



2020-79: Andres vs Niagara This Week

January 20, 2021 – *for immediate release*

The National NewsMedia Council has dismissed a complaint that a September 18, 2020 article “On a Quest, bringing health care to migrant farm workers” published by Niagara This Week violated privacy by publishing a farm worker’s personal and medical information without his informed consent.

Complainant Kit Andres, who refers clients to the organization featured in the article, said the article violated privacy by reporting an interview subject did not take his medication for high blood pressure, that he requested a prescription refill, and admitted to drinking beer.

In correspondence with the news organization, the complainant alleged the reporter’s visit was made without prior informed consent, that the article perpetuated stereotypes about Black migrant farm workers, and that it could result in immigration penalties or employment repercussions for workers who have little legal protection. In subsequent correspondence the complainant alleged the interviewee was “extremely upset” about the published information and that the employer subsequently banned the clinic from visiting workers on his property.

Niagara This Week rejected the allegation of violating privacy, and noted that the information about adhering to and securing medication was a small part of the story. The overall thrust of the article was to look at the challenges in providing health services to precarious workers living on site, especially during a pandemic.

It said the subject consented to the interview and that consent was verified at the end of the interview. The news organization pointed to another subject who declined to be interviewed as evidence that it respected that choice.

The news organization said it has previously reported on migrant workers, and for that reason is selective about sources, aware of the many sensitivities involved, and arranged the site visit through the health care agency with advance notice.

In reviewing the article and submissions, the NNC supported the news organization’s evidence of consent, including the fact that another person declined to be interviewed, the reporter was seen taking notes and recordings, consent was discussed at different points in the interview, a Spanish speaker was available, and the assignment was pre-arranged with an organization that strives to provide positive support for migrant workers.

As general information, it is not a de facto breach of journalistic standards or violation of privacy to report health and personal information. That information can be volunteered for publication or reported with consent. Journalistic discretion is used in making careful decisions about protecting individual privacy and providing information that gives context to a story of public importance.

The NNC has previously taken the view that reporting common-place conditions such as high blood pressure may not rise to a violation of medical privacy. Likewise, admission of a common behaviour such as drinking beer may not rise to the level of violating personal or medical information.

The allegation that the article perpetuated stereotypes was offered without evidence, and for that reason Council dismissed this part of the complaint.

Remorse on the part of the source is unfortunate, but not in itself indicative of a breach of journalistic standards. The reported reaction of employer in banning the medical service is indeed unfortunate. However, such a decision by the employer can be viewed as an illustration of the point of the article: that medical service is difficult to provide to migrant farm workers.

For the above reasons, the NewsMedia Council found no breach of journalistic standards and dismissed the complaint.