

DIGITAL JOURNALISM: NEW LEGISLATIVE AND DEONTOLOGICAL CONFIGURATIONS

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Abstract

Digital journalism refers to the reporting, production and distribution of journalistic content through digital means, using the internet, social networks, mobile applications and interactive platforms. Freedom of expression represents a fundamental pillar of democracy and human rights, but in the digital age, this freedom faces new challenges, limits and interpretations. The emergence and development of social networks, online communication platforms and artificial intelligence have radically transformed the way in which individuals communicate and express their opinions, significantly influencing the deontological ethics of contemporary journalism.

Keywords: *Digital journalism, freedom of expression, distribution of journalistic content, digital means, human rights, social networks, online communication platforms, artificial intelligence, the deontological ethics, contemporary journalism, audience metrics, the emergence of civic journalism.*

1. INTRODUCTION

The transition of journalism to digital media has brought about not only technological and economic changes, but also profound adaptations of the legal framework and professional deontological norms. In this study, we aim to analyse the main recent legislative configurations aimed at mediating journalistic content in the digital space, as well as the ethical and professional implications for practitioners. In our study, we will examine the relationship between European regulations - in particular the framework on digital platforms and the protection of fundamental rights - the provisions on the processing of personal data for journalistic purposes. We will briefly analyse the challenges posed by the phenomenon of media digitization as well as its impact on ethics in the journalistic space.

With the advancement of technology and the spread of the internet, journalism has undergone fundamental transformations. Digitalization has

changed the way information is produced, distributed and consumed, generating new opportunities, but also challenges for professionals in the field.

2. THE LEGISLATIVE CONTEXT AND ITS EVOLUTION IN THE FIELD OF DIGITAL JOURNALISM

The importance of legislative regulations in the digital age

Nowadays, we believe that digital journalism has evolved significantly from a simple extension of print media into a complex ecosystem marked by technological convergence, economic dependence on the platform, and new ethical challenges. Thus, the evolution of digital journalism must be understood in relation to four major dimensions: technological, economic, social and legislative. All these dimensions have their role well defined in the current context of digital journalism

If we refer to the *technological dimension*, we can say that, starting with the 90s, with the advent of the Internet, the first online editions of traditional publications were favoured. (Dörr, 2016) Later, however, the internet phenomenon gained momentum. With the development of Web 2.0 in the 2000s, users became active content creators through blogs, forums and social networks (Jenkins, 2006). After 2010, with the expansion of smartphones and mobile apps, journalism entered the era of mobility and instant broadcasting. (Westlund, 2013) After 2020, algorithms and artificial intelligence began to directly influence the production and distribution of news (personalization, automatic fact-checking, text generation). (Dörr, 2016).

Regarding the *economic dimension*, as it is well known, it was based exclusively on the fact that traditional advertising revenues have decreased over time, drastically we could say, thus causing newsrooms to look for alternative models and sources of income, such as: digital subscriptions, paywalls, crowdfunding. (Picard, 2010) The current dominance of online communication platforms globally (e.g. Google, Facebook, TikTok, etc.) has transformed the distribution of information and news into a process mediated by technological actors. (Bell, 2016) At the same time, however, audience metrics – namely audience measurement through *clicks, engagement*, began to directly influence the selection and writing of journalistic content. (Bell, 2016)

Last but not least, in the case of *the social and cultural dimension*, we believe that the public has simultaneous access to multiple sources of information, but also to increased risks of disinformation. (Wardle & Derakhshan, 2017) With the emergence of civic journalism, citizens participate directly in the production and distribution of information (Allan & Thorsen, 2009). The relationship between journalists and the public becomes bidirectional, with real-time interactions through comments and live broadcasts (Hermida, 2010).

Lately, the European Union has consolidated a set of legal instruments aimed at the functioning of online platforms and the protection of the public information space, offering the possibility of creating *the legislative and ethical dimension*. These include: *the Digital Services Act (DSA)* and *the European Media Freedom Act (EMFA)*, institutions that play a central role in regulating the way platforms distribute journalistic content, manage disinformation and ensure transparency when it comes to advertising and recommendation algorithms.ⁱ The objectives of these acts include empowering digital intermediaries, protecting users' fundamental rights and maintaining media pluralism.

These derogations must be implemented at national level with the aim of harmonizing data protection with the freedom of expression and information between national and European Union legislation, sometimes generating practical dilemmas when the protection of privacy is in tension with the public interest.

As the online environment becomes the main channel of communication nowadays, new legislative requirements are also emerging to ensure accountability, transparency and the protection of citizens' rights. In this regard, we believe that it is absolutely necessary that the legislation of EU countries, including that of Romania, be adapted to deal with the new phenomena in the journalistic space, such as disinformation, fake news, copyright violations and the protection of personal data.

3. PROFESSIONAL ETHICS. DEONTOLOGICAL ASPECTS IN DIGITAL JOURNALISM

Specialists in the field such as Kovach and Rosenstiel believe that the fundamental values of journalism – truth, loyalty to citizens, verification, editorial independence – retain a central role (Kovach, & Rosenstiel, 2001). However, the digital environment imposes nuances of these principles: the speed of dissemination often runs counter to the rigor of verification; anonymity and massive data collection change the relationship between the source and the journalist; and the automatic aggregation of content can erode the editor's clear responsibility.

Journalistic ethics, as a foundation of credibility and professional ethics, must now, in our opinion, be reassessed in the current context of digital media. The new configurations involve rules on fact-checking, privacy, transparency of sources and avoidance of conflicts of interest, in order to maintain public trust.

Codes of ethics must therefore integrate responsibility maps for complex technology chains (from newsroom to platform) and regulate the use of automated tools. Practices such as making the use of AI in journalistic production transparent (declaring use, mentioning the role of algorithms in writing) are becoming basic norms of the current professional responsibility of the contemporary journalist.ⁱⁱ

4. DEONTOLOGICAL CODES IN ROMANIAN JOURNALISM

Codes of ethics are professional guides meant to guide the journalistic activity. Although they

do not have binding legal force, they are recognized by the professional community and frequently invoked in case law. Thus, in the Romanian media, there is *the Code of Ethics of the Romanian Press Club (CRP)*, adopted in 2004 and which stipulates that the journalist has the obligation to respect the truth and to verify information from at least two independent sources; the clear separation between facts and opinions must be maintained; masked advertising and conflict of interest are prohibited; the journalist is responsible for the social consequences of the published material and respect for the pluralism of ideas. It is also worth mentioning *the Code of Ethics of the Union of Professional Journalists*, which insists on political neutrality, protection of sources and avoidance of sensationalism. The Code also stipulates that journalists must not promote violence, discrimination or false information. As Cristian Tudor Popescu states: "The journalist has a duty to respect the truth and to defend the public's right to be correctly informed. The ethics of journalism is not a luxury, but the only weapon that separates the journalist from the propagandist." (Popescu, 2012)

At the international level, there is *the Global Charter of Ethics for Journalists (IFJ)*, adopted in 2019, which offers similar principles, emphasizing on the following aspects: the social responsibility of the press; professional independence and protection of the confidentiality of sources.ⁱⁱⁱ

5. THE RIGHT TO INFORMATION VS. THE PROTECTION OF PERSONAL DATA IN DIGITAL JOURNALISM

Balancing the right to information and data protection.

The contemporary information society, dominated by digital technologies, is amplifying the public's access to information and has radically transformed the journalistic practice. If, according to article 31 paragraph (1) of the Romanian Constitution, "the right of people to have access to any information of public interest may not be restricted," the legal and ethical reality shows that this right is not absolute. It must be balanced with other fundamental rights,

in particular the right to the protection of personal data, enshrined in Article 8 of the Charter of Fundamental Rights of the European Union and detailed by Regulation (EU) 2016/679 on GDPR.

This issue is circumscribed as a central theme in the contemporary debate on digital journalism, because it puts forward two fundamental values: the right to information and the right to the protection of personal data. For example, democratic constitutions (including the Romanian Constitution, art. 31) and international documents (the Universal Declaration of Human Rights, art. 19) also enshrine in their texts the fact that the *right to information is not absolute*.

In practice, however, this balance translates into carefully reasoned editorial decisions: checking the relevance of information to the public before publication, anonymizing data when possible, and keeping documentation to support editorial choice in the event of a legal review. For journalists, the principles of legality, transparency, proportionality and minimization are fundamental landmarks. However, Art. 85 GDPR introduces the so-called "*journalistic exception*," allowing Member States to provide for derogations to reconcile data protection with the freedom of expression and information.^{iv} Romania implemented these derogations through Law no. 190/2018. The journalistic derogations in the GDPR allow Member States to limit certain rights of the data subject in a journalistic context, but they are not regulated: they must be justified, proportionate and provided for by law.

The right to information is a fundamental pillar of data protection, being enshrined in both European and national law. According to Article 13 of the GDPR, data subjects must receive clear, transparent and easily accessible information about the processing of their personal data. (Voigt & Von dem Bussche, 2017) This right ensures transparency and control over the data, being essential for the exercise of other rights, such as the right of access, rectification or erasure. The importance of the right to information was also underlined by the authors Kuner and by Vatz, who state that transparency in data processing contributes to increasing users' trust in data controllers and strengthening a secure digital environment. (Kuner & Vatz, 2017) In

addition, the right to information also has an educational dimension, educating data subjects on how their data is used.

The balance between the right to information and data protection is a complex issue, as in some situations, detailed information about the processing can compromise data security and privacy. Thus, operators must find a compromise between transparency and security.

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The protection of personal data in the digital space, including in digital journalism, aims to guarantee the fundamental rights and freedoms of individuals in the face of the processing of their data. The GDPR imposes principles such as legality, transparency, purpose limitation, data minimization, data accuracy, and data security.^v These principles must be respected in order to prevent abuses and to ensure a balance between the interests of controllers and the rights of data subjects.

Lack of information can lead to misunderstandings and ineffective exercise of data subjects' rights. In this context, the GDPR regulation provides for measures to ensure a balance, such as concise and clear disclosures, adapted to the situation and purpose of the processing.^{vi} For example, in the case of data processing for direct marketing, operators may provide summary information, but must ensure access to full information upon request. This avoids information overload and maintains transparency, without compromising data security.

A major challenge lies in balancing the economic interests of companies and the need for innovation with individual rights. The European Data Law Association (EDPL, 2018) argues that, in the context of massive and automated data processing, it is crucial that protection measures are adapted to protect both the rights and interests of the society.^{vii}

In today's digital journalism, journalists must be more responsible than ever, because the editorial decision can have irreversible effects on

privacy, personal data cannot be deleted every time by the personal data controller, respectively the journalist who disseminates the information.^{viii}

6. NEW TRANSPARENCY OBLIGATIONS AND ETHICAL AND LEGAL IMPLICATIONS IN DIGITAL MEDIA

The new transparency obligations are a set of requirements and standards imposed on public and private entities in order to ensure public access to relevant information about their activities, decisions and management of their resources. These obligations are often introduced or updated in the context of digitalisation and increasing societal expectations for responsibility.

Currently, both European and national courts, including those in Romania, have strengthened these rights, stressing the need for a balance in order to avoid abuses and violations.

The European Court of Justice has ruled in its case-law that the right to be forgotten must be balanced with freedom of expression and the public interest, illustrating the complexity of finding a compromise between transparency and protection.^{ix}

The rules on the transparency of online advertising, the identification of sponsored content and the reporting of recommendation mechanisms affect the economic model of media outlets. Imposing additional technical and administrative requirements at the current stage can generate significant costs for newsrooms, especially for local and independent actors.¹

Mechanisms to support public interest journalism thus become essential: subsidies, tax incentives or well-regulated public-private partnerships can counterbalance economic pressures.¹¹ European regulations aim to maintain pluralism through measures aimed at preventing the excessive concentration of content distribution on a few dominant platforms.

Among *the ethical implications* one can mention:

- *Public accountability and trust:* Increasing transparency strengthens citizens' trust in

- institutions and companies, promoting accountability and integrity.
- *Respect for citizens' rights*: Ensuring fair and non-discriminatory access to information.
 - *Preventing corruption and abuse*: Transparency reduces the possibility of hiding illegal or inappropriate activities.

As *implications from a legal point of view*, one can mention the following:

- *Compliance with national and European law*: The application of the General Data Protection Regulation (GDPR) enshrines certain restrictions on the disclosure of certain personal information.
- *Penalties for non-compliance*: Entities may be penalized for non-compliance, including fines or other administrative measures.
- *Need for management and audit systems*: To demonstrate compliance with transparency obligations, entities must implement effective internal policies and systems.

7. CONCLUSIONS AND RECOMMENDATIONS

Understanding the legal framework in digital journalism is indispensable for any actor involved in public communication or journalism. Without awareness of its limits, the freedom of expression may degenerate into abuse; Without guaranteeing freedom, the rule of law risks sliding into authoritarianism. Without respect for ethical and deontological principles and norms, journalism, even if digital, cannot provide an important compass in the proportionate interpretation of freedom of expression in the current international context.

These legal and deontological premises that were the basis of this study, especially regarding the way in which digital media influences and is influenced by the legal regime of freedom of expression, ensured, in our opinion, a presentation as eloquent and documented as possible to our theme, namely: DIGITAL JOURNALISM: NEW LEGISLATIVE AND DEONTOLOGICAL CONFIGURATIONS.

As recommendations, one can highlight some objectives regarding the study we have presented, namely:

- Updating the respective codes of ethics which must include explicit sections on use, algorithmic auditing and responsibility in the distribution chain;
- Transparency in production: newsrooms should clearly state when and how they have used automated systems in the production or selection of news;
- Continuous professional training: journalists must be trained in digital law, data protection and the principles of algorithms;
- Internal procedures for assessing compliance with the legal framework and deontological principles in the journalistic and digital media approach through written documentation and standardized criteria for decisions that affect the private life of the subjects;
- Cooperation between researchers and independent auditors to test the effects of the application of the principles mentioned in codes of ethics and editorial control mechanisms with the purpose of improving transparency without compromising essential trade secrets.

Therefore, maintaining the balance between freedom and responsibility in digital journalism is essential in order to protect everyone's rights and data protection. They are essential pillars of a modern legal system that respects the fundamental rights of the individual.

Balancing these two rights requires a careful approach, adapted to the context and specifics of each situation. While transparency ensures the trust and accountability of controllers, data protection guarantees the freedom and privacy of individuals. European legislation, in particular the GDPR, provides a robust framework to support this balance, but the responsibility also remains on controllers and supervisory authorities to display discernment and balance in applying these principles.

Digital journalism is at the intersection between ambitious legislative developments and imperative ethical adaptations. The new European regulations offer important tools for empowering platforms and protecting the information space; At the same time, they put pressure on newsrooms to rebuild their editorial procedures and accountability mechanisms.

Journalistic deontology remains the essential compass, but it must be translated into practical rules that encompass the algorithmic era: transparency, accountability and a renewed focus on public interest.

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Endnotes

- i See more online platforms, European Commission. *Digital Services Act (DSA) and European Media Freedom Act (EMFA)*
- ii Society of Professional Journalists. *SPJ Code of Ethics*.
- iii Adopted on 12 June 2019 in Tunis, the IFJ's Global Charter of Ethics for Journalists complements and complements the IFJ Declaration on the Principles of Conduct for Journalists of 1954 (the Bordeaux Declaration) and is based on important texts of international law. Available from: <https://www.rcmediafreedom.eu/Tools/Legal-Resources/>

[Legal-docs/IFJ-Global-Charter-of-Ethics-for-Journalists?utm_source=chatgpt.com](https://www.rcmediafreedom.eu/Tools/Legal-Resources/Legal-docs/IFJ-Global-Charter-of-Ethics-for-Journalists?utm_source=chatgpt.com) [22 September 2025].

iv See Art. 85 of Regulation (EU) 2016/679 - General Data Protection Regulation (GDPR), is a European legislation that imposes strict rules for the processing of personal data, giving individuals greater control over them and unifying the rules to facilitate trade within the EU. It entered into force to replace Directive 95/46/EC and was published in the Official Journal of the European Union on May 4, 2016; Available from: <https://lege5.ro/Gratuit/geydmobqg42q/regulamentul-nr-679-2016-privind-protectia-persoanelor-fizice-in-ceea-ce-priveste-prelucrarea-datelor-cu-caracter-personal-si-privind-libera-circulatie-a-acestor-date-si-de-abrogare-a-directivei-95-> [21 September 2025].

v Art. 5 of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of people with regard to the processing of personal data and on the free movement of such data (GDPR).

vi Art.12-14 of Regulation (EU) 2016/679 of the European Parliament.

vii European Data Protection Law (EDPL) (2018). *Annual Report*. Available from: <https://edpl.lexxion.eu/> [21 September 2025].

viii See at length the difficulty of erasing the 'right to be forgotten' enshrined by the CJEU in the *Google Spain SL and Google Inc. v Agencia Española de Protección de Datos (AEPD) and Mario Costeja González*, 13 May 2014. Request for a preliminary ruling from the Audiencia Nacional. Personal data – Protection of individuals with regard to the processing of such data – Directive 95/46/EC – Articles 2, 4, 12 and 14 – Material and territorial scope – Internet search engines – Processing of data contained on websites – Search, indexing and storage of such data – Liability of the operator of the search engine – Establishment in the territory of a Member State – Scope of that controller's obligations and the rights of the data subject – Charter fundamental rights of the European Union – Articles 7 and 8.

Case C-131/12.

ix European Court of Justice. (2014). *C-131/12, Google Spain SL, Google Inc. vs. AEPD, Mario Costeja González*. Available from: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=152065&pageIndex=0&doclang=ro&mode=lst&dir=&occ=first&part=1> [21 September 2025].