

# Protect whistleblowers

A report from the Commons health select committee highlights the appalling treatment of NHS employees who have exposed poor standards of care in the health service. The disclosure of such shortcomings is encouraged in the interests of patient safety; and yet whistleblowers have been subjected to “unwarranted and inexcusable pain” for doing so, sometimes facing the sack or ostracism.

Public-spirited people who seek to draw attention to illegal activity or maladministration, but who get nowhere by going through official channels, often tell their story to a newspaper instead. Given the risks that they run, their identities are kept confidential. Few journalists would willingly identify a source, even if the consequences for themselves were serious. It is, therefore, unacceptable for the police to gain access to the phone records of reporters to discover who they have been talking to without first going to court. Yet this is what is happening. On several occasions, the police have used the Regulation of Investigatory Powers Act (Ripa) to uncover and pursue sources.

Theresa May, the Home Secretary, promised to stop this practice by issuing new draft guidelines on the use of Ripa; yet these state that the police can continue to view journalists' phone records, provided they give “special consideration” to the “proportionality” of doing so. This is not good enough. The details of people who have come to a newspaper in good faith – and often after no one else in authority has listened to them – are privileged information and should be treated as confidential. If the police have a serious enough case to warrant disclosure, they should make it before a judge, and not use the snooping powers of Ripa to circumvent what in any free country should be a proper judicial procedure. Mrs May needs to listen less to the protestations of the police and think again.

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