

**Press Freedom and Privacy Invasion of Reporters:
Proper Conduct Performed in the Course of Business as
Justification**

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Abstract

This article aims to discuss whether a reporter who gathers information by invading other's privacy and makes reports upon it could be justified. Taiwan's Supreme Court found such conduct justified on account of reporter's press freedom. Rather than this opinion, the author argues that, according to Article 22 of Taiwan's Criminal Code, the justification ground employed preferentially should be "Proper Conduct Performed in the Course of Business". Therefore, in prior to conducting invasion of privacy for the sack of gathering news material, a reporter should collect some objective evidence inferring that the investigated event ought to be related to public interest. Such standard can also be applied to decide if reporter's usage of materials gathered through privacy invasion could be lawful.

**Keywords: Right to Privacy, Proper Conduct Performed in the Course of
Business, Press Freedom, Public Interest, Probable Cause**

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