

# NORTH CAROLINA

## GENERAL STATUTE 8-53.11: Reporter Shield Law

North Carolina's "reporter's privilege" or "shield law" is codified at N.C. Gen. Stat. § 8-53.11. The shield law became effective October 1, 1999, and applies to information or documents prepared while acting as a journalist on or after that date. In summary, the shield law grants journalists a broad but qualified privilege against disclosure of newsgathering information. The protection extends to virtually everyone connected with the publication or distribution of news information, including, but not limited to, reporters, photographers, stringers, and freelance reporters. **All newsgathering activity is protected, so long as the activity is related to the business of publication or distribution of news via print, broadcast, or other electronic means.** In addition, the statute protects all newsgathering information, regardless of whether the information is confidential or non-confidential. Finally, the protection extends to all legal proceedings, including criminal, civil, grand jury and quasi-judicial (i.e., administrative) proceedings.

### **JOURNALIST: Definition**

The North Carolina shield law uses the term "journalist" rather than "reporter," but it offers a broad definition, calling **any person who is engaged in the business of gathering, compiling, writing, editing, photographing, recording, or processing information for dissemination via any news medium** a "journalist." N.C. Gen. Stat. § 8-53.11(a)(1). Any company that is engaged in the business of news gathering, as well as the employees, independent contractors, and agents of that company, is also a "journalist" under the shield law. *Id.*; see also *State v. Fitzgerald*, 39 Media L. Rep. 2251 (N.C. Superior Ct. 2011)

### **NEWS: Definition**

Under the North Carolina shield law, "news" is **any information gathered, compiled, written, edited, photographed, recorded, or processed for dissemination via any news medium.** N.C. Gen. Stat. § 8-53.11(a)(1).

### **PHOTO JOURNALIST: Definition**

**Any person who photographs or records information for dissemination via any news medium** falls within the definition of "journalist" under the law. Therefore, photojournalists may claim a "journalist's" privilege. N.C. Gen. Stat. § 8-53.11(a)(1).

### **NEWS ORGANIZATION: Definition**

**Any business entity that is regularly engaged in the business of publication or distribution of news via print, broadcast, or other electronic means accessible to the general public** is a "news medium" under the shield law. N.C. Gen. Stat. § 8-53.11(a)(3)

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