

Draft

## Frequently Asked Questions (FAQs)

### **FAQ 2 - Journalistic Exceptions**

**Q:** *Given U.S. constitutional protections for freedom of the press and the Directive's exemption for journalistic material, do the safe harbor principles apply to personal information gathered, maintained, or disseminated for journalistic purposes?*

**A:** **Where the rights of a free press embodied in the First Amendment of the United States Constitution intersect with privacy protection interests, the First Amendment must govern the balancing of these interests with regard to the activities of U.S. persons or organizations. Personal information that is gathered for publication, broadcast, or other forms of public communication of journalistic material, whether used or not, as well as information found in previously published material disseminated from media archives, is not subject to the requirements of the safe harbor principles.**