

SHUTTERSTOCK / Enterlinedesign

Understanding the Laws on Journalistic Sources In Tanzania

TrustLaw



Thomson Reuters
Foundation

LawCITE
Group
Property|Corporate|Litigation





REUTERS/Stringer

Introduction

This Guide provides journalists with a practical understanding of the legal frameworks on news sources in Tanzania. This awareness will empower journalists to understand their legal rights and obligations and continue to report on issues of vital public interest. The Guide assesses the recognition of news sources in law, the protection of news sources as well as search and seizure relating to journalists' gadgets and information.

1. What is defined as a journalistic source?

There is no specific legal definition of journalistic sources in Tanzania. However, it can be inferred from some laws (for example, the [Whistleblower and Witness Protection Act 2022](#)) that a journalistic source is any individual or entity that provides information to journalists. Sources may also include documents that provide relevant information for journalistic work.

2. Which law protects journalistic sources?

There is also no specific law that protects journalistic sources. Different laws deal with various aspects of journalistic sources. While the [Constitution](#) of Tanzania does not expressly mention the freedom of the media, it provides for the right to privacy¹ and freedom of expression². However, the two rights are not absolute. The Constitution gives the state the mandate to create rules that explain when and how it may infringe on someone's privacy, enter their home, or take their property, and how far it can go in doing so.³

Other laws include:

[Media Services Act of 2016](#): Provides for media and journalistic freedom particularly to journalists who are accredited and media houses which are registered. It also gives media houses and journalists the freedom to collect or gather information from different sources.⁴

[The Media Services \(Amendment\) Regulations, 2024](#): Provides for the moral obligation for journalists to protect confidential sources of information unless required by lawful authority to disclose them.⁵

[Personal Data Protection Act, 2022](#): Provides for the protection of personal data and establishes the principles guiding and conditions for collection, processing, storage and sharing of personal data.

[Code of Ethics for Media Professionals](#): Provides for the obligation of journalists to protect the confidentiality of his/her sources of information and shall only divulge them at the demand of a competent court of law.

- | 1 Article 16 (1), [Constitution of Tanzania](#)
- | 2 Article 18, [Constitution of Tanzania](#)
- | 3 Article 16 (2) of the [Constitution of Tanzania](#)
- | 4 Section 7, [Media Services Act of 2016](#)
- | 5 Rule 14, [The Media Services \(Amendment\) Regulations 2024](#)

3. Does the law protect me from revealing my sources? In what instances might I be required to reveal a source?

As discussed above, journalists have a moral obligation to protect confidential sources of information unless ordered by lawful authority to reveal their sources. It is an ethical duty of a journalist to protect the confidentiality of his/her sources of information, revealing them only when ordered by a competent court of law. A journalist may be required to reveal a source if the source is involved in a criminal activity or is involved in criminal investigation.

4. What rights does a source have?

Journalistic sources do not enjoy any special protection in Tanzania. The [Constitution](#) provides for the right to freedom of expression and privacy for every person. The Constitution guarantees every person a right to seek, receive and, or disseminate information regardless of national boundaries; and the freedom to engage in communication without interference.



REUTERS/Emmanuel Herman

5. What should I be wary of when dealing with a journalistic source?

There are no specific laws in Tanzania that govern the relationship between a journalist and their sources. However, the [Code of Ethics for Media Professionals](#) establishes a few rules that journalists should keep in mind while interacting with sources as below:

- (a) Journalists have a moral obligation to protect confidential sources of information unless required to disclose them by lawful authority.
- (b) Journalists may not tape or record a source without their knowledge unless the recording is necessary to protect the journalist in a legal action or for some other compelling reason. Journalists have the responsibility to minimise harm to their sources. They should not publish information that may put a source in harm's way. They may publish such information only if extra efforts have been made to make sure the source understands the dangers and gives informed consent, and if steps to mitigate the danger have been put in place.
- (c) Journalists should avoid the use of anonymous sources unless there is no other way to deal with a story. They should also verify the information from such sources. Information that constitutes a breach of confidence should not be published or broadcast, unless the public interest dictates otherwise.
- (d) Journalists should not interview, photograph or identify a child without the consent of a legal guardian or of a similarly responsible adult.
- (e) Journalists are prohibited from giving money or gifts to induce sources to provide information.

Aside from the professional obligations, there are yet other considerations in law for journalists when dealing with sources. Communication or leakage of any classified information to persons not authorised to the information such as journalists is an offence.⁶ In addition, journalists should always confirm whether sources have signed non-disclosure agreements (NDAs). If potential sources have signed NDAs, journalists should be aware that their potential sources may not disclose certain information to them. If they do, they will breach their contracts, and the potential sources could be sued. In such a scenario, journalists may seek alternative sources who are not bound by NDA and who can provide similar information.



REUTERS/Francis Kokoroko

6. Can I face legal action in my interactions with a source, and in what circumstances?

Journalists can face legal actions in their interaction with sources if they breach their privacy as protected by the [Constitution](#). This is unless the source consented to the publication of information which is of a private nature. Journalists may also face legal action for unauthorised disclosure of personal data of a source. They may breach professional ethics if they do not comply with the rules discussed in 5 above.

7. In what instances can I record a source?

Generally, journalists can only record sources with their knowledge/permission except where the recording is necessary to protect the journalist in a legal action or for some other compelling reason.⁷ Journalists are also generally bound by ethics of honesty and professional integrity. Journalists may use undercover or subterfuge methods to gain entry into restricted places or access to information only as matter of public interest and with the permission of the editor.⁸ It is an offence to intercept calls without lawful authority.⁹

| 7 [Code of Ethics for Media Professionals](#)

| 8 [Code of Ethics for Media Professionals](#)

| 9 See section 120, [Electronic and Postal Communications Act 2010](#)

8. Can the police confiscate my documents/gadgets for investigation? In what instances can they do so?

The police may search and seize documents belonging to anyone including journalists. The police may search a person while arresting them and the police should place any items found on them in safe custody.¹⁰

Other searches that are not done within the context of an arrest have to be authorised either by a search warrant or authority to search. A police officer in charge of a police station may search or issue a written authority to any police officer under him/her to search anything if there is reasonable ground to suspect that:

- (a) an offence has been committed,
- (b) something will be evidence for the commission of a crime or
- (c) something will be used in the commission of a crime.¹¹

The officer making the search should issue a receipt acknowledging the seizure of what is taken during the search.

Police may also search and seize a journalist's documents upon successfully applying for a search and seizure warrant from the court.¹² However, the police do not need search warrants in cases of emergencies.¹³

A police officer in charge of a police station may also authorise a search and seizure of electronic devices (computers, phones, storage devices) if they have reasonable grounds to suspect that the gadgets may be used as evidence in proving an offence; or are acquired by the person as a result of an offence.¹⁴

More specifically to media houses, a police officer who has reasonable grounds to believe that a media house has been established, installed, maintained, operated or provided in contravention of the Media Services Act may search and seize any equipment found in the media house.¹⁵ In such an operation, police may not seize or restrict use of printing, production and publication equipment unless the police officer believes that the continued use of the equipment will obstruct the investigation.¹⁶

9. Can the police confiscate my documents online? Can the police intercept my communications with sources, including via secure/encrypted platforms?

The police may apply for a court order to intercept communication in order to obtain evidence of commission of terrorism related offences.¹⁷ The interception order may relate to tapping communications through service providers or installing bugs in building to monitor communications.

¹⁰ Section 24, [Criminal Procedure Act 1985](#)

¹¹ Section 38, [Criminal Procedure Act 1985](#)

¹² Section 41, [Criminal Procedure Act 1985](#)

¹³ Section 42, [Criminal Procedure Act 1985](#)

¹⁴ Section 31, [Cybercrimes Act 2015](#)

¹⁵ Section 60, [Media Services Act 2016](#)

¹⁶ Section 60, [Media Services Act 2016](#)

¹⁷ Section 31, [The Prevention of Terrorism Act 2002](#)

About Thomson Reuters Foundation

The [Thomson Reuters Foundation](#) is the corporate foundation of Thomson Reuters, the global news and information services company. As an independent charity, registered in the UK and the USA, we leverage our media, legal and data-driven expertise to strengthen independent journalism, enable access to the law and promote responsible business. Through news, media development, free legal assistance and data intelligence, we aim to build free, fair and informed societies.

TrustLaw, an initiative of the Thomson Reuters Foundation, is the world's largest pro bono legal network. Working with leading law firms and corporate legal teams, we facilitate free legal support, ground-breaking legal research and resources for non-profits, independent media and social enterprises in over 190 countries. By spreading the practice of pro-bono worldwide, TrustLaw wants to strengthen civil society and drive change. If you have ideas for resources we could develop or [legal research projects](#) that would be of assistance after reading this guide, please [contact us](#). If you are a non-profit or social enterprise in need of legal support, you can find out more about the service [here](#) and join [TrustLaw](#) for free.

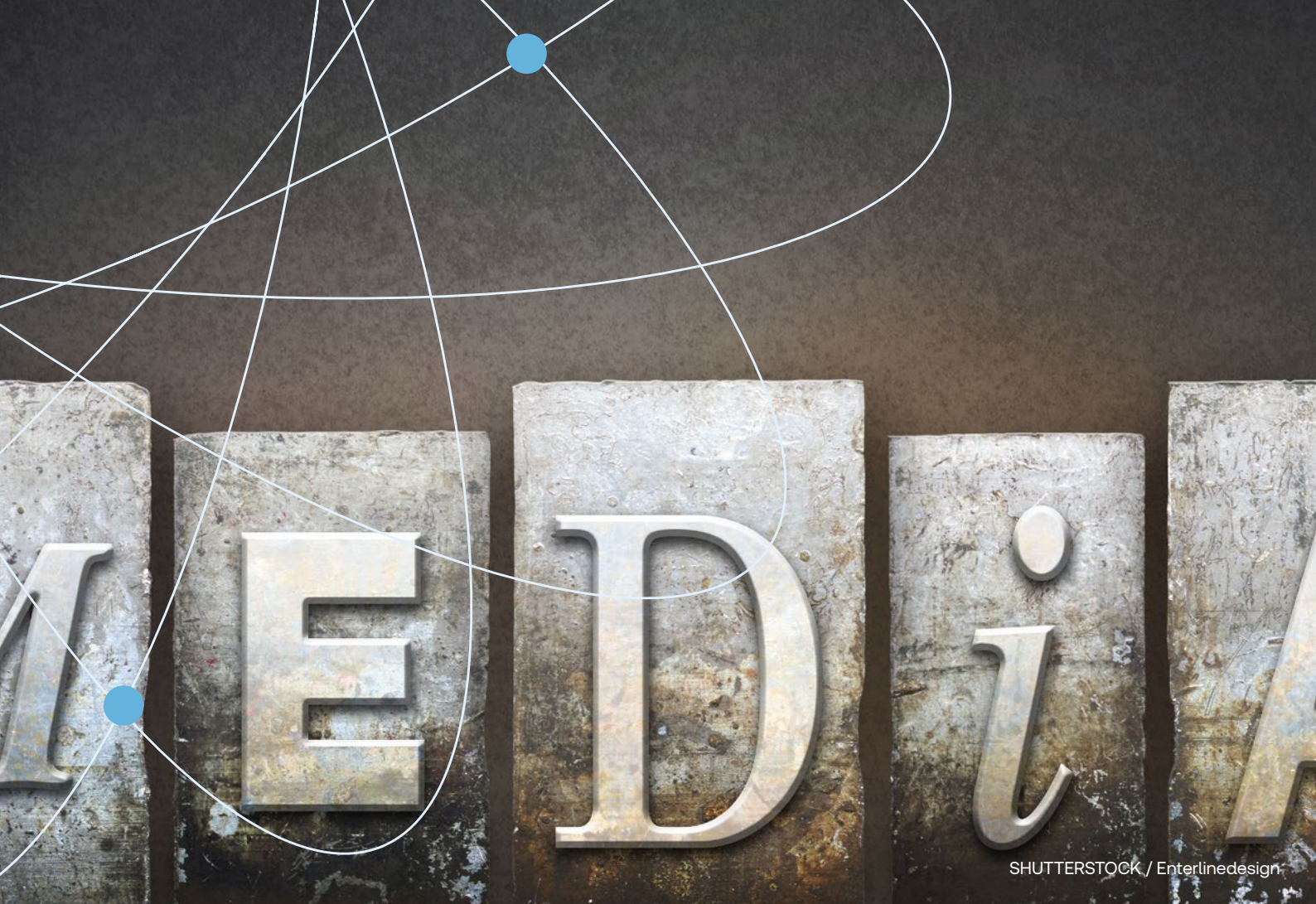
About iWatch Africa

iWatch Africa is a non-governmental media and policy organisation with considerable national reputé and significance. We have carved a niche in Ghana's policy and journalism environment for putting out objective, fact-based and independent assessment on many issues. iWatch Africa tracks digital rights in Africa, trans-national organised crime, human rights abuse, climate change and ocean conservation and overall government performance in Ghana.

Through a rigorous deployment of data journalism, storytelling and policy advocacy tools, iWatch Africa is shaping the national and regional discourse to deepen transparency and accountability, as well as to encourage citizen participation in the governance process in Africa.

Acknowledgements & Disclaimer

The Thomson Reuters Foundation and iWatch Africa would like to acknowledge and extend their gratitude to the legal team at LawCITE Group, who contributed their time and expertise on a pro bono basis to make this Guide possible. This Guide is offered for information purposes only. It is not legal advice. Readers are urged to seek advice from qualified legal counsel in relation to their specific circumstances. We intend the Guide's contents to be correct and up to date at the time of publication, but we do not guarantee their accuracy or completeness, particularly as circumstances may change after publication. LawCITE Group and the Thomson Reuters Foundation accept no liability or responsibility for actions taken or not taken or any losses arising from reliance on this Guide or any inaccuracies herein.



SHUTTERSTOCK / Enterlinedesign

The Thomson Reuters Foundation's global pro bono legal network, TrustLaw, works with leading law firms and corporate legal teams to facilitate free legal support, research and resources for civil society organisations, social enterprises and non-profit independent media around the globe.

For more information, visit www.trust.org.

TrustLaw



**Thomson Reuters
Foundation**