



#### **Safe+Secure Protocol**

Developed on behalf of the Documentary Funders Network by DOC SOCIETY

Made possible by the Ford Foundation





Getting to the heart of stories by tackling the people others avoid, asking the really tough questions and going places where no one wants to go. That's documentary at its best. This protocol has been designed to help filmmakers get there—and back—as safely as possible.

This protocol is designed to anticipate the risks film teams and subjects face—physical, digital, journalistic, reputational and legal—and prompt early awareness and planning. It is accompanied by a Safe+Secure Handbook, which contains downloadable resources and checklists sourced from the best organisations in the world working in this area, for filmmakers and their teams to use and revisit at different stages of a production.

The Documentary Funders Group is a network of independent media funders including Bertha Foundation, Catapult Fund, Chicken & Egg, Chicago Media Project, Compton Foundation, Doc Society. Filmmaker Fund, Fledgling Fund, Ford Foundation, Hartley Film Fund, HBO, IDA, Impact Partners, ITVS, Liminal Fund, Media Impact Funders, Tribeca Film Institute. POV. Sundance Institute. Wyncote Foundation.

We will be using this protocol with filmmakers to remove unnecessary risk, minimise possible risk, and have a contingency plan for the rest.



## What's covered in this protocol?

#### **DIGITAL SECURITY**

Are a project's communications and materials safe?

#### JOURNALISTIC ACCOUNTABILITY

Is the content accurate, fair and protected?

#### **LEGAL SAFETY**

Is a film team and their project adequately advised and defended?

#### **HIGH RISK LOCATIONS**

Is the physical safety of those making the film optimised?

#### SUBJECT SECURITY

Are a film's subjects aware of their risks? What's the film team and funder responsibility?

#### **PR SAFETY**

Are the film team ready for the battle?

#### This protocol can help filmmakers to:

- + Look after themselves and their people better
- + Tell a story without getting sued for it
- + Get better legal help earlier which helps keep legal bills lower overall
- + Get better E&O advice earlier which helps with cheaper E&O insurance
- + Get the training that is needed and deserved
- + Get the additional funding you needed to pay for security needs
- + Have a wider team of funders and partners around a project sharing the risk

#### What this protocol is most definitely not:

- + It is not a test or exam. In many cases there are no right answers. Funders and film teams using this protocol will be learning together
- + A way for funders to avoid risky projects It's designed to kick in after a grant is given and enable funders to help film teams reduce risk through smart practice
- + A way to label teams as too inexperienced we want to bolster teams with the assistance and training they need to become experienced

## How filmmakers should use this protocol

This Safe+Secure protocol should be completed ahead of a film project going into production. It should be revisited throughout the production process as the project evolves, gains new funders and its operating contexts change.

Sharing the the protocol and its outcomes with funders as they come on board should help as a conversation starter to securing funding for particular aspects of the production that the framework has helped identify. Funders are also encouraged to initiate using the protocol with new grantees to help identify risks and to be part of ongoing conversations with film teams about how best these risks can be mitigated.

A project's producer or director should walk through the Safe+Secure protocol with key members of the film team face to face or using a secure means of communication. From experience so far, it is helpful to have a two-person team sharing the responsibility of holding the conversation and taking notes. Alternatively, this conversation could be held between a filmmaker and a project's funder.

Having used this protocol to establish any safety and security issues relating to a film project, at the end of each section under 'training needs', the filmmaking team should together (or with a relevant funder) evaluate what additional resources might be required to enable a film to be made as safely as possible.

It is of course common for a film to have many different kinds and sizes of funder over the course of the production. And some of these funders will have more infrastructure than others, or more experience with risky projects than others. So as projects continue, it may naturally make sense for one funder to take the lead on risk issues on behalf of others, or for safety consultants to be engaged.

To note: the protocol has been designed with both experienced and inexperienced filmmakers in mind. Whilst there are additional risks associated with inexperience—rookie errors—it is also true that the most experienced filmmakers can take the biggest unnecessary risks. This protocol is relevant to ANYONE making a documentary film to help mitigate the risks that a project may face.



## Consider a project's privacy needs

For some projects, there is risk in committing the details of the project to writing, especially if the form will be emailed between filmmaker and funder. Please discuss the best approach for filling out the form according to the needs of the film team.

#### With this in mind, please do not:

- Share this protocol with anyone that could compromise your own or their safety and security
- + Email this protocol unencrypted

#### There are several ways to fill in and share this form which can be used in combination:

- + The protocol can be printed out and filled in by hand and filed in a secure place for future reference / revisiting
- + The protocol could be filled out digitally but should be housed on an encrypted and passworded project management site (such as TrueCrypt) and/or shared by encrypted email
- + The protocol can be filled in using code names for the team and the project
- + It can also be printed and posted to other funders of a project to keep it securely and off the internet entirely (preventing identity theft)

## Consider what is discoverable evidence

It is best practice to assume that any written paperwork attached to a project could be used in evidence again it. If a court case is brought against a film, such paperwork may be deemed discoverable evidence and have to be shared with the other side (this also applies to proposals, emails,notebooks, sizzle/ development reels and rushes). Discoverable material can be used to substantiate that a film project was not conducted in a fair and balanced way if the language used in any of these places is loose and prejudicial. Stick to neutral, factual and non-pejorative language.

#### With this in mind, please do not:

+ Write anything in the form that could be legally prejudicial





# Section 1. Safe & Secure Funder / Filmmaker Checklists



#### **Digital Security**

It is possible to make a film without going anywhere, but it's pretty hard to do so without communicating with anyone. To make your film, you're going to co-ordinate with your team and then some combination of advisors, suppliers, subjects, funders, festivals etc. And unless you opt for having your communications under surveillance, you will need a digital security plan! That's why we've put this section first, to start assessing together whether your communications are sufficiently secure to protect yourself, your subjects, your team and ensure that your important work can reach the public and be as influential as possible.

| Can you currently foresee any reason why you might be targeted for surveillance by national or international government, law enforcement, hackers or corporations? | If yes or possibly, please provide details of why<br>and outline the current status of your digital<br>security: (please refer to and fill in the Digital<br>Security Tools table, below) |
|--|---|
| Yes — Definitely   |   |
| Yes — Possibly   |   |
| No — Unlikely<br>I can't assess this   |   |
| i Carri assess tills   |   |
| What digital security tools do you use?  | Please provide details:   |
| Email e.g. gmail   |   |
| Web browser e.g. chrome  |   |
| Messaging apps e.g. whatsapp   |   |
| Computer drives e.g. USB sticks  |   |
| How often do you use them?   |   |
| Daily  |   |
| Weekly   |   |
| Monthly  |   |
| Occasionally   |   |
| What additional security tools beyond digital are already in use to assist with the safety of this film project? (e.g. a burner phone etc)                         | Please provide details:   |
| e.g. PGP encrypted email when needed   |   |
| e.g. a burner phone  |   |
| Beyond your immediate project team, are  | If yes, please provide details:   |
| there other contractors, advisors/consultants or   | How would you got their gurrent lovel   |
| co-producers who have access to sensitive project data?  | How would you rate their current level of experience with digital security?   |
|  |   |
| Yes  | Total newbies   |
| No   | Basic knowledge   |
|  | Proficient  |
|  | Ninja   |



| Digital Security Training Needs and levels of urgency                                      |                                       |                                       |   |
|--|---------------------------------------|---------------------------------------|---|
| The Team   | <b>Team Member 1</b><br>E.g. Producer | <b>Team Member 2</b><br>E.g. Director | <b>Team Member 3</b> E.g. Fixer, Driver, Production Manager |
| Name   |                                       |                                       |   |
| Role   |                                       |                                       |   |
| Going on location  | Yes No                                | Yes No                                | Yes No  |
| <b>Digital Security Training/ Experience</b> E.g. Basic training and professional interest |                                       |                                       |   |
| Team digital security<br>training needs<br>and level of urgency                            |                                       |                                       |   |



#### Journalistic accountability

Documentary filmmakers may see themselves as journalists, and may have previous work experience or training in journalism. Equally a documentary filmmaker may regard themselves as fulfilling a totally different role. It's true that docs are often made with different goals in mind than traditional journalism but regardless of whether you regard your work as journalist or not, if your film puts forward facts that are inaccurate, either because they didn't seem important to you or were not properly checked, that can have repercussions for you, the film and those involved with it.

| How are you intending to fact-check your film?  | Please provide details:                                    |
|---|--|
| Are you reliant on a single (potentially anonymous) source for your story? If so, how will you check the veracity of their story?   | Please provide details:                                    |
| Will you be using leaked documents at any point during filming?  What are the journalistic implications of a) quoting these documents (have they been verified)?  b) holding these documents (will it threaten the security of your project)? | Please provide details:                                    |
| Would your project benefit from a journalist to assist with research (helping to strengthen the journalistic content of your film project)?  Yes No Maybe   | Please provide details:                                    |
| Would you be interested in a partnership with journalism organisations such as a newspaper, or non-profit organisation to provide strengthened journalistic standards to your film?   | If so, do you have one in mind?<br>Please provide details: |



Training Needs

| Are you intending to do undercover filming<br>or listening?<br>Yes<br>No<br>Maybe   | If yes or maybe, please provide details: |
|---|--|
| Are you aware of the laws around undercover filming in different US states and different countries that you may be recording in?  Yes  No | Please provide details:                  |
| Have you engaged a lawyer to work with you<br>to ensure the undercover filming has been set up<br>in a legal way?<br>Yes<br>No            | If yes, please provide details:          |
| Journalistic Accountability   |  |

#### The Team **Team Member 1 Team Member 2 Team Member 3** E.g. Producer E.g. Director E.g. Fixer, Driver, Production Manager Name Role Going on location Yes No Yes No Yes No Journalism Training/ **Experience** E.g. No formal training but involvement in many projects over the years and worked with many journalists over that period **Team journalistic** training needs and level of urgency



#### **Legal security**

We encourage all film teams to think about their legal needs early on in a production and engage a lawyer to advise as the production unfolds, rather than waiting until deep in the edit to consult, at which point it may be too late or very expensive to get the film legally safe and the Errors & Omissions (E&O) insurance in place. An E&O policy is usually a mandatory requirement for many funders and distributors who will require evidence of such a policy being in place before a film is published or otherwise exploited.

| Prior to this film project being granted, do you have an development materials (such as proposals, recce tapes, rushes or sizzlers) that could be seen as unfair to the subject matter and therefore legally prejudicial?  Yes No | If yes, please provide details:  |
|---|--|
| Do you already have a lawyer or lawyers advising you on different aspects of the production e.g. media / business affairs, in-country laws, other  Yes No   | If yes, what is their name, their field of expertise<br>and is this adviser formal (paid), informal or pro-<br>bono? |
| Do you know where to seek pro bono legal<br>advice?<br>Yes<br>No  | If yes, please provide details:  |
| Have you identified the jurisdiction in the areas or countries where filming and production activities are taking place?  Yes No  | If yes, please give details:   |
| Does your film contain any accusations/offer an unflattering portrait of any individuals, corporations or other organisations?  | If yes, please give details:   |
| Yes<br>No   | If yes, are they aware of the film:  |



| Are any of the above already hostile towards the film?  Yes No   | If yes, please give details:                         |
|--|--|
| Does your film cover a controversial issue?<br>Yes<br>No   | If yes, please give details:                         |
| Has any person or entity threatened to take legal<br>action against you or the production?<br>Yes<br>No                                    | If yes, please give details:                         |
| Do you foresee any other reasons why your film<br>might be at heightened risk of legal challenge?<br>Yes<br>No                             | If yes, please give details:                         |
| Do you need legal advice in any of the countries<br>you are filming in?<br>Yes<br>No   | If yes, which countries and broadly on which issues? |
| Do you intend to get release forms (or on-camera<br>releases) for everyone you are filming?<br>Yes<br>No                                   | If no, why not?                                      |
| Do you intend to clear all the rights to media<br>(music, archive, sound recording, photos etc) you<br>are using?  Yes  No  Does not apply |  |



| If not are you intending to apply copyright exceptions, such as the U.S. fair use doctrine, fair dealing clauses such as are typically in Commonwealth countries' law, or right of quotation? | If yes, please give details: |
|---|------------------------------|
| Yes<br>No   |                              |
| Have you obtained E&O insurance on a film before?   |                              |
| Never<br>Once<br>Few Times<br>Many Times  |                              |
| Have you started talking to the E&O insurer yet? Do you know which E&O insurer or broker you will be using?  Yes No   | Please give details:         |
| Do you need any help ensuring that you can get E&O in time for distribution at a reasonable price?  |                              |



#### **High risk locations**

The definition of 'Hostile environment' by western filmmakers is often taken to be an overseas location that presents unique challenges such as conflict and /or violence. However it should be underlined that hostile environments can occur in any country. Hostile environments do not necessarily entail traditional war and conflict; filming in a 'deep state' where surveillance may be prevalent or filming a volatile and violent domestic protest or civil unrest, where tensions can run high, especially if you are in a vulnerable demographic, presents similar risks and benefits from similar planning.

| Please list high risk locations, activities or events where you are considering filming:  | Please give details:  |  |
|---|---|--|
| Your own physical risk Circle, bold or underline any of the following risks you are already aware that you may face in any of your locations:                         | Cultural hostility Harassment Riots/demonstrations Crossfire / stray bullets Road and other transport accidents (aircraft, boat) Separation (lost) Bodily harm Sexual assault Organized crime Gangs Terrorist attack Carjacking Abusive state security forces Corruption (bribery) Political instability Armed conflict | Landmines Roadside bombs/ieds/ booby traps Landmines and unexploded ordnance (uxo) Low intensity warfare/ guerrilla war Outbreak of hostilities Death squads Militia Abduction/kidnapping Physical surveillance State surveillance Infectious diseases Gastro intestinal illnesses Tropical diseases |
| Risk to others (e.g. fixers, crew, bystanders) Circle, bold or underline any of the following risks you are already aware that you may face in any of your locations: | Cultural hostility Harassment Riots/demonstrations Crossfire / stray bullets Road and other transport accidents (aircraft, boat) Separation (lost) Bodily harm Sexual assault Organized crime Gangs Terrorist attack Carjacking Abusive state security forces Corruption (bribery) Political instability Armed conflict | Landmines Roadside bombs/ieds/ booby traps Landmines and unexploded ordnance (uxo) Low intensity warfare/ guerrilla war Outbreak of hostilities Death squads Militia Abduction/kidnapping Physical surveillance State surveillance Infectious diseases Gastro intestinal illnesses Tropical diseases |



| <b>Risk to data</b> Circle, bold or underline any of the following risks you are already aware that you may face in any of your locations:                                   | Natural disaster Crossing borders/ (flood, earthquake) checkpoints Extreme weather Separation (lost) Environmental hazards/ Organized crime toxins/poisons Gangs Petty crime/theft Terrorist attack State surveillance |  |
|--|--|--|
| Do you face any other risks that are not listed? Yes No  | If yes, please give details:   |  |
| Have you got a plan for keeping rushes secure<br>and backed up whilst on location?<br>Yes<br>No  | If yes, please provide details:  |  |
| Are there risks in getting your material out of this country/location without it being confiscated, copied or incriminating you, your local team or subjects?  Yes No        | If yes:  1.What are the risks in doing this?  2.How likely are the risks?  3.What measures are you taking to reduce the chances and severity of the risks?   |  |
| What medical risks do you anticipate and how will you mitigate against them?   | ill Please give details:   |  |
| Do you have insurance that covers you for illness, accidents, injury, psychological help, evacuation, medical evacuation, death and kidnap while filming?  Yes No            | If no, for what reason?<br>Too expensive/ not required/ not possible/ other:   |  |
| Do you have an emergency communications plan<br>and extraction plan that will be shared with a key<br>contact and have all team members created a<br>proof of life document? | Details of key contact:  |  |
| If you are covering a story that has traumatic aspects, how are you and your team planning to protect yourselves psychologically?  | Please provide details:  |  |



| <b>High risk locations</b> Training Needs   |                                       |                                       |   |
|---|---------------------------------------|---------------------------------------|---|
| The Team  | <b>Team Member 1</b><br>E.g. Producer | <b>Team Member 2</b><br>E.g. Director | <b>Team Member 3</b> E.g. Fixer, Driver, Production Manager |
| Name  |                                       |                                       |   |
| Role  |                                       |                                       |   |
| Going on location   | Yes No                                | Yes No                                | Yes No  |
| General training for risky and dangerous situations E.g. No training and no field experience but has had responsibility for many such projects including for 5 years as TV commissioning editor |                                       |                                       |   |
| Medical Training / First Aid Experience E.g. First aid training   |                                       |                                       |   |
| Additional Relevant Training/ Experience E.g. defensive driving, rape prevention, emotional resilience/ trauma training   | E.g. None                             |                                       |   |



Risk to your subjects:

#### **Subjects and security**

A filmmaker may have many different kinds of relationships with the subjects of their films. They may be the very people you are investigating and whose actions you are exposing, they may be people whom you have grown close to over many years or they may play an incidental role in the your film, providing a single interview or being caught on camera during a scene. At very minimum, all filmmakers have legal obligations to the subjects of their films to ensure that they are both appropriately and fairly represented in the documentary. But in the case of subjects who are made vulnerable as a result of filming, most filmmakers want to consider their ethical responsibilities too (or a 'duty of care') which may include protection to their identity and location or offering practical help and reassurance through the film's release and beyond.

Cultural hostility

Landmines

| Circle, bold or underline any of the following risks you are already aware that your subjects may face in any of your locations:   | Cultural hostility Harassment Riots/demonstrations Crossfire / stray bullets Road and other transport accidents (aircraft, boat) Separation (lost) Bodily harm Sexual assault Organized crime Gangs Terrorist attack Carjacking Abusive state security forces Corruption (bribery) Political instability Armed conflict | Landmines Roadside bombs/ieds/ booby traps Landmines and unexploded ordnance (uxo) Low intensity warfare/ guerrilla war Outbreak of hostilities Death squads Militia Abduction/kidnapping Physical surveillance State surveillance Infectious diseases Gastro intestinal illnesses Tropical diseases |
|--|---|--|
| Do you understand what 'informed consent' is.  | Please provide details:   |  |
| Do any of your subjects seek anonymity or speak off the record? Is the film able to honour their legal anonymity and provide adequate support should this be breached somehow? | Please provide details:   |  |
| Might the subjects of your films require additional help (such as relocation or legal assistance) as a result of appearing in your film?                                       | Please provide details:   |  |



| What level of responsibility do you think you have to provide this assistance?   | Please provide details: |
|--|-------------------------|
| Is this assistance likely to be outside your resources? If so, how could it be paid for?   | Please provide details: |
| If your subject(s) has experienced any<br>kind of trauma, how will you ensure their<br>experiences are not exacerbated by participating<br>in your film? | Please provide details: |



#### **Public relations risks**

Finally, it's never too early to start thinking about PR risks. For many projects, the PR risks only materialise when the film premieres at a festival or other screenings. For some films, the PR battles begin much earlier, during or even before production, particularly if you are dealing with a controversial or newsworthy story, have high profile subjects or if the filmmaker themselves is high profile.

| What might be the public relations challenges of this project as it currently stands?   | Please provide details: |
|---|-------------------------|
| On a scale of 1—10 (where 1 is low and 10 is high), how would you rate the PR risk to the project?                            | Please provide details: |
| If there are risks identified, how would they be mitigated if the story escalated in the press?                               | Please provide details: |
| Have you engaged a PR/press professional/<br>agency so far on this film? For what reasons<br>would you consider it in future? | Please provide details: |



## Section 2. Safe & Secure Action Points



#### **Action Points**

To be jointly decided between the Funder and Filmmaker, agreeing a common understanding of issues raised by the protocol and the resulting conclusions, training requests and other to-dos on both sides.

#### Date of first protocol completion

**Dates of subsequent additions** 

Other funders on board

Have these funders already seen this protocol? Which ones should it be shared with now?

#### **FILM TEAM TRAINING REQUESTS**

**Digital Security** 

**Journalism** 

Please select:

Sexual assault prevention and resilience

**Emotional trauma resilience** 

#### **TOP FILM TEAM NEEDS**

What outstanding areas would you still like to work on? E.g. a communication plan, legal assistance etc

**Legal workshop** Hostile Environment and/or risk assessment for other dangerous assignments **Defensive driving First Aid** 

3

1

2

4

5

#### **FILM TEAM ASSISTANCE REQUESTS**

#### Please select:

Legal assistance Journalism assistance **E&O** assistance **Subjects protection assistance** 

PR assistance

#### **FUNDERS**

What are your take-aways and to-dos following review of the protocol

1

2

3

4

5



## Acknowledgements & Credits

#### **The Doc Funders Network**

This safety initiative has been brought to you by a wide group of independent documentary funders, who came together to address field-wide security issues and try to better serve the filmmakers we believe in.

That group is **Bertha Foundation**, **Catapult Fund**, **Chicken & Egg**, **Chicago Media Project**, **Compton Foundation**, **Filmmaker Fund**, **Film Fund**, **Ford Foundation**, **Hartley Film Fund**, **HBO**, **IDA**, **Impact Partners**, **ITVS**, **Liminal Fund**, **Media Impact Funders**, **POV**, **Sundance Institute**, **Wyncote Foundation**.

The initiative has been supported by *The Ford Foundation*.

The Safe+Secure team at Doc Society are *Jess Search, Jessica Edwards, Marjon Javadi, Oliver Rivers* and *Sandra Whipham.* 

But we relied on the expertise of others...

#### **Bring on the Experts**

We were inspired by the seminal 2015 report, *Dangerous Documentaries — Reducing Risk When Telling Truth To Power* by the Center for Media & Social Impact at the American University in Washington D.C. which found that the risks of telling stories that powerful people or institutions don't want made public are not as well-established in the documentary film community as they are in the investigative journalism community. *Prof Pat Aufderheide* was the principal investigator of that report and was the first consultant to join this project.

The second expert to join our team, is security and journalism expert <u>Professor Pat Aufterheide</u> from the Columbia School of Journalism. Judith Matloff has pioneered safety training for media workers around the world. She has taught workshops in Europe, Africa, Latin America and the United States.

Big thanks for the input and field-experience of inspiring filmmakers: Marilyn Ness, Kirsten Johnson, Callum Macrae, Havana Marking, Liz Mermin, Orlando Von Eisendel, Matt Heinemann, Brenda Coughlin, Rob Lemkin, Thet Sambath, Lyric Cabral, Hollie Fifer, Laura Nix, Sabaah Folayan, Nanfu Wang, Victoria Solano and Marco Cartolano.

Thanks to the brilliant lawyers who came on board as advisors, particularly **Thomas Burke** from Davis Wright Tremaine and **Kayvan Saghedi** at Morrison Foerster who stepped up to offer his support to independent filmmakers and **Prash Naik** who brings 23 years of experience as media lawyer at Channel 4 in the UK to the project.

And respect to the many brilliant organisations who have taken a lead in protecting journalists and finding solutions to new threats. We put this protocol together by combining the best work out there, predominantly from *The Rory Peck Trust, Freedom of the Press Foundation, Videre, Dart Center for* 



Journalism and Trauma, International Documentary Association, Center for Media and Social Impact, Committee to Protect Journalists, Columbia Journalism Review, Tactical Technology Collective, Channel 4 and the BBC. Links to their forms and check lists are also throughout the accompanying handbook. Thanks to all those organisations for their fine work.

Thanks also to **Peter Dale**, our long-time muse and mentor, who delivered his brilliant hypothetical documentary disaster scenario SHIT CREEK at the IDA Getting Real conference and again at Sheffield Doc Fest to launch this initiative.

And last but not least, our thinking has, in part, been inspired by acclaimed surgeon and best-selling author, *Atul Gawande's* book 'The Checklist Manifesto', an inspiring and persuasive account of the striking and effective improvements a humble checklist brings to getting things right. The book makes a distinction between errors of ignorance (mistakes we make because we don't know enough), and errors of ineptitude (mistakes we made because we don't make proper use of what we know).

There will always be much that is unknown about a documentary production. Independent filmmakers have our deepest admiration because they are able to shoulder huge uncertainties and take creative, financial and other kinds of personal risks to bring back the stories they believe should be told. On that journey many unavoidable errors of ignorance will be made. Such is life. But let us work together, share our learnings and help reduce each other's errors of ineptitude.

To that end, we hope you will give us your input so that we can keep improving this Safe+Secure Protocol and its accompanying handbook.

Please email us: contribute@safeandsecure.film