overload. People find it difficult to sort out good from bad and are often left to infer and make their own assumptions on the news (Weinstein, 1996).

Every individual has their own rights to keep their personal information confidential. However, the definition and understanding of privacy varies from each person and situation when it is applied with to the media. It has become too varied that only the individual person knows what constitute their state of privacy.

## 2.2 Development of Privacy

Privacy was first defined by Warren and Brandeis (1860, p 193) as the "right to be left alone". This notion of privacy was first seen as an individual right. Brandeis (1995) stated that makers of the U.S Constitution knew that only part of the pain, pleasure and satisfactions of life are to be found in material things. The right to be left alone was seen as the most comprehensive of rights that was most valued by men.

The U.S Constitution then extended it beyond the physical frontiers of body and property (Kasper, 2005). Privacy then was looked at when dealing with cases of protecting the physical body. Later it became associated with one's right to make decisions about one's body. In the case of _Whalen v Roe_ in 1977, U.S courts recognized the right to informational privacy and the interest to avoid disclosure of personal information. The court held that in sharing information with another, one gives up all "reasonable expectation of privacy" (Rosen, 2000).

However, both the Calcutt Committee in the UK and Bloustein (2004) narrowly define privacy as the protection of personal information rather than one's personality, independence, dignity, and integrity. They believe that each individual has the right to be protected against intrusion into their personal life or affairs, or those of their family, by direct physical means or publication of information (as cited in Abu & Siti, 2002).

On the other hand, Gavison (1980) states that there are only three elements in privacy, namely secrecy, anonymity, and solitude.

To this end, library searches on topics of privacy have led to books on personal development (Schwartz, 2004), intimacy (Elliott & Soifer, 2010), family (Botkin, 2001), feminism (Gilman, 2008) and the body (Rao, 2000), surveillance (Lyon & Zureik, 1996; Flaherty, 1989), media (Greenberg & Kuzuoka, 1999), business (Berendt, 2010) and information (Ess, 2005) – including demographic, medical, financial, psychological, genetic and biographical information. This broad list makes it difficult to pin down the exact meaning or definition of privacy (Kasper, 2005, p. 798).

Most individuals' understanding and experiences vary due to different context, culture and country of origin. Therefore, it is a challenge to define privacy and yet important to examine its origins and growth.

Differences in the definitions of privacy indicate that it is an ambiguous concept. Nevertheless, what is clear is that privacy is one's personal space whereby he or she can be himself or herself which no one has the right to invade. Privacy includes personal information that is non-public, and therefore its disclosure without consent would be considered an invasion thereof. If, for instance, an individual's telephone is bugged or his or her private behavior has emerged in the public domain, then he or she would have suffered trespass or loss of control over his or her personal space. If any taped telephone calls or information were to be gathered and published in the press without the consent of that individual, it would constitute as an invasion of privacy.

Invasion of privacy is a huge issue in the journalism industry. Many people are unaware of their rights as there is no comprehensive law protecting

their rights. Therefore, there are several setbacks that the researcher has encountered with some of the existing definition and understanding of privacy literatures.

## 2.3 Problems with Definitions and Understanding of Privacy

There are misspecifications in defining privacy, from extreme vagueness to narrowness with regards to hinder the framework of privacy (Kasper, 2005). Firstly, most attempts to define privacy have not been clearly spelled out as privacy is either focused too broadly or specifically on a particular topic. This results in the definition of privacy as either being too narrow a conception or too contextualized or vague, which distorts the understanding of the term and creates misspecification.

Secondly, the definitions of privacy are culturally and historically biased, and may not be applicable to all contexts. As each culture differs in their teaching and cultural setting, the understanding and emphasis of privacy differs (Kasper, 2005; Feibleman, 1976).

Marcella and Stucki (2003) define privacy as typically applying to the "information-handling practices of an organization and the processing of personal information through all stages of its (the information's) life cycle". MacKinnon states that privacy "is personal, intimate, autonomous, particular, individual, the original source and the final outpost of the self". Apart from that, Glenn (2003) claims that the tort of privacy is "a private or civil injury to a person, property, or reputation" and constitutional privacy is "the right of the

individual to be free from unwanted and unwarranted governmental intrusion in matters affecting fundamental rights".

On the other hand, there are discussions on privacy that end in vagueness that result in overlapping of its classifications (Schoeman, 1992).

Misspecifications arose when each of the authors mentioned above defined and understood the term privacy within the confines of their own specific research. As a result, the notion of privacy was either inherently limited or it was difficult to capture privacy in a broader manner.

Therefore in this study, clear definitions of privacy are mentioned and used (see page 2).

## 2.4 Cultural Perspective

There is also the tendency of culturally and historically defining the notion of privacy, often from a Western-liberal perspective. Benn and Gaus (1983) discuss the distinction between private and public social life, culture, norms, and expectations. In their landmark work *The Public and the Private: Concepts and Actions* (page 74), they mentioned the possibility that people in other cultures may have their own ideas about what these spheres might be. They then proceeded to focus on the concept of public and private sphere from the standpoint of an individual in the modern liberal sense. Garcelon (2005) offers another version by addressing changes in the public and private realms in Russia and Eastern Europe throughout their transition from communist to post-communist societies.

In Malaysia, the most striking characteristics of the Malaysian society is its cultural diversity. Although there is no single definition of culture, most definitions center on the notion of "shared beliefs, values, customs and meanings that distinguish one group from another" (Hofstede, 2001).

However, culture does shape the meaning people make of their lives as well as how people experience movement through life course (Sharan & Mazanah, (2000). Abdullah (1996) mentions that Malaysians are generally relationship oriented in which reciprocal obligations are clearly accepted and acted upon. Besides Malaysians also "maintains a person's dignity by not humiliating or embarrassing him in front of others" (page 106).

Therefore, cultural bias may possibly occur at a very minimal state when researchers from various cultural backgrounds may have their own understanding of privacy. This may cause the research to become culturally biased and may not be fully applicable when it is seen from another culture's perspective.

## 2.5 Right to Privacy

One of the most significant ethical issues in media ethics arises out of the public's right, need or desire to know and the media's right to report events versus individual's rights to privacy.

Warren and Brandies (1890) describes the right to privacy as the "right to be let alone". In this era whereby societies are becoming more complex with the convergence of technology, the need for protection of privacy is

urgent. They added that invasion of privacy often causes more spiritual and emotional harm, rather than physical harm. They stated that "thoughts, emotions and sensation demands legal recognition" (as cited in Alderman & Kennedy, 1995).

Although the word "privacy" does not appear in the Constitution, individuals believe that they have a radical right to be left alone – from friends, neighbors, employers and especially from members of the press (*NST*, 2008, p. 10). Therefore, the right of privacy is called a tort - a legal cause of action.

Many famous people – politicians, entertainers, sports figures – have had to confront media members, that is, reporters and photographers, often with dire results. Journalists were criticized for taking pictures and inquiring into people's personal matters rather than sticking to the facts (Thiriux & Krasemann, 2009, p 378). Hence, it is seen that the right to privacy is not taken seriously by journalists.

## 2.6 Prevalence of Invasion of Privacy

Studies states that the reputation of journalists have been declining since they enquire into matters that people do not want to talk about (Eisy, 2007, p 29; Arismunandar, 2002, p 4; Stokkink (2001, p. 7). As such, they develop methods of approach that are stealthy and deceptive, such as asking questions on the phone without declaring who they are, sometimes even going undercover to be business people rather than journalists.

To serve their own benefit, journalists resort to newsgathering alternatives including using of long-lens cameras, eavesdropping or other unethical methods. Although it can be justified as "harmless deceptions" by Hanitzsch (2005, p. 503), journalists often misuse that action to justify its service of public interest.

In line with this, Stokkink (2001, p. 14) claims journalists are often challenged by numerous problems and issues. Because journalists are formulators and distributors of news, they have a greater responsibility because it is through them, that the public is able to view the world.

In Malaysia, there is no comprehensive law on the issue of privacy. Instead, we have piecemeal types of legislation, for example, the Computer Crimes Act and the recent Personal Data Protection Act.

The effect of the recognition of the privacy rights in Malaysia is far reaching. It may, in no particular order, affect the right of the media to report news regarding individuals, and the rights of public figures. One of the many challenges that journalists face is to balancing the extent an issue can be reported taking into account the publics' right to know.

## 2.7 Right to Know

In reporting, journalists need to balance between the demands of the public versus individual privacy. If inappropriate information is demanded which, in fact, would violate individual privacy, journalists have to juggle

between these two obligations, taking into account the harm it would cause if the information is published.

Hocking (1947, p. 170-171) noted, "We say recklessly that [readers] have a 'right to know'; yet it is a right which they are helpless to claim, for they do not know that they have a right to know what it is they do not yet know".

O'Brien (1981, p. 18) said, "The failure to distinguish between different kinds of rights fosters considerable confusion over the public's right to know". He added that the public should know the difference between claiming that a right exists and making a claim to that right.

When the press raises the public's right to know, we assume that the press knows what is good and bad for its publics. Although the public may be aware that they have certain privacy rights, they are unclear of the extent to which they should or should not disclose private information. Journalists have used it to their advantage, often as justification for being allowed access to information they might not otherwise get (Lesley, 2000, p 167).

This phase has made its way into the national consciousness, and most people now expect the media to go places they cannot, see things they cannot, get information they cannot, and report their findings. However, the right to know is not the same as the want to know. Some may want information to satisfy morbid curiosity or simply to be "in the know" regarding private facts about other people. They may want a certain type of information, but that does not necessarily mean they have a right to it.

Therefore, journalists, who are moral actors (Wilkins, 2011), must act responsibly. If people's right to know carries negative implications, journalists must then address the situation with concrete manifestation – posing questions to themselves on what sort of information the public has a right to know, and how much private information should be revealed.

Therefore in this research, the researcher would study ways journalists make decisions in drawing distinction between individuals who are private figures and those who are public figures or public officials in news gathering and reporting.

## 2.8 Private and Public Figures

Lesley (2000, p 166) states that a private figure is "someone who does not work in the national or international public arena, an individual who does not invite broad attention by the nature of their work".

On the other hand, those who hold high profile political positions or who make their living in show business or sports are often designated as public figures. Somehow, public figures and public officials may expect to have their privacy reduced. Given the fact that many depend on – and some even appeal to – the public for support, they may not be entitled to privacy to the degree that private individuals are.

This is not to suggest that public figures have no privacy rights at all, but it is to point out that when one leads a public life, they must expect the media to photograph and watch them closely. The public always will be in

search for information about individuals who hold public office, individuals who star in movies and appear on television, and individuals who are major sports figures. However, in the case of those who hold elected political office, one would certainly argue that much detailed information about those individuals is needed in order to judge their worth as public servants.

In this research, the researcher will be looking at the factors that influence journalist's decision making when it comes to reporting about public and private figures.

## 2.9 Journalist Accountability

In media discourse, Murthy (2007) believes that accountability is used to explain a media channel's functions to a higher authority or group of persons, in the event its behavior is deemed questionable. However, in the age of market-driven journalism, the media is seen as indulging in sensationalism to maximize profit, and commercialization is said to be the motive of such behavior. Therefore, society expects the press to be accountable to its constituents.

Pritchard (2000) defines press accountability as a process by which press organizations may be expected or obliged to render an account to their constituents. A constituent is an individual, group, or organization whose goodwill is important for any media organization. Moreover, a media organization can have many constituents, including audience members, advertisers, news sources, peers in their organization and regulatory

authorities. In support of this definition, Plaisance (2000) observed that accountability is a manifestation of the interaction between the claims of one autonomous agent and the set values of another.

Likewise, Buttny (1993) states that the word accountability originates from the metaphor "keeping an account of one's conduct". It means that an account has to be made available to a higher authority or another person.

According to Erlbaum (2004), a journalist's accountability to his or her respective newspaper is the root cause of the problem of invasion of privacy. He defines accountability as answerability and responsibility to report everything since stories from journalists are what makes the newspaper sell and directly profits the company.

He adds that editors play the role of a funnel as they are the ones who decide what to add or erase. In terms of journalistic roles, they are like gatekeepers in with the authority to determine what goes out and what stays in the newspapers. Therefore, the journalist's professional values take over their personal values in which their actions are dictated by the higher authorities, namely their editors and sub-editors.

Even as the press is accountable to news sources, readers and others, it is also increasingly becoming accountable to its employer. Thus, the press has accountability to its employers, news sources as well as to the public (Newton et al, 2004, p 176; Klaidman & Beauchamp, 1987).

### 2.9.1 Accountability to Employers

Although the journalism profession is considered to be public service, as employees, journalists are obliged to render an account to their employers. However, Hamlin (1992) states that media employer considers their enterprise as profit-earning instead of public service for society's welfare. In a classic example, Hamlin states that an editor may decide not to publish a legitimate news story that is potentially detrimental to the interests of an important advertiser because the advertiser threatens to discontinue advertising if the story appears.

Furthermore, Allen (1990) reiterates that owners are usually complacent about certain public issues to satisfy advertisers. They highlight certain issues to the public while suppressing others by placing them in the inside pages to keep them off public view.

On other instances, the owners of a newspaper organization may choose to conceal the identity and wrong doings of public figures that is associated with the press for fear that it would be detrimental to the newspapers or to their positions. They then function as gatekeepers in concealing information from the public domain.

### 2.9.2 Accountability to News Sources

The press is also expected to be accountable to news sources involved in incidents while reporting stories. Journalists may get sensational stories when public personalities are the subjects involved in an issue (O'Brien,

1981). As public figures are held accountable to the public, journalists tend to perceive that the private and sexual behaviors of these public figures are always considered as matters of public interest. Sometimes, institutional heads, elected representatives, civic officials and film stars get involved in scandals or controversies.

In the process of gathering news from different sources, journalists are accountable to their sources of information. Because the source places faith and trust on the journalist not to disclose his or her identity, any information that can lead to their identification can harm and invade their privacy. Although the main goal of a journalist is to provide information to the public, the information given by the source should also serve the interests of the public or society (Christians, Rotzoll & Fackler, 1991).

For instance, the source may disclose some information relating to a policy decision of the government, and asks the journalist to maintain secrecy of his or her identity. Sometimes, the source may say ''off the record'' and the journalist is bound to keep the information from being disclosed. However, the journalist can use his or her discretion to disclose the information when it relates to crime, national security and financial loss to the organization.

On the other hand, in the process of securing information for a news story, the journalist deceives the source by not revealing his or her identity. Such conduct invades the source's privacy because he or she is unaware of the journalist's identification and may have revealed information in confidence.

The relationship of journalists and their news sources are reciprocal whereby the journalists needs sources for information, and sources needs journalists for media coverage. It is even more crucial to journalists to keep good contacts with their sources especially if they plan on using the source for a long time.

### 2.9.3 Accountability to the Public

Klaidman and Beauchamp (1987) classified accountability in the four previously-mentioned categories (accountability to employers, subjects, sources and public). However, accountability to the public is deemed vital because in a democracy like Malaysia, society depends on the mass media for information, and society and mass media are interdependent. Mass media reflects society in it's the news contents, and therefore, mass media and society share a symbiotic relationship.

DeFleur and Ball-Rokeach (1989) observed that the media system is an important part of the social fabric of modern society, as it has relationships with individuals, groups, organizations and social systems. These relationships can be conflict-ridden or cooperative; they may be dynamic and changing, or static and orderly. They also may range from being direct and powerful, to being indirect and weak. Whatever the nature of the relationship is, it carries the burden of explanation. Therefore, Christians *et. al.* (1991) argues that public good is more important than the means adopted to secure that information.

Erlbaum (2004) poses the question of whom journalists should be responsible to. To him, journalists are responsible to their readers, publishing companies, editors, government, society, laws of the professional association and country. Most importantly, he says that journalists are responsible to their sources even before their readers. Though their responsibility lies in reporting the truth, the trust between the journalist and the person who is involved in the news should not be breached.

With that, Erlbaum (2004) states that the accountability of a journalist depends very much on his or her professional and personal values. While professional values may guide the journalist in his or her task, he or she is also bound by personal values which can conflict with professional values.

Therefore in this research, the researcher stresses that accountability to employers, news sources and public is important because the society expects the press to be accountable to its constituents. Journalists should be held accountable for their performance as journalists as it encourages responsible conduct.

## 2.10 Empirical studies

There are several studies that have confirmed the three main problem statements (see page 7) in various studies.

Journalists as professionals have never been investigated systematically for their basic characteristics, work patterns and their views on professional values (Hanitzsch, 2005).

Perhaps this research deficit is due mainly to Malaysia's underdeveloped and non-competitive structure. Consequently, reflection on journalists, their work and their professional views is mostly limited to essays published in daily newspapers or in journals without significant circulation.

Despite the complexities surrounding the issue of privacy, many Americans are expressing the desire for greater privacy protection. In a February 2003 Harris Poll (Kasper, 2005, p.80), 79% of adults polled reported that it is "extremely important" to be in control of who can get personal information; it is "extremely important" to 73% of respondents to have nobody watching or listening to them without permission; and 62% reported that it is "extremely important" to not be disturbed at home. In the same poll, 61% of respondents agreed that the public have lost all control over how personal information is collected and used by the media (Kasper, 2005, p. 81). Reacting to perceived invasion of privacy, individuals regularly defend themselves, withholding personal information or providing false information.

A study performed by the American Society of Newspaper Editors (2001) found that 70% of respondents have refused to give information to a company because it was too personal. A February 2002 Harris Poll shows that 83% of respondents had requested that a company removed their name and address from mailing lists.

In 2001, the securing and monitoring company CSS International calculated that an average person in the New York City was visually recorded 73-75 times a day (Murphy, 2002). Most of the time people do not know whether they are being watched, but they know that they could be.

The Office of the Federal Privacy Commissioner commissioned Roy Morgan Research to conduct a national Computer Assisted Telephone Interviewing (CATI) survey among 1524 Australian adult population from the ages of 18 and above. Broadly, the objectives of the survey involved:

1. Identifying current behaviors of individuals in relation to the privacy of personal information;
2. Identifying community expectations in relation to privacy practices;
3. Gauging current levels of knowledge with regards to privacy; and
4. Gauging current levels of awareness and understanding of the privacy laws and the privacy commissioner.

Questionnaire design was aided by the findings from the qualitative phase. The questionnaire consisted of 47 questions and took an average 22 minutes for respondents to complete. When asked to nominate the one piece of personal information they felt most reluctant to hand over, financial details topped the list (40%), followed by income (11%), medical or health information (7%), home address (4%), phone number (3%), and genetic information (3%). The main reasons for not wanting to provide these personal information, the most common responses was "it's none of their business / it's an invasion of privacy" followed by fears that the information provided may be misused.

Apart from that, approximately 89% of the population thought it was important that organizations advise them who would have access to their personal information, with two-thirds (66%) rating this as very important. As few as 1 in 20 (5%) thought such advice was not an important issues.

About 43% of people were aware of the existing privacy laws while 55% were not and 3% could not say. Therefore, when asked how much they know about their rights to protect their personal information, 3% said a lot, 15% said an adequate amount; 29% said some; 46% said very little; and 6% said they know nothing.

## 2.11 Theoretical Framework

The theoretical framework in this research includes the moral and practical reasoning which journalists' practices in the collection and reporting of private information. Eastern values are equally important with western values as Malaysia comprises a population of all different races.

### 2.11.1 Moral Reasoning

Throughout history, philosophers have been trying to pin down questions on moral reasoning. Aristotle, an ancient philosopher defined moral reasoning as practical reasoning, as it bears matters of practice and is used to evaluate human action or behavior. Therefore, in ethics, it seeks to find out what is good or bad, right or wrong, and what should be done to produce or achieve goodness.

A right action is often determined by a justified belief, and a justified belief, in turn, is justified by correct reasoning according to moral principles and rules. Therefore, reasoning determines what is right. However, it is

contextual in which it takes place within the framework of the facts and values considered at the time of reasoning. To say that a moral judgment is correct is to say that it is correct within the parameters of the problem as we see it.

Morality can be defined in reference to the rules or principles of morality whereby the principles of "Don't lie" and "Don't steal" can be used to provide guidelines by referencing it to "Do unto others as you would have them do unto you".

There are slight differences between rules and principles in moral reasoning. Principles usually covers more ground than rules and are often thought to be applied universally without exception. Thus, the principle of "Do unto others" is much broader than the rules "Don't lie" and "Don't steal".

Fox and Marco (2001, p 13) mentions that there is a possible way to test the range of people's beliefs about morality by seeing (1) what are their beliefs, (2) what they in practice praise or condemn or what kinds of acts they encourage or try to prevent, and (3) what reasons they offer to defend themselves of criticize others.

This test may or may not always agree because people are not always consistent in their beliefs and actions. Besides, whether or not acts are moral may depend on how we conceive of them or on our point of view. However, most people are honestly confused when it comes to issues of their beliefs as these issues are often seen as complex and it is easy to wander from one point to the next.

Therefore, this research would look at the application of both western and eastern philosophy in the decision making of journalists on the issue of privacy invasion.

**2.11.2 Western Ethical Philosophy**

**2.11.3 Aristotle - Golden Mean**

Aristotle Golden Mean talks more about making a good ethical decision that contains virtue, "a state of character involving a capacity of choice assisting in a *mean* relative to us, as any man of practical wisdom would determine it" (Edel, 1982, p16).

Aristotle states that one cannot depend on the law to solve ethical problem. "The law can never be anything but a leaden rule such as the stone masons… use; [ethical decisions] must be able to take the shape of twists and turns of life" (Gauthier, 1967, p14).

The concept of the Golden Mean is an ethical philosophy that helps when faced with an ethical problem. One is to avoid extremes of excess and defect, by determining the mean; the just-right, and act by doing what is appropriate after considering several factors. Firstly, an individual does have a choice in the ethical decision making.

Secondly, there has to be prior deliberation, which means thinking. Aristotle states that "man is a rational animal, and he is at his best when he

uses his reason in the best way. The correct and the best use of reason is to know the truth" (Hutchinson, 1995, p197).

The third factor is what Aristotle calls habituation that is the "result of the repeated doing of acts which have a similar or common quality" (Smith, 1950, p17). Thus, "what is chosen is something in our power which is desired after deliberation" (Gauthier, 1967).

Therefore, applying the golden mean's first step to the issues of the former health minister, Dr Chua Soi Lek, in the sex scandal case, the editor had to consider the alternatives between the involvement of private or public figure. Since it involves a prominent public figure, he then moved on to the second stage of deliberating to consider the alternatives further.

The second step involves the editor's deliberation over the actions of the public figure whereby his actions have affected the public domain.

Deliberation also involves weighing the extremes on the consequences to NST, as the public figure is a government representative and the newspaper is owed by the government.

The third step justifies the mean of and sets a behavior towards some form of moral standards. When an issue involves a public figure, it also involves a person's dignity and esteem.

To this end, Aristotle's Golden Mean can be applied to the application of news reporting between private and public figures. When a person is a private figure, nobody would be bothered of their actions and the press would not want to carry any stories of them as hundreds of other people are probably

doing the same. The impact of the private figures actions do not affect the public domain but would probably only affect the circle of their family. For example, a minister being a leader of this country is placed on a higher stage where the whole population is looking up to him. Therefore a certain kind of behavior and moral standards is expected of him, compared to other normal person. Besides, having been elected by the population, that means whatever they say or do, does have an impact on the rest of the population, in one way or another. This comes to prove that it is no longer a private affair because he is a public figure.

In relation to this study, journalists have to take the middle stand when it comes to deciding to conceal or provide private information during the collection and reporting of news stories.

### 2.11.4 Immanuel Kant – Categorical Imperative

Kant is important in the history of ethics because he stressed two widely accepted principles of morality: (1) that moral judgments must be founded on universal rules, or upon rules that are applicable to all persons in the same way, and (2) that persons must always be treated with respect, as ends in themselves, and not to be used as means only.

Kant also claims that consequences are irrelevant to determining one's duty as duties are not *hypothetical*, or dependent on consequences, but *categorical*, or independent of consequences. In other words, one's duty is not subjected to conditions or qualifications. Therefore he says,

*"the moral worth of an action does not lie in the effect expected from it, nor in any principle of action which requires to borrow its motive from this expected effect."*

According to Kant, everyone is sovereign, for everyone dictates the moral law to themselves. The research explores the issue on journalists' accountability in relation to Research Question 4 (see page 9). Journalists at NST believes that they are firstly accountable to themselves as they believe that everyone should follow the dictates of their own conscience which is rationally formed. Although each person has a right to hold different moral opinions, somehow they would arrive at the same conclusion, namely the moral law itself.

In other words, Kant believes, as moral agents, people are authors of moral rules. Because it is assumed that the reason is the same for all people, they will all discover the same rules.

For example, when anyone asks whether invading a person's privacy is permitted by the moral law, they will discover that it is not permitted. Hence, everyone is capable of seeing that invasion of privacy defeats the very purpose of one's right to privacy, and therefore, it cannot be willed to be a moral law.

His second principle of practical reasoning is that we should always treat persons as ends in themselves and never as means only. In other words, the moral law is not only made by persons, but also for persons, and all persons count equally under the law. This means that persons should never be regarded as mere property; they should never be used simply as instruments.

Kant places great importance on the role of reason for determining what is morally right or wrong and on the importance of consistency in moral reasoning. Therefore, justice is looked on as the main emphasis, on treating everyone the same according to moral rules, or applying rules consistently to all case. Therefore, it is also referred to as the principle of universalizability because it requires us to test moral rules by seeing if we can apply them universally, in the same way to all persons.

Therefore, this principle of universalizability calls attention to the need to justify differential treatment when private and public figures are given differential treatment of their entitlement to privacy. Therefore, the same rule is not applied to all as by virtue of public figures fame, importance, newsworthiness and public recognizability, they should expect to be approached by news media to be ether photographed, interviewed or questioned.

Following Kant's view, what counts as a reason for or against an act in one case must also count as a reason for or against an act in other cases as well.

For example, it seems proper in some circumstances to make exceptions for public figures private lives. Many news reports on public figures activities and whereabouts are sometimes not disclosed as it does not impact the rest of the population. However, when a public figure does something that has an impact on the public domain, it would be reported as there is a certain amount of expectation that the public expects from the behaviors and moral standards of these public figures.

### 2.11.5 John Rawls

Rawls is another philosopher that developed an influential theory of "Justice of Fairness". Rawls theory carries a higher level of abstraction of the social contract found in Kant.

Rawls theory states that human rights are given to human beings by a just society, in which no one has an unfair advantage over others (Thiroux & Krasemann, 2009, p 130). In others words, Rawls believes in adopting principles of social justice which would be agreed upon behind what he calls a "veil of ignorance". Behind this veil of ignorance, Rawls "original position", principles could be set up for fairness and justice for all without regard for anyone's specific talents, inclinations, social status, political ideology, or any other accidental features in their lives.

It could also be said that the veil of ignorance is a way of looking at society in a neutral manner without regard to individual characteristics of anyone. Any inequality is permissible to the extent that it is to everyone's advantage, including people at the bottom of society's ranks, and that it arises under conditions of equal opportunity.

Rawls talks more about guaranteeing a just and fair outcome by requiring the rule to be acceptable to all members of society without the knowing of how the rule will work out for them.

This theory seems to fit in with the ideals of a democratic nation like Malaysia where individual freedom is allowed. It also provides for a way to

arrive at a set of rules and principles by using the veil of ignorance as a method.

Rawls believes that people should not be coerced or forced in any way to share anything they do not wish to. This brings to an interesting idea of how many people would really want to set up principles of justice without considering where they will fit into the overall scheme of things.

This theory explores the issue on journalists' decision making when encountering privacy issues in relation to Research Question 3 (see page 9). This principle is particularly relevant to NST journalists who have to make decisions of invading private and public figures personal information during newsgathering.

Rawls theory also relates with Kant's philosophy that behind this veil of ignorance, our roles is to treat people as how we want to be treated. "We should not bring harm to people. No matter how much our sources want the story, we do not do [invade sources privacy] that to people."

Rawls also speak about inequality is permissible to the extent that it is to everyone's advantage. For example, an informant or source may at times be an insider of an agency or organization. Thus when they openly expose these private information, they would either be compelled to silence, terminated or would perform damage control. However, when these private information finds its way to an outside, namely journalist, it would become their duty to verify the matter and reveal the information, if needed. Therefore, no matter how persistent one's personal values are, it would coincide with their

professional values of reporting the truth for the sole intention of public interest.

## 2.11.6 Eastern philosophy

Feibleman (1976) mentions that the philosophy and religion of Hinduism is on the individual. However, it is believed that "there is a communal believe to everything as intertwined it is between natural law and human law" (Wilson, et al, 2011).

Meanwhile the philosophies in Buddhism centers in the right speech, actions and livelihood (Tong, 2003) and the inner quality of an individual's life and how he deals with others (Wilson, et al., 2011).

However, Islam philosophies centers on the belief that practice "improves the state of the soul so that wellbeing may be achieved in the hereafter" (Quasem, 1975, p25). Islamic Ethics therefore stresses that regardless of their environment, humans are believed to have a moral responsibility to submit to God's will and to follow Islam (Wilson, et al., 2011, p 8).

Therefore, as each culture and religion stresses their teaching on a certain responsibility, they are usually understood by their believers within a certain context. These teachings are mere firm principles and guidelines that are believed to be passed down from one generation to another through holy books, and if understood from a different context, its outcomes could be situational.

### 2.11.7 The Fallacy of Authority

The fallacy of authority is claiming something to be true just because someone in authority says it is, rather than because it is supported by evidence (Fox & Marco, 2001, p 49). After all, we do learn many things from our significant others such as from parents, teachers, peers and professionals. beliefs is the testimony of such people. However, even though these things may be taken up as guidelines, it cannot be concluded that something is true because anyone can make mistakes.

For example, journalists usually know more about newsgathering and reporting more than others outside those fields. But even though it is often justified in following the advice of experts (editors, sub-editors and senior journalists), it is to be realized that it is not always right. Instead, it may be wise to seek more than one opinion or decision making models to investigate ethical matters further.

Therefore, this seems to be in relation with situational ethics. We are sometimes justified in treating different cases differently, but differences in treatment need to be justified by differences in the cases themselves. The problem of moral reasoning is then the problem of trying to determine when cases are relevantly similar or different. The following ethical philosophies and theories would further explain the situational ethics in the issue of privacy invasion among journalists. This research will explore the issues of journalists' decision making when encountering privacy issues and journalists' accountability, in relation to research questions 3 and 4 (see page 9).

**2.12 Conclusion**

In conclusion, making ethical decisions are not always easy as there are many things to consider. There may be more than one solution to a problem. Some aspects of ethical decision making are absolutes, principles or concepts that are strong, firm, unchangeable, while other aspects are relative and flexible. The ethical problem of this research has flexible aspects.

As much as it is important to understand and discuss western ethical philosophies such as Aristotle, Kant and Rawls, it is also crucial to study ethical philosophies in the eastern context. Eastern ethical philosophies discussed in this research from the standpoints of Islam, Buddhism and Hinduism derives from religious teachings and cultural settings. Therefore, both eastern and western philosophies were used as they both are equally important to Malaysia that comprises a population of different races. These teachings are firm principles that are believed to be passed down from one generation to another.

Journalists today face the dilemma of balancing their personal and professional values (Wilson, et al. 2011; Merill & Odell, 1983). In news reporting, accountability to their sources, readers or employers often determines the amount of private information that journalists choose to reveal.

In doing so, justification is needed to decide whether the revelation of private information is necessary for public interest or simply for sensationalism purposes. As much as everyone has a right to know, they also have the equal right to be left alone and the protection of private information.

Therefore, it is critical to note that there are no rights to privacy in Malaysia. Besides, the media practitioners understanding of privacy do not correspond with the existing privacy laws in Malaysia. This is reiterated by Zaid Ibrahim saying, "There is no law to safeguard individual's right to privacy" (*NST*, 2008, p. 10).

It is acknowledged that the recognition of privacy rights in Malaysia is far reaching. While there may not be a single instrument tailored specifically to the protection of personal privacy against the invasion by the activities of journalists, there are a range of piecemeal types of legislation that are used to harness to serve as privacy protection, such as the Defamation Act, Computer Crimes Act and the recent Personal Data Protection Act.

**CHAPTER THREE**

**METHODOLOGY**

**3.1 Introduction**

This research centers on the qualitative approach of phenomenology. Potter (1996) describes phenomenology as "the belief that the object of interest be examined without any preconceived notions or a priori expectations" (p 43).

The goal of this approach is to set aside preconceived expectations so as to understand how participants make sense of their behavior. Guba (1990) however argues that the goal of research is to "reconstruct the 'world' at the only place at which it exists: in the mind of constructors" (p 27).

Merriam (1998) states that phenomenology is to discover and "understand a process or a worldwide perspective of the people involved" (p 11).

Therefore in this research, the researcher tries to understand the object of interest which is the journalists' whom are examined using the issue of privacy and accountability as a basis.

**3.2 Qualitative Research**

There are various definitions of qualitative research. However any definition of qualitative research must work within the research field.

According to Denzin & Lincoln, (2005), qualitative research is a "situated activity that locates the observer in the world. It consists of a set of interpretive, material practices that make the world visible" (p. 3).

These practices that transforms the world would be turned into series of representations, including field notes, interviews, conversations, photographs, recordings, and memos to the self. It also means that qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them.

Qualitative method is "an umbrella term covering an array of interpretive techniques which seek to describe, decode, translate and otherwise come to terms with the meaning, not the frequency, of certain more or less naturally occurring phenomena in the social world" (Van Maneen, 1983, p. 9).

## 3.3 Intensive Interview

Intensive interviews are used to obtain information from relatively small, representative sample so that generalization can be made about the population of interest. It is conducted in a deductive manner whereby the questions are prepared ahead of time and tend to be highly structured, whereby all informants are asked the relatively same questions in the same order (Frey, Botan & Kreps, 2000, p. 273).

The researcher preferred this method because they are more likely to access multiples realities, human meanings, and interactions with the insider's perspective.

As Erlandson, et al., (1993) explains:

*"Through interviews, the researcher often gains a first insight into the constructed realities that are wrapped up in the speech of the respondent. Through observations, the researcher gains a partially independent view of the experience on which the respondent's language has constructed those realities. The interview provides leads for the researcher's observations. Observation suggests probes for interviews. The interaction of the two sources of data not only enriches them both, but also provides a basis for analysis that would be impossible with only one source"* (p. 99)

The researcher's objective is to determine the perspective of Malaysian editors and journalists on the issue of invasion of privacy, specifically in the *New Straits Times*. As this topic is rather sensitive and complex in nature, intensive interview is the most appropriate method for this research. Vaus (2002) states that qualitative research is often regarded as providing rich data about real life people or situations and being more able to make sense of behavior and to understand behavior within its wider context. Its method allows researchers to view behavior in a natural setting without the artificiality that sometimes surrounds experimental or survey research.

According to Branthwaite and Patterson (2011), qualitative research is a unique approach which is adaptable because:

- It works by understanding the context and intention of what sources tell researchers;

- It is holistic in its understanding of sources perceptions, motivations and the underlying causes behind their actions in the real world;

- Its insights reveal possibilities and ways of improving a situation / people / phenomena;

- It avoids short-term or monetary reactions among sources, and looks for the over-view and enduring effect for a situation; and

- It brings understanding by appreciating the background of sources reactions and the "underlying drivers" in making them do what they do.

Intensive interview is a method of data collection that is either interrogative (somewhat in focus groups) or observational and un-intrusive (Langmaid, 2010). As views and opinions of sources are gathered spontaneously, the informants have the freedom to set the agenda while producing spontaneous and impulsive ideas. This method provides opportunities for the researcher to ground information in the real life surroundings.

However, intensive interviews also have their limitations. Researchers may find it a challenge in their data collection and analysis when they may not know exactly which situation, person or phenomena their sources were referring to when it is referenced simply as "it" or "them" after its first

introduction. Besides, irony or sarcasm used in their responses is very difficult for researchers to comprehend. As interviews do not rigid sources in their responses, their responses may stray away from its relevancy of the subject or research questions. Thus, the researcher had to lead the respondents back to the topic being discussed. Besides, interviews are often criticized for lacking generalizability, being too reliant on the subjective interpretations of researchers and being incapable of replication by subsequent researchers (Vaus, 2002).

Besides that, sample sizes are sometimes too small to allow the researcher to generalize that data beyond the sample selected for the study (Wimmer & Dominick, 2006). For this reason, the researcher has used qualitative research as the preliminary step to further investigate the study rather than the final phase of the research. The information collected from the qualitative methods was used to prepare a more elaborate quantitative analysis.

The direct, interactive dialogue or conversation between sources and researchers does demands openness and frankness, which forms an exchange of confidence and secrets to reassure each other of fidelity before the conversation can go deeper. Besides, intensive interviews provide the facility for the researcher to listen and attend to the underlying narratives of this sensitive subject matter of the research. Through listening, the researcher is also able to capture the non-verbal expressions of sources values, feelings and attitudes.

Langmaid (2010) also suggests that while listening to others, there is both a "foreground" which is what the speaker is saying, and a "background" which is the ongoing, internal commentary that the listener has as they reflect on what they are listening to. Therefore, intensive interviews are much more effective in nurturing both listening and understanding assistances in drawing meaning from delicate conversations.

In this research, the researcher uses intensive interviews to pursue more about the informant. Intensive interviews allow for rich descriptions from informant and also allow the interviewer to pose probing questions. It also allows in-depth description and narration during the gathering of information.

### 3.3.1 Interview Procedure

A pre-test was done among journalists at NST. Therefore, the researcher acquired the name of all news desk journalists, court desk, crime desk, features, and online desk from the Human Resource Department. Some of the journalists interviewed for this research required for an appointment due to their busy schedule, in which it was later re-scheduled. Others were randomly selected at different intervals on a voluntary basis. The main criteria for selecting the interviewees were:

1. They should have worked at least a year at NST and over 21 years of age;

2. They should be working as full-time journalists at NST, and not interns or stringers; and

3. They should have at least 1 year working experience with NST.

The interviews were conducted separately at NSTP's headquarters Jalan Riong on News Desk Editor (A), two Senior Journalists (B and C), and three Junior Journalists (D, E, F) over a period of a month. Each interview lasted approximately 45 minutes and the responses were recorded with the editors and journalists permission. As these journalists had a hectic job nature, the researcher had to approach these journalists based on appointments and others through a voluntary basis. These six interviewees seem sufficient when the researcher reached a saturated point in tabulating the research questions and results.

The interview was then transcribed into categories in line with the research questions and research objectives, labeling each interviewee as follows:

| JOURNALIST | CATEGORY |
|---|---|
| Editor | A |
| Senior Journalist 1 | B |
| Senior Journalist 2 | C |
| Junior Journalist 1 | D |

| Junior Journalist 2 | E |
| --- | --- |
| Junior Journalist 3 | F |

The interview questions were categorized into four components (see Appendix 2). The first components were mainly on the informants understanding of the roles as journalists and their understanding on the concept of privacy.

The second components were on the different types of invasion of privacy and the factors that influence journalist's decision-making when encountering privacy issues, which relates to situational ethics.

The third components of questions were based on the journalistic policies that are practiced in NST. The final components comprised on the values and the professionalism of journalists.

### 3.3.2 Validity and Reliability

A validity and reliability test must be implemented to ensure its consistency in the research instruments used. Kerlinger (1973) states that validity looks at what is being measured and the extent of the measurement. In other word, Cronbach and Meehl (1955) states that validity makes sure that everything measured is reliable.

Qualitative research of intensive interviews enjoys the detailed interviewing from the underlying philosophical nature of an issue (Glesne & Peshkin, 1992, p. 8). Although it has been claimed (Winter, 2000) that quantitative researchers attempt to disassociate themselves as much as possible from the research process, qualitative researchers have come to embrace their involvement and role within the research (Patton, 2002).

While credibility in quantitative research depends on instrument construction, in qualitative research, "the researcher is the instrument" (Patton, 2002, p. 14). Thus, it seems when qualitative researchers speak of research validity and reliability, they are usually referring to a research that is credible while the credibility of a qualitative research depends on the ability and effort of the researcher. Although reliability and validity is treated separately in quantitative studies, these terms are not viewed separately in qualitative research. Instead, terminology that encompasses both, such as credibility, transferability and trustworthiness is used.

The researcher used the triangulation method to test the validity and reliability of the interview questions. Mathison (1988) elaborates this by saying:

*"Triangulation has raised an important methodological issue in naturalistic and qualitative approaches to evaluation [in order to] control bias and establishing valid propositions because traditional scientific techniques are incompatible with this alternate epistemology* (p. 13).

In addition, Golafshani (2003) claims that triangulation is used in quantitative research to test the reliability and validity which can illuminate some ways to test or maximize the validity and reliability of a qualitative research.

This can mean using several kinds of methods or data, including using both quantitative and qualitative approaches (Mathison, 1988, p. 247).

To ensure validity and reliability, the researcher extracted questions from the survey questionnaire and discussed it with the supervisor as well as testing out these questions by conducting several interviews with fellow journalists. This was done as the aim was to "engage in research that probes for deeper understanding rather than examining surface features" (Johnson, 1995, p. 4).

## 3.4 Quantitative Research

Bogdan and Biklen (2007) describe quantitative research as "using charts and graphs to illustrate the result of the research". Commentators employ words such as "variables", "populations", and "result" as part of the vocabulary (p. 4).

## 3.5 Survey

Quantitative method namely survey is where the "content is the message" (Fink & Kosecoff, 1985, p. 23). That is, the questions the researcher asks determine the answers they will receive.

Survey researchers draw conclusions by asking people questions about their attitudes and behaviors. The findings from the surveys are only as valid as the questions themselves, the procedures used to ask them, and the respondents asked.

In addition to intensive interviews, the researcher also conducted a mini survey among NST journalists (see Appendix 3). Surveys are useful and they are able to obtain standardized data collected from various respondents. Quantitative research is sometimes portrayed as being sterile and unimaginative but well suited to providing certain types of factual, descriptive information – the hard evidence (Vaus, 2002). The researcher used a descriptive survey which attempts to describe or document the current conditions or attitudes of journalists on privacy invasion.

Survey questionnaire was used because it assisted in investigating the issue of privacy invasion in a realistic setting, namely the NST newsroom. It was able to examine what journalists behavior where it happens compared to a laboratory or screening room under artificial conditions.

Apart from that, surveys enable the researchers to collect a large number of data with relative ease from a variety of people (Wimmer & Dominick, 2006). Surveys allow researchers to examine many variables

(demographics and lifestyle information, attitudes, motives, intentions, etc) and to use a variety of statistics to analyze the data.

However, surveys also have their limitations. Some surveys are difficult to conduct as they might be some respondents that are reluctant or unwilling to participate. The researcher also faced this problem in which most journalists were cornered or swayed into participate in answering the surveys. Besides, survey questionnaires could word or place questions that may execute biased results. For example, when a specific person, source or action is mentioned in a question, there is a possibility that the respondents might provide a biased response.

The researcher contacted the Human Resource department of NST seeking approval to conduct this research. Upon the agreement and the recommendation of the news desk editor, a letter of approval was issued. However, the editor suggested that he would personally distribute the survey questionnaires with the justification that he knows the journalists daily schedules at the newsroom. Therefore, the researcher collected the survey questionnaires on a weekly basis from the editor, over a period of approximately two months.

### 3.5.1 Selection criteria and sample size

Although there are approximately 150 NST journalists all over Malaysia, the researcher only conducted the survey among journalists in the main headquarters in Jalan Riong, Bangsar Petaling Jaya. Approximately 100 questionnaires were distributed to the NST journalists ranging from the news desk, court desk, and crime desk of which 43 valid responds were received.

They were from the ages of 24 to 55, from the races of Malay, Chinese and Indian that holds a Malaysian citizenship. A copy of the questionnaire can be found in Appendix 3.

**3.5.2 Survey Questionnaire Design**

The questionnaire was designed replicating the major areas examined in Weaver and Wilhoit's studies (1996), together with questions used by the authors in previous studies.

The questionnaire design comprise of various sections which are as follows:

- Section A – Demographics

- Section B - Level of awareness of invasion of privacy in the Malaysian press

- Section C - How common does invasion of privacy occur among Malaysian journalists while in the process of news gathering and news reporting

- Section D - The different forms of privacy invasion among Malaysian journalists

**3.5.3 Coding Process**

The answers from the survey questionnaires need to be categorized, coded or analyzed. Therefore, the coding process was developed to quantify

the frequency of particular communication behaviors (Frey, Botan & Kreps, 2000). This categorization occurs after the survey questionnaires are answers by the samples.

The process of coding questionnaires ranged from closed to open.

### 3.5.4 Data Analysis

Data analysis is the process of examining what data means to researchers (Frey, Botan & Kreps, 2000). Quantitative data lends themselves to data-analytic procedures associated closely with the applied statistical data analysis.

Cowls (1980) states that statistical data analysis is

*"the practice of not only collecting and collating numerical facts, but also the process of reasoning from them. Going beyond the data, making inferences and drawing conclusions with greater or lesser degrees of certainty in an orderly and consistent manner is the aim of modern applied statistics"* (p 6).

Inferences of the survey questionnaires were made complimenting the results and findings of the interviews conducted. A descriptive statistical data was used to construct simple descriptions about the characteristics of the set of quantitative data.

In this research, the study would provide a detailed background on the factors that influence journalist's decision making on the issues of privacy

invasion and the different types of privacy invasion, as well as journalists'
accountability. In relation to this research, the analysis will also determine the
eastern and western ethical philosophies.

### 3.5.5 Validity and Reliability

The researcher uses the internal validity which concerns the accuracy
of the conclusions drawn from this research study. This form of validity looks
at whether the research study is designed and conducted that it lead to accurate
findings about the phenomena being investigated for the particular group of
people or text studied. This validity method seems appropriate as the issue and
phenomena is centered on a group of journalists from one news organization.
This does not provide a generalization or a false conclusion to other journalist
in other news organizations. Besides, the research is valid for the particular
sample size, within the context of news reporting and during the time period of
six months.

A pre-test survey was carried out among 15 NST news desk
journalists. It was carried out to administer the construction of the survey by
Weaver and Wilhoit (1996). Based on the feedbacks of these journalists, the
researcher made some minor changes to the actual questionnaire after the
discussion and consultation of the dissertation supervisor.

# CHAPTER FOUR

## FINDINGS

**4.1 Findings of Interviews**

**4.1.1 Demographics**

Six interviews conducted on NST journalists, ranging from an editor, two senior journalists and three junior journalists. The table below describes and interprets the interviewee samples.

| CATEGORY | POSITION | WORKING EXPERIENCE |
|:---:|:---|:---:|
| A | Editor | > 20 years |
| B | Senior Journalist 1 | > 5 years |
| C | Senior Journalist 2 | > 5 years |
| D | Junior Journalist 1 | < 3 years |
| E | Junior Journalist 2 | < 3 years |
| F | Junior Journalist 3 | < 3 years |

### 4.1.2 Awareness of Acts of Invasion of Privacy

### 4.1.2.1 Role of a journalist

All six interviewees had slightly different perspectives on their roles as journalists, but they had something in common – that the journalist should provide information to the public. Informant A stated that the main role of a journalist is to inform readers what is going on and authenticate information obtained from sources.

Informants B and C stated that the journalist's role is to tell the truth to the public as much as possible, by providing an account of facts, based on reports, interviews and figures. They believe that journalists have to tell both sides of the story as long as it does not go overboard. The journalist acts as a mediator between the people and its government.

Of the interviewees, informants D and E said that the journalist's role is to report accurately, fairly and without bias, based on facts and investigation. However, informant F said that the journalist's role is to write based on what the government highlights that is not against the law and government.

### 4.1.2.2 Understanding of the Concept of Privacy

Throughout the course of this research, the researcher found various definitions and viewpoints on the definition and concept of privacy. Therefore,

the researcher wanted to explore how journalists and editors define, in their own words, the concept of privacy.

According to informant A, privacy is defined as "Anything that a person does within the confines of his home, office, etc, and if he is not a public personality, then it is private". He explains that when a public personality is in the confines of his own dwelling or office, it is considered private. However, if the public figure does something that has an impact on public domain, then it is no longer private. On the other hand, a private figure's activities and whereabouts are considered private because it does not have an impact on the rest of the population.

Of the two senior journalists, informant B based her judgment and understanding of privacy according to her own values. She said that health-related issues are an example of a private matter. She said, "It's like why do you want to reveal whether you are sick or not, or if you are healthy, or whether you have done a boob job".

Informant C explained that "privacy is a shield erected by every individual who prefer to closet certain information regarding them or their family for certain reasons". Therefore, she believes that others have to respect privacy because it is a basic human right.

Of the three junior journalists, informants D and E said that privacy is about respecting a person's personal space. They understand that there are certain things that a person does not want others to know. Besides, once they get the sources' private information, they feel that they have a duty to protect

the identity of their sources. However, informant F stated that privacy depends on how one wants to define it. She said, "Some people like revealing details of their personal matters like their salaries and house addresses. For me, revealing my age is not an issue, but revealing my address would depend on who I reveal it to."

### 4.1.2.3 Balancing Privacy and the Public's Right to Know

The researcher reviewed literature on the importance of the readers' right to information as claimed by journalists, in contrast to the fundamental rights of a person or source to his or her privacy. Journalists face the dilemma in wanting to balance and respect both rights, and all six interviewees had their own approaches to this dilemma.

From informant A's point of view, one has to firstly look at the person: Whether he or she is a public or private figure. He said that public figures are held on a special or higher pedestal by the public, adding that there is an expectation of a certain kind of behavior from them, certain moral standards in which we do not expect from a normal person. He said, "When you are a public figure, you lose your privacy to a certain extent, but not totally. In comparison, private figures are able to choose what they want to reveal and conceal."

Informant B also agreed that everyone should have certain privacy boundaries. "But when you are an artiste (public figure), everything you do

*dalam kain* (in private), everything is for the people, they need to know. That's how you make money, that's how publicity works," she declared.

Along same line, informant C mentioned that today, privacy is threatened due to mass media. Information that is deemed private by individuals has been used against them. She said that many people have fallen prey to unscrupulous parties who have taken advantage of people's privacy, using private information to cash in on the victims.

All three informants D, E and F affirmed that one has to draw boundaries on the disclosure of private information as surveillance of information could be open to abuse if not safeguarded. However, the degree of privacy may differ from one to the other depending on cultural and geographical backgrounds. Informant E pointed out the importance of knowing the purpose why sources reveal private information. She said, "This is because an insider (employee) is seen as someone who has vested interest in the information they reveal. However, when the information finds its way to an outsider (journalist), it becomes our duty to verify the matter and reveal the information, if needed." Informant F did not have any comments to this question.

**4.1.2.4 Explanation of "on / off the record" to interviewees**

Informant A did not have any remarks on this issue. However, informant B stated that people usually know what they are getting into. She said, "When you answer questions (from journalists), you already know that

they are journalists. Unless you say 'please keep this a secret' or 'I don't want to be quoted', then it's different. But if you go out and answer, then you would already know that whatever you have answered will be in the newspapers. So I do not consider that as an invasion of privacy."

Informant C had another approach to this situation. She mentioned that before any interview, she would always ask permission from her source to conduct the interview and use a tape recorder. This would give her time and space to explain to the source his or her right to reveal and/or conceal private information.

Informants D and E seem to practice the approach of explaining to their sources that whatever they say may end up in the newspapers. Informant D said, "It is my duty to inform the interviewee, and usually the interviewee will speak 'off the record' when he or she wants to say things that are not to be published". Informant F did not comment on this question.

## 4.1.2.5 National Union of Journalists (NUJ)'s Code of Ethics

Informant A did not state whether he was aware of the NUJ code of ethics. Instead, he talked about how nothing much could be done with privacy as many shopping complexes, car parks and hotel entrances have cameras, giving the example of Dr. Chua Soi Lek's sex scandal incident. He added that journalists should know their responsibilities to people, especially on the issue of trespassing.

On this issue, informant C said that NST has never used the NUJ codes of ethics. This is because most of the journalists and editors take it for granted that journalists know their boundaries as they are journalism graduates. Informant C said that the NUJ is merely as a guideline in the newsroom. He said, "Everyone has his or her own set of ideas on what is privacy. Using the code as a base to act and react may not be suitable for different issues."

All three informants D, E and F had varied understandings of the NUJ code of ethics. Informant D replied that the NUJ is only used to a certain extent to assist journalists and editors in decision-making. On the other hand, informant E said that the NUJ is subjective in nature and journalists bear the responsibility of clarifying details before mentioning them in the news reports. Informant F was unsure of what the NUJ code of ethics consists of.

### 4.1.2.6 Privacy policy in newsroom

From the literature review, most newsrooms are expected to have certain policies for journalists to adhere to when it comes to issue of privacy. To this, informant A replied that the policy is usually based on circumstances. He said, "If it is a private figure, we do not bother at all. But if it is a public figure, then again it depends on what was done, what happened, and whether it is important news that we should pursue it."

However, when the similar question was posed to the two senior journalists, they replied differently. Informant B said she is not aware of any privacy policy, although NST might have it. Informant C replied that NST has

such policy. She said, "Usually in our desk meetings, these are openly discussed as a result of a story that has been published or about to be published."

Informants D and F stated that the privacy policy was neither discussed nor used in NST newsroom and that they were not aware of it. However, informant E stated that these issues were discussed. She said, "The policy is being discussed during orientation sessions and usually told (to us) in general during meetings."

### 4.1.2.7 Justification in Publishing Private Information

On this point, informant A mentioned that journalists' actions are only justified based on certain circumstances, and explained it using some examples. He said, "If it is in court, we publish everything because it is a public forum and of public interest, so we do not hide anything. If the same event happens but the information is from a source, it may not be published. However, if the information is strong enough, then words like "sources said this" or "witnesses said this" would be used."

His opinion is that in these situations, journalists have not reached a point where they have invaded sources' privacy.

Informant B could not answer this question as she was not too sure what sort of information could be deemed too private. Informants C stated that publishing private information is justified only if it saves lives, brings truth out in the open and serves to empower people. She added that publishing

information like names, house addresses, and names of close relatives of a suspect is inappropriate because they have not been convicted of the crime. But if the information can help save lives, publishing such information would trigger alert in a neighbor or relative's knowledge of the whereabouts of the suspect, which would make it easier to capture the person.

Informant D admitted to invading a source's privacy at one instance, but justified her action as being part of her job, she felt that each action should be based on the individual circumstances. Informant E responded by saying that journalists' actions would not require justification if sub-editors and editors do not spin or twist news stories.

Informant F replied saying, "As long as it does not go against the Official Secrets Act (OSA), there is no harm in revealing anything that is relevant to the public interest".

### 4.1.3 Prevalence of invasion of privacy in the press

From informant A's point of view, he felt that the issue of invasion of privacy is not prevalent in NST. He gave the example of how journalists cover a fire. He said, "If a fire strikes leaving countless people homeless, then it becomes an interesting story as people want to know what happened and why it happened, as these things can happen to anyone. Secondly, we look at the people to find out the cause of the event. To people who do not want to answer, journalists should respect that and do not trouble them by insisting on

the information. He added, "If you cannot get it directly from the person, you can always get it from someone else."

He recommends his journalists to use approaches that are tactful and less offensive such as "I am sorry that this thing happened to you. I'm from the NST. Can you just tell me what happened because I do not want to make any mistakes. As this is a period of sorrow, if something comes out wrong, it would not be right and would affect you further. So I want to get it accurately and I want to help you."

Informant B had to cover news at a mortuary and found it very difficult when she had to interview grieving family members. She said, "We can only do what we can." She felt that NST does not encounter any problems of sources' privacy being invaded.

She explained that "for Malays, they will want to talk to you, so we talk to them. Indians also, you *pergi gosok-gosok kejab* and be in their presence for a while and they will talk to you. But it is not so easy when it comes to the Chinese sources."

She said she did her best under weird circumstances, adding that "I just write what I can and what my bosses want, but I never go above and beyond that."

Informant C recalled an experience at the new Integrated Transportation Terminal at Bandar Tasek Selatan. Once the public questioned the motive of the operators, it came to light that the owners of the company built huge bungalows on a massive plot of land that belonged to City Hall. She

said, "Since the Chinese press first wrote about it, we picked up the issue from them and blew it up."

Feeling bad for initially doing this, she says that since it was an order from her editor, she played fair on this report in order not to hurt anyone. She said, "Thinking back, I feel maybe it was for the best because this is one of the many things that the owner has not told of the truth."

On several occasions, informant D was given strict instructions by the editors to obtain emotional responses from sources to make the papers more saleable and sensational. She said that it was mind-boggling and she felt sorry for the person. She added, "But it is unavoidable as we are directed to do what the editors tell us to do." She would prefer not to justify her actions, but if she were given a choice, she would have handled the situation in a less confrontational manner.

Informant E mentioned that she too encountered similar situations, but felt that her actions were necessary as it involved public interest. She said, "I don't see it as a right or wrong decision but rather the entire process was a learning curve. There is much to learn on a job, a right or wrong is still a lesson."

Informant F had no experience on this issue, and therefore could not contribute to this question.

**4.1.4 Journalist Accountability**

**4.1.4.1 Personal Values versus Professional Values**

Personal and professional values seem to collide when a journalist pushes further for information. When this occurs, journalists are expected to refer to journalistic code of ethics as decision-making guidelines in handling this ethical dilemma. However, adhering to professional values may sometimes subsume to one's personal values.

Informant A said that when he asks his journalists to get information for a story, they have to get it no matter how they feel. He said, "If you feel that it is a private affair, but you know that your job is to write the truth, so make sure you write the truth."

He reiterated that the role of a journalist to find out if the information is true, only then can one know if it's worth carrying the story. He added, "If you feel that it is against your personal values, then just drop this profession and go and do something else that you are happy with. You can't have both. There needs to be a balance."

Both informants B and C have experienced conflict between personal and professional values. Informant B faced this dilemma when covering a news story at a morgue. She believes that there are tactful ways to ask sensitive and disturbing questions. She said, "Some things we can just observe and write about," and that there is no special need to pose such questions.

Informant C replied, saying that her conscience and principles are usually not challenged as she finds a way around the situation, adding that

"sometimes we have to use certain information and given pseudonyms to avoid hard situations." She claimed that using pseudonyms would not encroach on people's privacy and, at the same time, does not put them at risk.

Informants D and E admitted to having faced this dilemma, but did not go on further to elaborate on how they overcame it. Informant D stated that this dilemma is a common experience journalists have to face as it is part of their job. She said, "When you know what your role is, you tend to be clear about what is your personal and professional values are without being influenced".

### 4.1.4.2 Journalists Accountability

Through the literature review, the researcher discovered the various parties to whom journalists feel that they should be accountable to. All six interviewees were asked to state their main priority in being accountable, whether to themselves, employers, readers, general public or news sources.

On this point, informant A believes that a journalist should be accountable to everyone. He said, "Firstly we have to look at the type of paper we are and be accountable to our employers. NST is a bit more conservative, so we try not to run these kinds of stories (but) if you look at Malay Mail, they would definitely run these stories because their readership likes such stories. Secondly, we have to look at the sources, whether or not they are reliable and their intention of revealing this information." Thirdly, he states journalists' accountability lies towards their readers.

Informants B and C had different perspectives on this question. Informant B felt that she was held accountable only to herself because "at the end of the day, we have to live with ourselves".

Informant C felt that she should be accountable to her readers because she has a duty to them to report the truth. Lastly, they would be accountable to their company (employers) who are paying them for doing their jobs.

Informants D and E felt accountable to the general public and readers. They did not elaborate further on this. However, informant F mentioned being accountable to herself because she is the one writing the stories.

## 4.2 Findings of Survey Questionnaires

This part presents the results of the survey questionnaire conducted among the NST journalists. The first part of the questionnaire deals with demographic variables of the respondents. The second part investigates the respondents' awareness of invasion of privacy. Finally, the respondents were asked about the prevalence of invasion of privacy in the press.

## 4.2.1 Demographics

The first part of the questionnaire was designed to obtain information on the journalists' demographic characteristics. The table below presents the demographic profile of the 43 respondents participating in this study.

**Table 1: Age**

| AGE | FREQUENCY | PERCENTAGE |
|---|---|---|
| < 21 | - | - |
| 21 – 30 | 23 | 53% |
| 31 – 40 | 15 | 35% |
| 41 – 50 | 2 | 5% |
| 51 – 60 | 3 | 7% |
| > 60 | - | - |
| **Total** | **43** | **100%** |

As indicated in Table 1, the respondents' age ranged from 21 to 60 years, majority of whom were between the ages of 21 and 30 (53%), followed by 31 and 40 (35%). Only 5% of the respondents were between 41 and 50 years old, and 7% who were aged between 51 and 60 years old.

**Table 2: Gender**

| GENDER | FREQUENCY | PERCENTAGE |
|---|---|---|
| Female | 36 | 84% |
| Male | 7 | 16% |
| **Total** | **43** | **100%** |

As indicated in Table 2, majority of the respondents were female (84%).

**Table 3: Ethnicity**

| ETHNICITY | FREQUENCY | PERCENTAGE |
|-----------|-----------|------------|
| Indian | 16 | 44% |
| Malay | 7 | 38% |
| Chinese | 19 | 16% |
| Others | 1 | 2% |
| **Total** | **43** | **100%** |

As indicated in Table 3, the respondents were 44% Indians, 38% Malays, and 16% Chinese.

**Table 4: Marital Status**

| MARITAL STATUS | FREQUENCY | PERCENTAGE |
|----------------|-----------|------------|
| Married | 7 | 16% |
| Single | 35 | 81% |
| Divorced | 1 | 3% |
| **Total** | **43** | **100%** |

Table 4 indicates that most respondents were single (81%), followed by married (16%) and divorced (3%).

**Table 5: Highest Education Level**

| EDUCATION | FREQUENCY | PERCENTAGE |
|-----------|-----------|------------|
| PMR | - | - |
| SPM | - | - |
| Pre-U | - | - |
| Certificate | 1 | 3% |
| Diploma | 2 | 6% |
| Bachelor | 32 | 74% |
| Masters | 8 | 17% |
| PhD | - | - |
| Others | - | - |
| **Total** | **43** | **100%** |

Table 5 indicates that majority of the respondents (74%) have a bachelor's degree, followed by 17% who have a master's degree. Only a small percentage has a diploma or certificate. This shows that NST journalists are highly educated.

**Table 6: Field of study**

| FIELD OF STUDY | FREQUENCY | PERCENTAGE |
|----------------|-----------|------------|
| Journalism | 5 | 13% |
| Communication | 20 | 47% |
| Art | 4 | 7% |
| Economic / Commerce | 3 | 7%  (con't) |

| (con't) | | |
|---|---|---|
| Science | - | - |
| Others | 11 | 26% |
| **Total** | **43** | **100%** |

Table 6 indicates almost half of the journalists (47%) have an academic background in communication, while 13% specialized in Journalism. A small number come from Arts, Economics or Commerce. The remaining 26% are from other backgrounds such as Education, Information Technology, English, Business Studies and Engineering.

**Table 7: Journalistic Experience**

| YEARS | FREQUENCY | PERCENTAGE |
|---|---|---|
| < 1 year | 10 | 23% |
| 1 year – 5 years | 22 | 51% |
| 6 years – 10 years | 5 | 12% |
| 11 years – 15 years | 5 | 12% |
| 16 years – 20 years | | |
| > 20 years | 1 | 2% |
| **Total** | **43** | **100%** |

Table 7 indicates half of the journalists (51%) have one to five years of experience. However, 23% of them have less than one year journalistic experience, while 12% have between six and 10 years of experience. Another

5% have 11 to 15 years of experience. Only 2% have more than 20 years of experience in the journalism field.

### 4.2.2 Awareness of Acts on Invasion of Privacy

The second part of the findings presents data on the awareness of journalists on invasion of privacy.

**Table 8: Description of journalism**

| DESCRIPTION OF JOURNALISM | FREQUENCY | PERCENTAGE |
|---|---|---|
| Profession | 19 | 44% |
| Skill | 7 | 16% |
| Job | 17 | 40% |
| Don't know | | |
| **Total** | **43** | **100%** |

The respondents were first asked to define and describe journalism. Table 8 indicates that 44% of them said that journalism is a profession, while 40% said it is just a job. Another 16% said that journalism is a skill.

**Table 9: Main Reason for becoming a journalist**

| REASONS FOR BEING A JOURNALIST | FREQUENCY | PERCENTAGE |
|---|---|---|
| I am good at writing | 3 | 7% |
| Journalism is interesting and exciting | 10 | 24% |
| I am interested in news and current affairs | 6 | 14% |
| I entered journalism by accident | 11 | 26% |
| Journalism suits my attitude and character | 8 | 19% |
| Some of my family members and friends are journalists | 2 | 3% |
| I want to contribute and serve the public | 3 | 7% |
| Others | | |
| **Total** | **43** | **100%** |

The respondents were asked about their main reason for becoming a journalist. Interestingly, a quarter (26%) became journalists by accident while 24% said it was because journalism was seen as an interesting and exciting field. Another 14% became journalists as they were interested in news and

current affairs, while 19% said that journalism suited their attitude and character. Only 3% became journalists due to the influence of family members and friends who are journalists, while 7% said that they had an inner calling to contribute and serve the public.

**Table 10: Most Important Aspect of Journalism**

| IMPORTANT ASPECTS OF JOURNALISM | FREQUENCY | PERCENTAGE |
|---|---|---|
| Being able to write | 5 | 12% |
| Being given a chance to develop a specialty or beat | 1 | 2% |
| Being able to reach out to a lot of people | 14 | 33% |
| Being able to climb up the corporate ladder | 1 | 2% |
| Being able to help people and society | 7 | 16% |
| Journalism provides me job security | 7 | 16% |
| Journalism provides me with good pay | 2 | 5% |
| The newspapers' | | (con't) |

| | | |
|---|---|---|
| (con't) editorial policies are in line with my principles | 82 | |
| The newspapers' provides me freedom and autonomy | | |
| Being given fringe benefits | 6 | 14% |
| Others | | |
| **Total** | **43** | **100%** |

Next, the respondents were asked which aspect of journalism is most important to them. Majority (33%) said that being able to reach out to a lot of people is important to them. An equal number of respondents (16%) indicated job security as well as helping people and society. Being given fringe benefits was important to 14% of the respondents, while 5% said that getting good pay is important. Twelve percent said that being able to write is an important aspect of journalism.

**Table 11: Production of news stories per week**

| NEWS STORIES PER WEEK | FREQUENCY | PERCENTAGE |
|---|---|---|
| 1 – 5 | 12 | 28% |
| 6 – 10 | 12 | 28% |
| 11 – 15 | 11 | 26% |
| 16 – 20 | 8 | 18% |
| > 20 | | |
| **Total** | **43** | **100%** |

Table 11 indicates the amount of stories these journalists produce in a week. An equal number of respondents (28%) produce one to five stories and six to 10 stories in a week. Another 26% of them produce 11 to 15 stories a week and 18% produce 16 to 20 stories in a week.

**Table 12: Private and personal issues**
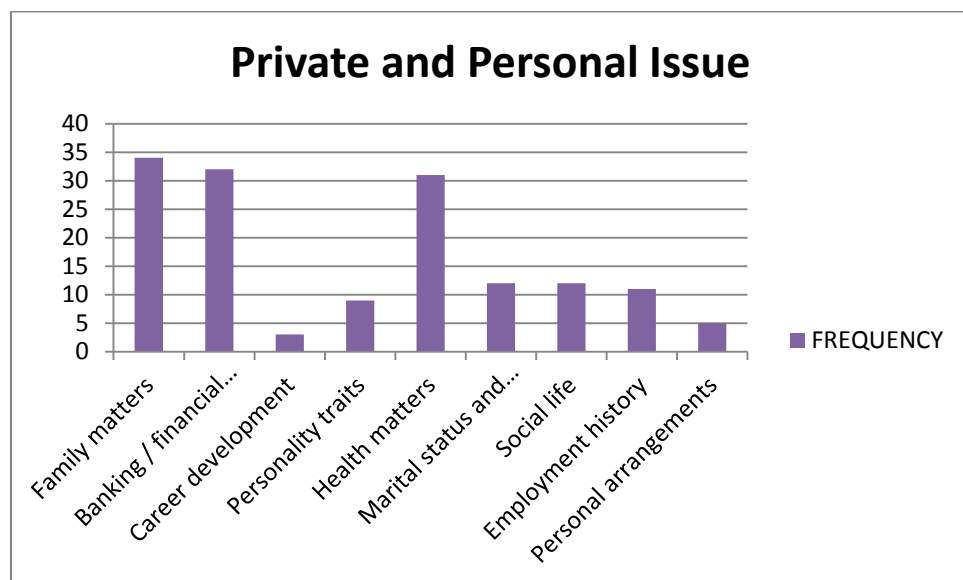
The respondents were given a list of personal issues and asked to identify which private information is important to them. The top three personal issues were family matters (34), banking / financial matters (32) and health (31). The least private were personal arrangements (5) and career development (3).

**Table 13: Private issues that can be reported in newspapers**
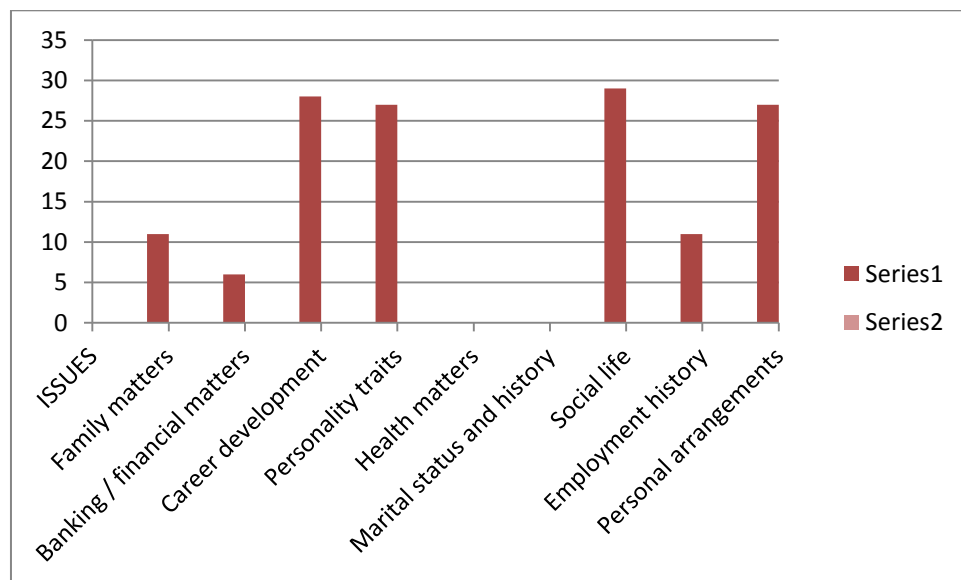


After identifying what type of private information is important to them, they were asked to identify the private issues that they think could be reported in the newspapers. Table 13 indicates that the top four issues that can be reported are social life (29), career development (28), personality traits (27) and personal arrangements (27). Only 11 respondents felt they could report on family matters and employment history. Barely 6 respondents agreed on reporting banking and financial matters.

**Table 14: Frequency of collecting sources personal information**

| FREQUENCY OF COLLECTION OF PERSONAL INFORMATION | FREQUENCY | PERCENTAGE |
|---|---|---|
| Very Often | - | - |
| Often | 17 | 40% |
| Sometimes | 22 | 51% |
| Seldom | 4 | 9% |
| Never | - | - |
| **Total** | **43** | **100%** |

Table 14 indicates half of them (51%) sometimes collect sources' personal information. Another 40% often collects while 9% seldom collect.

**Table 15: Frequency of disclosure of collected information in news reports**

| FREQUENCY OF DISCLOSRE OF COLLECTED INFORMATION IN NEWS REPORTS | FREQUENCY | PERCENTAGE |
|---|---|---|
| Very Often | - | - |
| Often | 11 | 26% |
| Sometimes | 27 | 62% |
| Seldom | 5 | 12% |
| Never | - | - |
| **Total** | **43** | **100%** |

When questioned on how often they resort to disclosing their sources' private information 62% "sometimes" did so, while 26% said "often" and 12% answered "seldom". (see Table 15)

**Table 16: Frequency of on / off record caution**

| FREQUENCY OF ON/OFF RECORD CAUTION | FREQUENCY | PERCENTAGE |
|---|---|---|
| Very Often | 12 | 28% |
| Often | 10 | 23% (con't) |

| (con't) | | |
|---|---|---|
| Sometimes | 10 | 23% |
| Seldom | 9 | 21% |
| Never | 2 | 5% |
| **Total** | **43** | **100%** |

When asked how often they inform their sources that what they say is "on the record", 28% gave the caution very often, while 23% of them often do so. Another 23% only warn the sources sometimes, and 21% of them seldom attempt it. Only 5% never inform their sources. (see Table 16)

**Table 17: Frequency of agreement to off the record**

| FREQUENCY OF AGREEMENT TO OFF-THE-RECORD | FREQUENCY | PERCENTAGE |
|---|---|---|
| Very Often | 11 | 26% |
| Often | 15 | 35% |
| Sometimes | 16 | 37% |
| Seldom | 1 | 2% |
| **Total** | **43** | **100%** |

The researcher was interested to find out the extent to which journalists adhere to their sources' request to prevent publication of some private information using "off the record". Table 17 indicates that 61% of journalists agree very often and often to sources request to be off-the-record. However, a

relatively large proportion of journalists (37%) indicated that they sometimes adhere to this request. Only 2% seldom adhere.

**Table 18: Knowledge of laws / codes that regulate privacy**

| KNOWLEDGE ON LAWS / CODES ON PRIVACY | FREQUENCY | PERCENTAGE |
|---|---|---|
| Yes | 9 | 21% |
| No | 34 | 79% |
| **Total** | **43** | **100%** |

The journalists were asked if they know any laws or codes that regulate privacy. Table 18 shows that 79% of the journalists do not know, while only 21% are aware of such laws and codes.

**Table 19: Participation in any training or professional development in the past 12 months**

| PARTICIPATION IN PROFESSIONAL TRAINING FOR THE PAST 12 MONTHS | FREQUENCY | PERCENTAGE |
|---|---|---|
| Yes | 9 | 21% |
| No | 34 | 79% |
| **Total** | **43** | **100%** |

Table 19 shows that only 21% of journalists went for training, namely the pre-entry editorial training scheme. Interestingly, a relatively large proportion of journalists (79%) indicated that they have not participated in any training or professional development in the past 12 months. This indicates that there is little professional development or training once they finish their first year of work in the newsroom.

**Table 20: Publication of news that contain private information**

| PUBLICATION OF PRIVATE INFORMATION | FREQUENCY | PERCENTAGE |
|---|---|---|
| Strongly Agree | 1 | 2% |
| Agree | 15 | 35% |
| Neutral | 9 | 21% |
| Disagree | 12 | 28% |
| Strongly Disagree | 6 | 14% |
| **Total** | **43** | **100%** |

Finally, the researcher asked the journalists whether they agree with the publication of news that contains private information. Table 20 shows that majority of journalists disagreed and strongly disagreed with the publication (42%) while 37% agreed and strongly agreed. One in five (21%) were neutral.

**4.2.3 Prevalence of invasion of privacy in the press**

The final part of the survey findings presents data on journalistic perception of the prevalence of invasion of privacy in the press as well as journalistic accountability.

**Table 21: Reasons for revealing sources' private information**
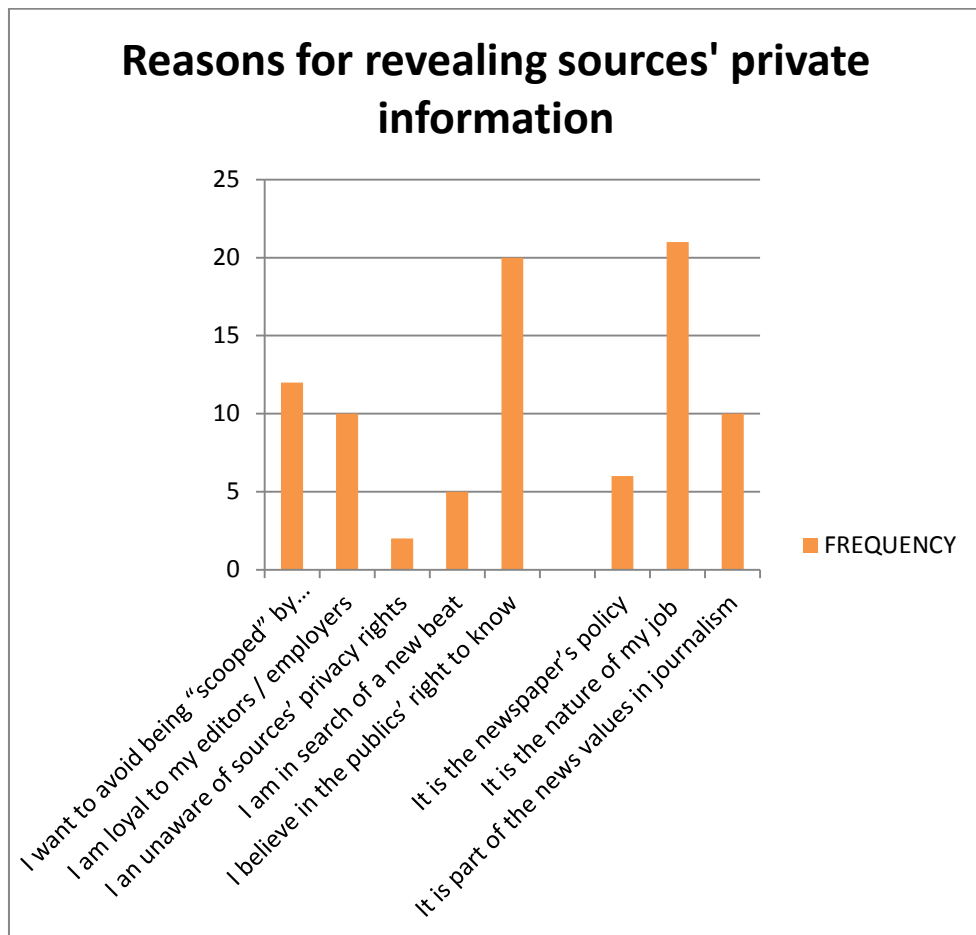


Table 21 indicates that the top two reasons for revealing sources' private information is due to the nature of their job and their belief in the publics' right to know. Twelve respondents stated that they want to avoid being scooped, while a similar number (10) said they revealed sources' private information because they are loyal to their employers or that it is part of the

news values in journalism. Very few journalists reveal private information due to newspaper policy (6) or in search of a new beat (5). Only 2 respondents are unaware of their sources' right to privacy.

**Table 22: Methods used to obtain information**

| METHODS USED TO OBTAIN INFORMATION | FREQUENCY |
|---|---|
| Publishing personal information without sources' permission | 10 (23%) |
| Using long-lens camera | 4 (9%) |
| Eavesdropping on people's conversation | 20 (47%) |
| Audio / video recording without sources permission | 7 (16%) |
| Secretly observing people | 31 (72%) |
| Re-playing recordings of any CCTV | 6 (14%) |
| Searching or ransacking people's houses / offices, etc | - |
| Pretending to be someone else / going undercover to get information | 27 (63%) |
| Others : Ask directly from the source | 1 (2%) |

Table 22 shows that 31 of the respondents gather information through secretly observing people, while another 27 journalists pretend to be someone else or go undercover to get information. Less than half (20) eavesdrop on people's conversation, while 10 would publish information without their

sources' permission. Seven of them would record video or audio without their sources' permission. While six would replay recordings from CCTVs, four use long-lens cameras to spy on others.

**Table 23: Acceptability of acts to obtain information**

| ACCEPTABILITY OF ACTS TO OBTAIN INFORMATION | Always Acceptable | Sometimes Acceptable | Never Acceptable |
|---|---|---|---|
| Publishing personal information without sources permission | - | 19 | 24 (56%) |
| Using long-lens camera | 6 | 31 | 6 (14%) |
| Eavesdropping on people's conversation | 4 | 37 | 2 (5%) |
| Audio / video recording without sources permission | 2 | 23 | 18 (42%) |
| Secretly observing people | 13 | 30 | - |
| Re-playing recordings of any CCTV | 6 | 37 | - |
| Searching or ransacking people's houses / offices, etc | 2 | 19 | 22 (51%) |
| Pretending to be someone else / going undercover to get information | 11 | 29 | 3 (7%) |

Table 23 indicates that most journalists find publishing personal information without sources' permission and ransacking people's premises never acceptable. However, most respondents agree that eavesdropping (37) and re-playing recordings from CCTV (37) are sometimes acceptable. The top two always acceptable acts to obtain personal information are secretly observing people and going undercover.

**Table 24: Frequency of conflict between personal and professional values**

| CONFLICT BETWEEN PERSONAL AND PROFESSIONAL VALUES | FREQUENCY | PERCENTAGE |
|---|---|---|
| Very Often | | |
| Often | 11 | 26% |
| Sometimes | 28 | 65% |
| Seldom | 4 | 9% |
| Never | | |
| **Total** | **43** | **100%** |

Most journalists (65%) sometimes face the conflict while 26% face it often. Only 9% seldom face such conflict.

**Table 25: Notification of purpose of collecting personal information**

| NOTIFICATION OF PURPOSE OF COLLECTING PERSONAL INFORMATION | FREQUENCY | PERCENTAGE |
|---|---|---|
| Before the information is collected | 26 | 60% |
| When the information is being collected | 10 | 23% |
| After the information is collected | 3 | 7% |
| Never | 5 | 12% |
| **Total** | **43** | **100%** |

Table 25 shows that most journalists inform their sources about the purpose before collecting personal information (60%). Only 23% inform their sources while conducting the interview, and 7% inform after the collection. Some 12% never inform their sources.

**Table 26: Methods to deal with unneeded information**

| METHODS TO DEAL WITH UNNEEDED INFORMATION | FREQUENCY | PERCENTAGE |
|---|---|---|
| Throw it away | 14 | 33% |
| Store the information in NST archive | 7 | 15% |
| Save it on a hard drive | 5 | 12% |
| File the information | 14 | 33% |
| Others | 3 | 7% |
| **Total** | **43** | **100%** |

As indicated in Table 26, 33% of respondents either throw away or file the information when they no longer need it. However, 15% stated that they store the information in the NST archives, whereas another 12% save it on a hard drive.

**Table 27: Journalistic Accountability**

| JOURNALISTIC ACCOUNTABILITY | FREQUENCY | % |
|---|---|---|
| General public | 9 | 21% |
| Myself | 21 | 49% |
| Media owners / employers | 12 | 28% |
| Media colleagues | | |
| Advertisers | | |
| Sources | | |
| Regular readers | 1 | 2% |
| Others | | |
| **Total** | **43** | **100%** |

The journalists were asked whom they felt most accountable to. Interestingly, half (49%) of the respondents felt they are firstly responsible to themselves, while 28% felt accountable to their media owners or employers. However, another 21% felt accountable to the general public.

# CHAPTER FIVE

# ANALYSIS

## 5.1 Introduction

As discussed earlier, most respondents were between the ages of 21 and 30. Most were female, with a Bachelor's Degree and a communications background. Most respondents had five years working experience as a journalist.

The results showed that most journalists regard journalism as a profession (see Table 8). The most important aspect of journalism is being able to reach out to people. This finding accords well with previous research done in this field. In particular, various studies have demonstrated that journalism is able to "help in nation-building – creating one nation, one people, out of the different races, worshipping different gods – by informing and educating the public of national policies and issues and inculcating good values in people" (Abu & Siti, 2002).

One of the most interesting debates about the nature of a journalist's job concerns whether the job qualifies as a trade or a profession (Lesley, 2000, 162). If the job of a journalist is considered a trade, it would have characteristics somewhat different from those of a profession. When one thinks of a trade, it would include jobs that offer services in which a formal education is not required. By contrast, a profession may be defined as a job that requires considerable formal educational training. Professionals usually should hold one or more college degrees which 74% of journalists at NST hold (see Table 5). Their work has some routine, but it often requires them to

exercise considerable judgments and to hold themselves to extremely high standards of performance and behavior.

As journalist are indeed considered professionals, they must be trained to think logically, to derive meaning from the facts they gather, to work ethically, to promote truth, and to be persuasive. These sorts of activities require significant formal training and represent work that is far beyond the routine of the trades which is hardly provided to NST journalists (see Table 19). This coincides with Merill and Odell (1983) study of the traits that journalism lacks as a profession: (1) there are no rules for admission to the job (see Table 9); (2) no exclusive body of knowledge that comprises the filed; (3) no mechanism for getting rid of unqualified or unethical practitioners; and (4) no governing body that oversees the work of those in the field.

Throughout the interviews, the informants had varying definitions of privacy. Privacy is defined as anything that a person does within the confines of his home and office and is defined according to one's own values. It is also defined as respecting a person's personal space and based on their responses, it is found that most journalists at NST understand the concept of privacy based on their personal viewpoints, which gives rise to varied and unclear definitions of privacy. It is not surprising giving that most of the journalists do not know about codes and regulations that regulate privacy (see Table 18). Studies have shown that individual journalists may not buy into codes if they had little to do with the creation of the codes or ethics in general, are rarely discussed in the newsroom (Pritchard, 2000; Boeyink, 1994, 1998).

Once they have completed their pre-entry editorial training, they are hardly given any further journalistic training to keep up-to-date with the

profession (see Table 19). Only one informant drew the line between the public and private figures. Although a public personality may get privacy within the confines of his own dwelling or his office, but if they do something which impacts the public domain, then it is no longer considered as private. It was found that since celebrity artiste uses the media and publicity to make money, people may have a right to know what they do in private. On the other hand, when a private figure's activities do not have an impact on the rest of the population, it is thus considered private. The degree of understanding privacy seems to be subjective from one individual to another, depending on cultural and geographical backgrounds.

In relation to this research, private and public figures actions and sayings will be considered private if it is in the confines of their own homes or offices as long as these actions do not have an effect on the public domain. This is so because public figures actions reflect their ability or inability to hold an office or themselves to certain esteem.

## 5.2 The level of awareness of privacy invasion issues among NST journalists

Based on the first research question of what is the level of awareness of invasion of privacy in the Malaysian press and the research objective to determine the level of awareness of invasion of privacy in the Malaysian press, the findings revealed that the level of awareness of invasion of privacy issues among NST journalists seems to be generally quite low. Table 18 shows that 79% are not aware of laws or codes regulating privacy. They also have not participated in any training or professional development in the past 12

months (see Table 19). In the interviews conducted, most editors assume that their journalists are already aware, given that they are from the journalism or communication graduates. Senior journalists are also aware, but maybe they do not use or refer to it to the point that everyone has their own sets of idea on what is privacy. Using the code as the base to act and react may not be suitable for different issues. This may be the reason why 37% of the respondents agree and strongly agree that it is alright to publish news that contains private information (see Table 20). The journalist's awareness on this issue is believed to be passed down from one generation to another. These firm teachings and principles are eastern philosophies that could be cultivated by one's parents, teaching and social settings.

Journalists also sometimes disclose private information collected in their news reports (see Table 14). This corresponds to Abu and Siti's (2002) research which states that the "media is in the business of revealing information rather than concealing information. The media aims to be involved in every aspect of the public and private lives of people through the dissemination of ideas, comments, images and information." They have various justifications for their actions. The journalists also see journalism more as a job (40%) or skill (16%) rather than profession (44%) (see Table 8). Thus it is not surprising that they would choose to reveal information and invade privacy as long as the job gets done. The interviewees also said that their role is to faithfully inform readers.

Based on the pilot test conducted by the researcher, most journalists were not aware of the privacy policies that are outlined in NST. It is clearly

seen that there lies an existing gap between privacy laws and the media practitioners understanding and usage of these laws in their news reporting.

**5.3 Different types of invasion of privacy among Malaysian journalists**

Based on the second research question of what are the different forms of invasion of privacy among NST journalists and the research objective to find out the different types of invasion of privacy among Malaysian journalists, findings revealed that the three main areas that are personal to them are family, banking / financial and health matters (see Table 12). When it comes to issues that can be reported, they choose career development, personality traits, social life and personal arrangements (see Table 13). Family, banking / financial and health matters were ranked low as matters that can be reported in the newspapers. This shows that journalists do have consistent principles that they adhere to, based on their own personal values and judgments, rather than on codes of ethics or newspaper policy.

According to Table 14, NST journalists occasionally collect personal information from sources (51%), while 40% often collect. This shows that most journalists usually do not probe too much into the sources' personal information during newsgathering. However, a large majority (40%) does so, probably because they need to "verify the matter and reveal the information, if needed". This shows that journalists at NST do probe for private information if they feel there is a need for further research to authenticate information. They would sometimes reveal private information (62%) (see Table 15). Apart from that, methods of secretly observing people (72%) and going undercover

(63%) ranked the highest among the methods used in obtaining information (see Table 22). This shows that NST journalists are not that aggressive in invading privacy while pursuing a story.


**5.4 Factors that influence journalists decision making when encountering privacy issues.**

Based on the third research question of what are the factors that influence journalists decision-making when they encounter privacy issues and the research objective to investigate the factors that influence journalist decision-making when encountering privacy issues, findings revealed that if the information is revealed in open court, everything can be published because it is a public forum and is of public interest. If the similar occurs outside court, then the editors and journalists will have to be more circumspect. If the information is strong enough, the editors would attribute the information to "sources" or "witnesses". Some of the interviewees believe that publishing private information is justified only if it saves lives, brings the truth out in the open and serves to empower people. It was justified that they would initially feel sorry for the person, but this situation is unavoidable as they are directed to do what the editors tells them to do.

A large proportion of journalists interviewed admitted to facing conflicts between their personal and professional values. They find ways and means to handle the conflict. Some respondent said that if a journalist is unable to interview a source, he or she should respect and speak to another person. Sometimes they use a pseudonym to protect the source and not put them at risk. It is justified that when one knows what their role is, they tend to

be clear about what is their personal and professional values without being influenced.

According to the journalists that participated in the survey, 72% of them admitted to having secretly observing people, 63% of them go undercover, and 47% of them eavesdrop in the course of reporting. This shows that NST journalists are subtle in their methods used to obtain information (see Table 22). They resort to these methods because they believe in the publics' right to know and due to the nature of their jobs (see Table 21) that can also be justified as "harmless deceptions" (Hanitzsch, 2005).

## 5.5 Journalists Accountability

Based on the fourth research question of who should NST journalist be accountable to on the issue of invasion of privacy and the research objective to find out to whom Malaysian journalists should be accountable to on the issue of invasion of privacy, findings revealed that most journalists felt that they are most accountable to themselves, even before their employers, readers, general public, colleagues, advertisers and sources (see Table 27). This is in line with Erlbaum (2004) who states that the accountability of a journalist depends very much on his or her professional and personal values. This goes back to the journalists' fundamental understanding of privacy. Due to their lack of awareness and knowledge of the concept of privacy, and lack of training from management, they have no guidelines to fall back on as a point of reference. This has caused them to rely on their own principles and values to judge the severity of any given situation in their line of work.

While some felt accountable to themselves, others felt accountable to the public and readers. Only one felt that the main priority is to the newspaper employer, coinciding with Klaidman and Beauchamp (1987) which states that the highest form of accountability of a journalist is to their employer.

In summary, this chapter highlights the analysis of this research based on the research objectives and questions. The first analysis states that generally the level of awareness on the issues of privacy invasion among journalists is generally low. The second analysis confirmed that family, banking / financial and health matters are considered personal to the journalists, which the journalists agreed that it inappropriate to be reported. The third analysis states that journalist's decision making on privacy issues are based on if it is dealing with either a public or private figure, public interest or for the purpose of saving lives.

**CHAPTER SIX**

**CONCLUSION**

**6.1 Introduction**

Media practitioners that range from journalists and editors are formulators and distributors of news. It is through them that the public acquire information. Therefore, as privacy is understood differently through its various definitions, privacy concerns can be triggered in a number of different situations, and for different reasons, causing spiritual, emotional and physical harm.

The understanding of privacy has evolved over the years. It was first defined by Warren and Brandeis in 1860 as the "right to be left alone". In contextualizing privacy, its meaning and understanding varies, making it challenging to define its exact meaning (Kasper, 2005).

Kasper (2005) states that most researches focus on either defining privacy too broadly or specifically which distorts the understanding of the term. He also states that the definitions used are culturally and historically biased that they may not be suitable when it is used in another context.

The prevalence of invasion of privacy in the context of news reporting has been declining as journalists have developed deceptive methods and alternatives to gain private information (Stokkink, 2001). Therefore, Malaysia's Personal Data Protection Act was passed by the Lower House and the Bill will be soon enforced.

In reporting, journalists have to weigh the importance of information and should be able to juggle between adhering to the public's demand for

information and the individual's privacy (Hocking, 1947). When journalists are unable to differentiate these two elements, O'Brien (1981) states that journalists would not be able to be moral actors and would then resort to privacy invasion due to the nature of their jobs or to their accountability to their employers.

Klaidman and Beauchamp (1987) elaborates that journalist has accountability to their employers, subjects, sources and the public. However, accountability depends on a person's professional and personal values (Erlbaum, 2004).

Intensive interviews were conducted among editors and journalists of NST headquarters in Jalan Riong, Bangsar Petaling Jaya over a period of a month. Due to hectic schedule of these journalists, the researcher had to approach journalists who agreed to be interviewed based on appointment and some on voluntary basis. In addition, a mini research was conducted among NST journalists ranging from the news desk, court desk, and the crime desk. The survey included sections on demographics, journalist's levels of awareness of privacy invasion, the prevalence and the different methods of privacy invasion.

## 6.2 Level of awareness of invasion of privacy in the Malaysian press

This research shows that the level of awareness of invasion of privacy issues among NST journalists is very minimal. As the concept of privacy is subjective and hard to define, each individual NST journalist defines privacy based on his or her own values. Besides, the editorial team, comprising of editors and sub-editors, assume that journalists know about these ethical

issues. Therefore, codes of journalistic ethics and guidelines are not provided during induction or emphasized during the course of the work. As a result, journalists have to fall back on their own values and principles when it comes to dealing with privacy issues.

According to Immanuel Kant, man is sovereign. Therefore, they are able to make their own decisions. If privacy is based on one's own values, therefore this applies to Immanuel Kant's idea of man being individualistic, perceiving values for himself as means to an end. Nevertheless, based on an eastern ethical philosophy, man should adapt to his or her circumstances or surroundings and therefore journalists here should consider the other person's values, privacy and respect.

## 6.3 Different types of invasion of privacy among Malaysian journalists

The findings also show that the methods used by journalist to gain information are considered subtle, which do not incur any forms of aggression. This is usually done as part of the nature of their jobs or due to the journalist's desires to adhere to the publics' right to know.

According to John Rawls, behind the veil of ignorance, society is looked at in a neutral manner. As roles could be reverse, therefore, to a certain extent, these journalists do not use extreme measures in gathering information. Based on an eastern viewpoint, journalists must have the responsibility to respect their sources culture, religion and individual freedom.

## 6.4 Factors that influence journalists decision-making when encountering privacy issues

The other finding in this study is that these journalists often face a conflict between their personal values and professional values due to the demands of their jobs. Nevertheless, they find a way to justify that conflict by distinguishing between public and private figures, or giving emphasis on saving lives or public's right to know.

Over the ranges of defining privacy, the findings of this research show that NST journalists pinned down privacy into four different ways. NST journalists manage to pin down invasion of privacy through the distinction of private and public figures and the disclosure of information in a public forum or in court. Journalists justify their disclosure of private information for the purpose of saving lives and public interest.

According to Immanuel Kant, one has to treat another as how they would like to be treated. Journalists here do not give differential treatment to sources as they too would not like their personal information to be invaded and published.

On the other hand, Aristotle mentions about adhering to the mean in decision making. As individuals has the means of deliberating, journalists have a choice to look at resorting to the two extremes of a dilemma or decision. Based on the eastern ethical philosophy, man was given the freedom to choose, and with that character capacity, journalists chose to treat their sources like how they would like to be treated.

### 6.5 Journalists Accountability

Most journalists at NST do face conflicts between their personal and professional values. Most of them felt accountable to themselves because their fundamental understanding of privacy was based on their own values and principles. Apart from that, they also lack professional training from management, who assumes they are aware of codes of ethics as guidelines.

Editors and journalists may not be fully aware of the privacy policies that are enacted by the newspaper organization and may disregard to practice their values and judgment a situation. Therefore, this study is to review the journalist's privacy literature, awareness and its understanding while reporting. This research is also to highlight the justification of journalists in their acts of privacy invasion (Research Question 3) and the methods used to gain private information (Research Question 2) tabled on page 110. Finally, it is to identify the accountability of journalists in their acts of privacy invasion.

According to Immanuel Kant, as everyone is sovereign, man is able to dictate their own moral laws, and not adhere to general laws and guidelines. Having the ability to make rational decision through their conscious and instincts, somehow these journalists would arrive at the common moral law, which coincides with the eastern philosophy which instills the notion that every action of a man is based on one's quality of life.

## 6.6 Summary of Research Findings

| Research Question | Research Objective | Research Findings |
|---|---|---|
| What is the level of awareness of invasion of privacy issue among NST journalists? | To determine the level of awareness of invasion of privacy in the Malaysian press | The level of awareness of invasion of privacy issues among NST journalists are generally minimal |
| What are the different forms of invasion of privacy among NST journalists? | To find out the different types of invasion of privacy among Malaysian journalists | Journalists use the methods of secretly observing people and going undercover. They are subtle ways which does not involve aggression |
| What are the factors that influence journalist's decision-making when they encounter privacy issues? | To investigate the factors that influence journalists decision-making when encountering privacy issues | Journalists decision-making is based on four elements : private figure, public figures, public interest, or saving lives |
| Who should NST journalists be accountable to on the issue of invasion of privacy? | To find out to whom Malaysian journalists should be accountable t0 on the issue of invasion of privacy | Journalists are accountable to themselves |

## 6.7 Limitations of the study

This research contains a few limitations. The researcher faced the challenge of conducting interviews among editors and journalists in NST. Due

to their tight schedule, most of them were unwilling to be interviewed. Therefore, the researcher had to make countless appointments and approach those who were willing to be interviewed in a short interview time-span and according to the journalists' timelines. This similar situation also occurred during the distribution of the survey questionnaires. The researcher had to go on different interval, in the course of a month, to collect the surveys. From the stipulated amount, only 43 valid survey questionnaires were received. Due to this, the amount of respondents was not significant to represent the whole population of NST journalists and editors. Apart from that, there were also limited studies done on invasion of privacy and journalists accountability in Malaysia.

## 6.8 Recommendations

The possible further extensions of the research could encompass areas such as the procedures of decision-making that journalists should go through in order to reveal or conceal a source's private information. Therefore, journalists have to balance between the demands of the public versus the individual's privacy.

The suggestion for further research could also incorporate a comparative study on the various language newspapers on the issue of privacy invasion. This would further enrich the research and its results could represent the whole population of editors and journalists in Malaysia.

In conclusion, the responsibilities of journalists are to inform, educate, remind, reinforce, entertain and enlighten their constituencies. Therefore, these

journalists should firstly come to terms with their roles by being provided a platform for reference in issues of journalism ethics, namely invasion of privacy issues. The factors that influence the decision-making of journalists when encountering privacy issues is justified to the four elements of private and public figures, disclosure of information in a public forum, the disclosure of information for the purpose of saving lives and public interest.

Therefore, in this research ethical decision making is seen as vital in assisting journalists make good moral reasoning, weighting the consequences of their actions and falling back on their eastern values learnt throughout the course of their religious and cultural setting.

# REFERENCES

Abu, B. N. & Siti, M. Y. (2002). *Privacy and data collection.* Thomson Asia Ptd Ltd, Petaling Jaya.

Abdullah, A. (1996). *Going glocal : Cultural dimensions in Malaysian management.* Kuala Lumpur, Malaysia : Malaysian Institute of Management

Alderman, E., & Kennedy, C., (1995). *The right to privacy.* New York : Vintage Books.

Allen, D. (1990). *Media Accountability Systems of American Women.* Retrieved September 23, 2010, from, http://www.wipf.org/

Arismunandar, S. (2002). *Dicari, pers yang berpihak dan prorakyat: Tanggapan untul Agus Sudibyo dan Solahudin.* Kompas, p 4-5

Australian Privacy Charter Group, (1994). *The Australian Charter.* University of New South Wales Law School

Benn, S.I., & Gaus, G.F. (1983). *Public and Private in Social Life.* New York: St. Martin's Press

Berendt, B. (2010). *More than modeling and hiding: towards a comprehensive view of web mining and privacy.* Data Mining and Knowledge Discovery.

Bloustein, E. J. (2004). *Individual and Groups Privacy.* Transaction Publishers. United States

Boeyink, D. (1994). *How effective are codes of ethics? A look at three newsrooms.* Journalism Quarterly, 71. pp 893-904

Boeyink, D. (1998). *Codes and culture at the Courier-Journal : Complexity in ethical decision making.* Journal of Mass Media Ethics, 13. pp 165-182

Bogdan, R. & Biklen, S. K. (2007). *Qualitative research for education.* Pearson. p. 4

Botkin, J. R. (2001). *Protecting the privacy of Family Members in Survey and Pedigree Research.* Health Law and Ethics. 285(2). p. 207-211

Brandeis, L. (2005). *Brandeis on Democracy.* Phillipa Strum : University Press of Kansas

Branthwaite, A. & Patterson, S. (2011). *The power of qualitative research.* International Journal. 14(4). pp 430-440

Budiyanto, R., & Mabroer, M. S. (2000). *Kesejahteraan jurnalis antara mitos dan kenyataan : Potret social ekonomi jurnalis Jawa Timur.* Surabaya: AJI

Buttny, R. (1993). *Social Accountability in Communications.* London: Sage Publications

Callahan, S. (2003). *New Challenges of Globalization of Journalism.* Journal of Mass Media Ethics. 18(1), pp 3-15

Christians, C. G., Rotzoll, K. B., & Fackler, M. (1991). *Media Ethics: Cases and Moral Reasoning.* New York: Longman

Cowls, M. (1980). *Statistics in Psychology – A historical perspective.* Hillsdale, NJ: Lawrence Erlbaum

Cronbach, L. J. & Meehl, P. E. (1955). *Construct validity in psychological tests.* Psychological Bulletin. 52, p. 281-302

DeFleur, M. & Ball-Rokeach, S. (1989). *Theories of Mass Communication.* New York: Longman

Denzin, N. K. & Lincoln, Y. S. (2005). *The Sage Handbook of Qualitative Research.* (2nd ed.). Sage Publications. Thousand Oaks, California

Edel, A. (1982). *Aristotle and His Philosophy.* University of North Carolina Press. Chapel Hill. p 16

Eisy, M. D. (2007). *Role of Mass Media and Freedom of the press in Indonesian society.* Dean Pers. Indonesia

Elliot, D. & Soifer, E. (2010). *Privacy and Intimacy.* The Journal of Value Inquiry. 44(4). p. 489-497

Eriotis, N., Vasiliou, D. & Zisis, V. (2004). *The asymmetric timeliness in the reporting of Good and bad news of firms that trade in the Athens Stock Exchange.* European Research Studies, (7) 3 pp 103-127

Eriyanto (2002). *Buruk amplop, fasilitas diubah : survey terhadap 240 wartawan Jakarta dan bagaimana mereka memandang suap atau sogokan?* Pantau 2002(4), pp 38-43

Erlandson, D. A., Harris, E. L., Skipper, B. L., & Allen, S. D. (1993). *Doing naturalistic inquiry: a guide to methods.* Newbury Park, CA: Sage

Erlbaum, L. (2004). The Public's Right to Know : A Dangerous Notion, *Journal of Mass Media Ethics, (19)1, 46-55.*

Ess, C. (2005). *Lost in transition? Intercultural Dialogues on Privacy and Information Ethics.* Ethics and Information Technology. 7(1). p. 1-6

Feibleman J.K.(1976). *Understanding Oriental Philosophy.* New York:Horizon Press

Fink, A. & Kosecoff, J (2006). *How to conduct surveys.* Sage Publications. p.23

Flaherty, D. H. (1989). *Protecting Privacy in Surveillance Societies.* The University of North Carolina Press. p. 21

Frey, L. R., Botan, C. H., & Kreps, G. L. (2000). *Investing Communication An Introduction to Research Methods.* Needham Heights, MA. (2$^{nd}$ ed). Allen & Unwin

Garcelon. M. (2005). *The Shadow of the of the Leviathan : Public and Private in Communist And Post-Communist Society.* Chicago. University of Chicago Press. pp. 303-332

Gauthier, R. A. (1967). *On the Nature of Aristotle's Ethics.* Aristotle's Ethics : Issues and Interpretations. Belmont CA: Wadsworth. p14

Gavison, R. 1980. *Privacy and the limits of law.* YALE LJ, 421, 428

Gellman, R. (1997). *Does privacy law work? ,* The New Landscape. New York.

Gibbons, T. (1991). *Regulating the Media.* London: Sweet and Maxwell

Gilman, M. E (2008). *Welfare, Privacy and Feminism.* University of Baltimore. 39(1). p. 25

Glenn, R. A. (2003). *The Right To Privacy : Rights and Liberties Under the Law.* Santa Barbara, CA : ABC-CLIO

Glesne, C., & Peshkin, P. (1992). *Becoming qualitative researches: An introduction.* New York, NY: Longman.

Golafshani, N. (2003). *Understanding Reliability and Validity in Qualitative Research.* University of Toronto. 8(4). p. 597

Greenberg, S. & Kuzuoka, H. (1999). *Using Digital but Physical Surrogates to Mediate Awareness, Communication and Privacy in Media Spaces.* Personal Technologies. 3(4). p. 182-198

Guba, E. G. (1990). *The alternative paradigm dialogue.* Newbury Park, CA: Sage

Hamlim, B. (1992). *Owners, Editors and Journalists*. Journal in Ethical Issues in Journalism And Media. London: Routledge. pp. 33-48

Hanitzsch, T. (2005). Journalists in Indonesia : educated but timid watchdogs. *Journalism Studies, 6 (4), 493-508.*

Hocking, W. (1947). *Freedom of the Press : A framework of principle.* Chicago : University of Chicago Press.

Hofstede, G (2001). *Culture and Organization.* London: McGraw-Hill

Hutchinson, D. S. (1995). *Ethics.* The Cambridge Companion to Aristotle. Cambridge : Cambridge University Press. p197

Johnson, S. D. (1995, Spring). Will our research hold up under scrutiny? *Journal of Industrial Teacher Education*, 32(3), 3-6.

Kasper, D. (2005). The Evolution (or Devolution of Privacy). *Sociological Forum, 20(1), 69-92.*

Kerlinger, F. N. (1973). *Foundations of Behavioral research.* (2nd ed.). New York: Holt, Rinehart and Winston

Kieran, M., & Belsey, A., (2002). *Media ethics – Journalism and ethics, Can they co-exist?.* Routledge.

Klaidman, S., & Beauchamp, T. L. (1987). *The Virtuous Journalist*. New York: Oxford University Press

Langmaid, R. (2010). *Co-creating the future,* International Journal of Marketing Research, Vol (52), pp. 131-135

Lee, W. & Tse, D.K. (1994), *Changing media consumption in a new home: Acculturation Patterns among Hong Kong immigrants to Canada.* Journal of Advertising, 23(1). pp 57-70

Lesley, H. (2000). *Media Law: Cases Materials.* Harlow, Longman

Lyon, D. & Zureik, E. (1996). *Surveillance, computers and privacy.* University of Minnesota Press. p. 16

Marcella, A. J. & Stucki, C. (2003). *Guidelines, Exposure, Policy Implementation and International Issues.* Hoboken, NJ : Wiley

Mathison, S. (1988). Why triangulate? *Educational Researcher, 17*(2), 13-17.

Merriam, S. B. (1998). *Qualitative research and the case study applications in education.* San Francisco: Jossey-Bass

Merill, J. C & Odell, S. J. (1983). *Philosophy and Journalism.* New York: Longman. p 119

Muhammad Abul Quasem. 1978. *The ethics of Al-Ghazali: A composite ethics in Islam.* New York: Caravan Books.

Murphy, D. E. (2002). *As Security Camera Sprout, Someone's Always Watching.* New York Times, Sept 29

Murthy, D.V.R (2007). *Question of Public Accountability of the Media: An Analysis of Journalists' Perceptions.* Kanishka Publishiners Distributors. Andhra University.

Newton, L. HH., Hodges, L., Keith, S., (2004). *Accountability in the Professions: Accountability in Journalism.* Journal of Mass Media Ethics. 19(3&4), pp 166-190

O'Brien, D. (1981). *The public's right to know : The Supreme Court and the First Amendment.*New York : Preager.

Patton, M. Q. (2002). *Qualitative evaluation and research methods* (3rd ed.). Thousand Oaks, CA: Sage Publications, Inc.

Plaisance, P. L. (2000). *The Concept of Media Accountability Reconsidered.* Journal of Mass Media Ethics. 15(4). pp. 257-268

Potter, W. J. (1996). *An analysis of thinking and research about qualitative methods.* Mahwah, New Jersey: Lawrence Erlbaum

Pritchard, D. (2000). *The Process of Media Accountability.* University Press. Indianapolis, India

Romano, A. (2003). *Politic and the Press in Indonesia: understanding an evolving political culture.* London, Routledge Curzon

Rao, R. (2000). *Property, Privacy and the Human Body.* 80 BU. p. 359

Rosen, J. (2000). *The Unwanted Gaze : The Destruction of Privacy in America.* New York : Random House

Roy Morgan Research (2001). *Privacy and the Community.* Office of the Federal Privacy Commissioner. Sussex Street, Sydney. pp 1-45

Schoeman, F. (1992). *Privacy and Social Freedom.* Cambridge University Press

Schwartz, P. M. (2004). *Property, Privacy and Personal Data.* 117 Harv, L. p. 2056

Shahrum, S.(2008, January 6). Najib : Privacy laws adequate. *New Straits Times,* p.2.

Sharan, B. M. & Mazanah, M. (2000). *How Cultural Values Shape Learning in Older Adulthood : The Case of Malaysia.* American Association for Adult and Continuing Education. 51 (1). pp 45-63

Smith, J. A. (1950). *Introduction.* The Ethics of Aristotle. New York : Dutton. p17

Sonia, R. (2008, January 13). Decade-long wait for protection. *New Straits Times,* p.10.

Stokkink, T. (2001). *Basic elements of journalism.* Utusan Publication & Distributors, Petaling Jaya.

Sutter, D. (2001). *The Social costs of media feeding frenzies.* International Journal of Social Economics. MCB University Press. (28) 9. pp 742-751

Thiriux, J. P & Krasemann, K. W (2009). *Ethics – Theory and Practice.* New Jersey. (10th ed). Prentice Hall, p 378

Tong, D.(2003). *A Biblical Approach to Chinese Traditions and Beliefs.* Singapore: Genesis Books.

Tsang, D. C. (2000). *The alternative media : open sources on what's real.* The International Journal on Grey Literature. MCB University Press. (1) 2. pp 61-63

Van Maneen, J. (1983). *Reclaiming qualitative methods for organizational research.* Newbury Park, CA: Sage. p 9-18

Vaus, D. A. (2002). *Surveys in Social Research.* Crows Nest, Australia. (5th ed). Allen & Unwin

Warren, S. D. & Brandeis, S. A. (1890). *The Right to Privacy.* Quid Pro Law Books.

Weaver, D. H. & Wilhoit, G. C. (1996). *The American Journalist in the 1990s : US News People at the end of an Era.* Lawrence Erlbaum Asoociates, new Jersey.

Weinstein, K. (1996). *Information Overload: Permission to not know?.* Career Development International. MCB University Press. 1(4). pp 29-32

Wilkins, L. (2011). *Negotiating between Freedom and Responsibility.* Journalism's Moral Sentiments. 12(6). p. 804-815

Wilson, S., Faridah, Ibrahim, Latifah, Pawanteh, & Mus Chairil, (2011). *West meets East:Analysis of reporters' ethical decision making process.* Universiti Kebangsaan Malaysia. Equitorial Hotel Bangi.

Wimmer, R. D., & Dominick, J. R. (2006). *Mass Media Research.* Belmont, USA. (8th ed). Thomson Wadsworth

Winter, G. (2000). A comparative discussion of the notion of validity in qualitative and quantitative research. *The Qualitative Report*, *4*(3&4). Retrieved January 25, 2012, from http://www.nova.edu/ssss/QR/QR4-3/winter.html

Zerman, D. (1995). *Crisis Communication: Managing the mass media*. Information Management & Computer Security. MCB University Press Limited. (3) 5. pp 25-28

# APPENDIX 1

## Email interview with Associate Professor Dr Mus Chairil

---

Subject:Re: Seeking confirmation on privacy issues in Malaysia

From:   Mus Chairil b Samani (smchairil@fss.unimas.my)

To:      marilyncheryl@yahoo.com;

Date:    Monday, February 13, 2012 8:57 AM


Dear Marilyn,

There may be studies done but if you are asking whether there is a central repository that records all these research, I am afraid there is none. You will need to visit all the libraries of universities offering journalism studies to obtain an overall picture of the whole research scenario.

As far as my knowledge goes there are not many research being done in this area. My wider research area is journalism ethics and while doing so I have touch on the subject matter of privacy. I and Assoc. Prof. Dr Faridah Ibrahim co-edited a book on "Diskusi Etika Kewartawanan". You may want to read on this. You can get in touch with her at fbi@ukm.my. The UKM's central library has a copy of the said book.

Hope this help. Good luck.

Assoc. Prof. Dr Mus Chairil Samani
Head
Department of Communication
Faculty of Social Sciences
Universiti Malaysia Sarawak
94300 Kota Samarahan
082 581000 Ext 2742 (o)

From:   marilyn cheryl gerard <marilyncheryl@yahoo.com>
To:   "smchairil@fss.unimas.my" <smchairil@fss.unimas.my>
Date:   02/13/2012 08:48 AM
Subject:   Seeking confirmation on privacy issues in Malaysia


Dear Prof Mus Chairil,

A good day to you!!!

My name is Marilyn Gerard and I'm currently pursuing my Master in Communication at UTAR. I'm working on my thesis entitled "Invasion of Privacy in the Malaysian Press : A Case Study on the New Straits Times Press (NSTP)".

I am about to complete my thesis and will be submitting my final work by next week. Therefore, I would like to ask for your confirmation on a few issues on privacy.

I am assuming that there are limited studies done on privacy and journalists accountability in Malaysia. Could you kindly confirm that? If not, could you kindly provide me a platform to some scholars who have studied in this area. Besides that, what are some of the problems with the existing privacy literatures?

Thanking you in advance. Looking forward to hearing from you.

Regards,
Marilyn Gerard

## Interview Questions

1. What is the role of a journalist?
2. Why did you become a journalist?
3. Which aspect of journalism is important to you?
4. What do you understand by the concept of privacy?
5. Do you believe that everyone should have a certain degree of privacy? Why?
6. As a journalist, have you ever encountered situations where an individual's privacy was affected by your actions? How often does this occur? How did you feel? Did you think that your actions were necessary? Why?
7. Have your colleagues encountered situations where an individual's privacy was affected by their actions? How did they feel? Did they think that their actions were necessary? Why?
8. When you conduct interviews, do you explain to your interviewees that what they say is on the record and it will appear in the newspapers?
9. When you and your colleagues encountered these situations, did you consult anyone / get their advice before taking actions? Or did you act based on your own instinct / gut reaction?
10. Looking back at the situation, do you think you made the right decision? Was your decision justified? Or would you have done it differently? Why?
11. Do you think that the National Union of Journalists (NUJ) code of ethics would have been helpful in the situation? Do you think an ethical code / policy on privacy in your company would be useful?
12. Does your company have such a policy? Have your editors / supervisors ever discussed the issues relating to privacy with you? Have you ever received any complaints on the issues of invasion of privacy?
13. Do you think that journalists are justified in publishing information that affects an individual's privacy? Why? And in what circumstances?
14. On the issue of privacy, do you find your personal values conflicting with your professional values? How often does it occur? Why?
15. As a journalist, who do you feel most accountable / responsible to?
16. On the issue of privacy, do you think your personal views are more important than the codes / principles/ editor's opinions/ public views? Why?

**Survey Questionnaire**



**FACULTY OF CREATIVE INDUSTRIES**

**MASTER OF COMMUNICATIONS**

**Title of Research:**

**Invasion of Privacy in the Malaysian Press: A Case study on the New Straits Times**

Dear respondent,

The aim of this research is to determine the prevalence of invasion of privacy in the Malaysian press. It seeks to find out how common invasion of privacy is among Malaysian journalists and whom should journalists be accountable to. Rest assured that all responses are confidential and for academic purposes only. Thank you for your kind participation.

Marilyn Gerard

marilyncheryl@yahoo.com

012-3748371

**SECTION A : Demographics**

Please choose (√) the most correct answer

1. What is your age?

☐ < 21   ☐ 21 – 30   ☐ 31 – 40   ☐ 41 -50   ☐ 51 – 60   ☐ > 60

2. What is your gender?

☐ Male   ☐ Female

3. What is your ethnicity?

☐ Malay   ☐ Chinese   ☐ Indian   ☐ Others (please state): _____

4. What is your marital status?

☐ Married   ☐ Single   ☐ Divorced

5. What is your highest level of education?

☐ PMR   ☐ SPM   ☐ Pre – U   ☐ Certificate   ☐ Diploma

☐ Bachelor   ☐ Masters   ☐ PhD   ☐ Others (please state): _____

6. What was your field of study before joining the journalism profession?

☐ Journalism ☐ Communication    ☐ Arts       ☐ Economic / Commerce

☐ Science    ☐ Others (please state): _____

7. How long have you been a journalist?

☐ < 1 year              ☐ 1 year – 5 years        ☐ 6 years – 10 years

☐ 11 years - 15 years ☐ 16 years – 20 years      ☐ > 20 years

**SECTION B**

Please choose (√) only **ONE** answer unless specified otherwise

1. What would be your best word to describe journalism?

☐ Profession       ☐ Skill      ☐ Job      ☐ Don't know

☐ Others (please state): _____

2. What is your MAIN reason for becoming a journalist?

☐ I am good at writing

☐ Journalism is interesting and exciting

☐ I am interested in news and current affairs

☐ I entered journalism by accident

☐ Journalism suits my attitude and character

☐ Some of my family members and friends are journalists

☐ I want to contribute and serve the public

☐ Others (please state): _____

3. Which aspect of journalism is MOST important to you?


☐ Being able to write

☐ Being given a chance to develop a specialty or a beat

☐ Being able to reach out to a lot of people

☐ Being able to climb up the corporate ladder

☐ Being able to help people and society

☐ Journalism provides me job security

☐ Journalism provides me with good pay

☐ The newspaper's editorial policies are in line with my principles

☐ The newspaper provides me freedom and autonomy

☐ Being given fringe benefits (eg: free trips, gifts, movies tickets, etc)

☐ Others (please state): _____


4. Approximately how many stories do you produce in a week?

☐ 1 - 5        ☐ 6 – 10       ☐ 11 – 15    ☐ 16 – 20    ☐ > 20

5. The following consists of a list of issues that are private and personal to most individuals. From your personal perspective, which are important to you in relations to privacy? (You can choose more than one answer).

☐ Family matters

☐ Banking / financial matters

☐ Career development

☐ Personality traits (eg: behavior and attitudes)

☐ Health matters

☐ Marital status and history

☐ Social life (eg: meeting friends and family)

☐ Employment history

☐ Personal arrangements (eg: trips and events)

☐ Others (please state): _____

6. As a journalist, what are the issues that you think **can** be reported in the newspapers? (You can choose more than one answer).

☐ Family matters

☐ Banking / financial matters

☐ Career development

☐ Personality traits (eg: behavior and attitudes)

☐ Health matters

☐ Marital status and history

☐ Social life (eg: meeting friends and family)

☐ Employment history

☐ Personal arrangements (eg: trips and events)

☐ Others (please state): _____

7. As a journalist, how often do you collect personal information about your sources?

☐ Very often ☐ Often ☐ Sometimes ☐ Seldom ☐ Never

8. How often do you disclose the information that you have collected in your news reports?

☐ Very often ☐ Often ☐ Sometimes ☐ Seldom ☐ Never

9. When you interview sources, how often do you tell them that the interview is on the record and what they say may end up in the newspapers?

☐ Very often ☐ Often    ☐ Sometimes ☐ Seldom    ☐ Never

10. When sources request for the interview to be off the record, how often do you agree to their request?

☐ Very often ☐ Often    ☐ Sometimes ☐ Seldom    ☐ Never

11. Do you know if there are any laws / codes that regulate privacy?

☐ Yes (Please state): _____    ☐ No

12. In the past 12 months, have you participated in any training or professional development?

☐ Yes (Please state): _____    ☐ No

13. Do you agree that it is alright to publish news that contains information that is private?

☐ Strongly agree    ☐ Agree    ☐ Neutral

☐ Disagree    ☐ Strongly disagree

**SECTION C**

1. As a journalist, what are the reasons you reveal sources private information?

   (You can choose more than one)

☐ I want to avoid being "scooped" by competitors

☐ I am loyal to my editors / employers

☐ I am unaware of sources' privacy rights

☐ I am in search of a new beat

☐ I believe in the public's right to know

☐ It is the newspaper's policy

☐ It is the nature of my job

☐ It is part of the news values of journalism

☐ Others (please state): _____

2. What are the methods that you have used to obtain information? (You can choose more than one answer).

☐ Publishing personal information without sources' permission

☐ Using of long-lens camera

☐ Eavesdropping on people's conversations

☐ Audio / video recording without sources permission

☐ Secretly observing people

☐ Re-playing recordings of any CCTV

☐ Searching or ransacking people's houses / offices / etc

☐ Pretending to be someone else / going undercover to get information

☐ Others (please state): _____


3. The following are acts that journalists' use to obtain information. In your opinion, how acceptable are they?

|  | Always Acceptable | Sometimes Acceptable | Never Acceptable |
|---|---|---|---|
| Publishing personal information without sources permission | ☐ | ☐ | ☐ |
| Using of long-lens camera | ☐ | ☐ | ☐ |
| Eavesdropping on people's conversations | ☐ | ☐ | ☐ |
| Audio / video recording without sources permission | ☐ | ☐ | ☐ |
| Secretly observing people | ☐ | ☐ | ☐ |
| Re-playing recordings of any CCTV | ☐ | ☐ | ☐ |

Searching or ransacking people's     ☐      ☐      ☐

houses/offices/etc

Pretending to be someone else /     ☐      ☐      ☐

going undercover to get information

4. How often do you find your personal values conflicting with your professional journalistic values?

☐ Very often   ☐ Often     ☐ Sometimes ☐Seldom    ☐ Never

5. When you collect personal information from your sources, when do you notify them of your purpose?

☐ Before the information is collected

☐ When the information is being collected

☐ After the information is collected

☐ Never

6. When you no longer need the information for your news story, what do you do with it?

☐ Throw it away (eg: tear or shred the information)

☐ Store the information in NST archives

☐ Save it on a hard drive (eg: thumb drive)

☐ File the information

☐ Others (please state): _____

7. As a journalist, whom do you think you are responsible to? Rank the parties to whom you feel responsible to from (1) being the most responsible to (8) being the least responsible.

☐General public

☐ Myself (own conscience)

☐ Media owners / Employers

☐ Media colleagues

☐ Advertisers

☐ Sources

☐ Regular readers

☐ Others (please state):_____

**-  THANK YOU  -**