



PRESS COMPLAINTS COMMISSION

08

THE REVIEW

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THE PRESS COMPLAINTS COMMISSION is an independent self-regulatory body that deals with complaints from the public regarding editorial content of newspapers and magazines, and their websites. The free and quick redress we offer continues to underline the strength of self-regulation over legal or statutory control. This report highlights the practical work we do to raise standards and to find satisfactory solutions to problems when they do arise.

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LOOKING BACK. MOVING FORWARD.

Sir Christopher Meyer reflects on developments during his time as Chairman and outlines key challenges facing the Press Complaints Commission in the years ahead.



What have been the main changes to the PCC over the last 6 years?

The PCC has transformed itself in a number of ways. This has been not only the result of major reforms introduced in 2003 just after I became Chairman; but also of a change of attitude – more pro-active, more strategic – inside the PCC itself.

It was clear six years ago that the PCC needed to raise its game and reinforce its credibility. That meant taking steps to enhance accountability, transparency, visibility and independence. So, we did a number of things:

- We increased the independent majority on the Commission;
- We made appointments to the Commission far more transparent through public advertising;
- We created the post of Charter Commissioner – to whom members of the public can appeal if they think their

complaint has been badly handled – to reinforce trust in our impartiality;

- We created an independent audit body – the Charter Compliance Panel – to improve the way we do our work;
- We ensured the editors' Code of Practice is now reviewed every year; and we created the Editors' Codebook – about to appear in its second edition – as an indispensable guide for journalists to the interpretation of the Code, which helps keep standards high in newsrooms;
- We made ourselves far more accessible, travelling across the UK with a programme of open days and workshops to explain to the public at large how to make use of the PCC;
- We aggressively promoted our 24 hour helpline, which enables us to stop harassment and to tackle concerns before they turn into full-blown complaints.

What has been your greatest achievement?

There is now a general consensus across the political spectrum that for online and print publications self-regulation is the only way to go. That was not the case six years ago, when the PCC's very existence was in question. We have raised standards and got the PCC far better known across the UK. Customer approval ratings have gone up from around 60% to 80%, while the number of people coming to us for help has almost doubled since 2003.

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And your greatest frustration?

My greatest frustration is that newspapers and magazines still do not give sufficient publicity in their own pages to the existence of the PCC and the services it offers. It is after all in

their own interest to make the self-regulatory system better known: not least because of the money they save if people come to us rather than go to law! Though there has been an improvement, the press needs to do far more in print and online to advertise our services.

Have there been any particularly memorable moments?

Our very first Open Day in Manchester in 2003 was memorable for two things: waiting in some trepidation at Manchester Art Gallery to see how many people would come in off the streets to hear us (in the end a respectable 100 or so); and afterwards having a drink with a broad cross-section of Mancunians, followed by an excellent, blazing-hot curry in one of the largest curry houses I have ever visited.

Thinking about privacy and the law, are the developments over the last 6 years a change for the better or worse for the PCC?

It is not a question of better or worse. The law and self-regulation should not be regarded as competitors. There is a time for the courts and a time for the PCC. The advantage of coming to us on a privacy matter is that we will deal with it cost-free, very fast compared to the courts (sometimes within a matter of minutes), and without the public rehearsal – sometimes in excruciating detail – of the very issue that prompted the complaint in the first place. This is why last year we made a record number of privacy rulings, far in excess of those handed down by the courts. But if you are looking for damages, then obviously you will go to law.

The challenge for us is, I think, three-fold: to ensure that the courts take account not only of the Code of Practice, but also the way in which we have interpreted its privacy clauses; to ensure that there is a proper distinction, both in law and the Code, between "real" privacy and, say, the wish of celebrities to control their own publicity; and to have recognised the real results the PCC can achieve so that people are encouraged to use us when they need to.

Is it possible to tell whether standards in press reporting have improved or deteriorated in the last 6 years?

They have and they haven't. Respect for individuals' privacy is, I think, higher – and our adjudications in this area more influential. And the co-operation with our behind-the-scenes preventative work has kept many a problem from arising (as recognised by the 2007 Select Committee inquiry).

But the volume of information and speed of its publication online have led to lapses that wouldn't be seen in print publications. This is a developing trend which will need to be addressed.

Why were there a record number of complaints in 2008?

It's much easier to complain these days, and I think there is more 'activism' online which leads to campaigns against particular stories. For instance, we had over 500 complaints about one piece last year from disgruntled cyclists. There is greater awareness of what the PCC can do too – and the better publications link from their websites straight through to ours.

2008 saw a record number of resolved complaints, but just 45 complaints adjudicated. What do you say to those who think that in favouring resolution over adjudication the PCC 'lets off' editors who err?

This is not either/or. We cannot lose sight of our founding mission back in 1991: to resolve, where possible, the public's

complaints. Our experience over the last 18 years has taught us that what people want above all are quick, effective remedies in the form of prominent apologies and corrections. That is why the PCC excels as a mediation service.

The threat of a critical adjudication focuses editors' minds on the need to settle disputes quickly and fairly. But if an offer is inadequate, or a breach of the Code is so serious it cannot be resolved, we will adjudicate it formally and publicly censure the editor. If we were artificially to inflate the number of adjudications by a less than thorough attempt at mediation, the system would clog up to the detriment of the thousands who come to us each year for speedy assistance.

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Were there lessons to be learned for the PCC and the press from the coverage of the suicide cluster in Bridgend?

It reinforced the need to leap into action swiftly in situations like this. We took an early decision to go down to Bridgend to speak to people – but by the time things were organised several weeks had passed, and there had been further deaths. I am glad we managed to help a number of families there so that they weren't too troubled by repeated visits from journalists when they were trying to grieve. But perhaps if we had got there sooner we could have done more. Suicide is a major issue of public concern and needs to be reported, but it's right that the Code Committee has recognised that there are ways of doing so that do not accidentally cause further harm.

One complaint about the press is that corrections and apologies are buried. Is this fair?

Short answer: no. Longer answer: our report shows (page 18) that the vast majority of corrections and apologies appear on the same page as, or further forward than, the original article, or in a corrections column. In 2008, we negotiated two front page apologies. The situation has got better over the last 6 years – but there's always room for improvement.

Looking ahead, what does media convergence mean for the architecture of regulation?

In short, it means a greater role for self-regulation. Imposed forms of content regulation have no place in a globalised, digital media. The key qualities of self-regulation: industry buy-in; flexibility; collaboration; and the ability to get results quickly will all be seen as essential for future forms of media regulation, whichever medium is involved.

PRIVACY

A WIDER AND MORE COMPLEX ISSUE

With more information being published on the web, and a blurring of the lines between intrusive and acceptable pictures, our work on privacy has never been so important.

PRIVACY AND THE INTERNET

The internet poses two key questions for regulators and the law when considering privacy issues:

- As it becomes increasingly easy and popular to access information from unregulated media online, how unrealistic is it to impose separate standards on newspapers and magazines based in the UK?
- What impact will media convergence online have on the architecture of privacy regulation?

The failure of the law to restrain information from being published about high profile criminal cases – such as the ‘royal blackmail’ case and the Baby P murder – points to a wider problem which goes beyond the undermining of the Contempt of Court Act. The internet may not be impossible to police,

but with millions of individuals posting information from all over the world, the scale of the task is far greater than when the media were just a few TV stations and printed publications that circulated only in the UK.

So when the balance of interests lies in information not being published, it’s no longer possible to rely on compliance with Codes of Practice or the law by professional editors and journalists to keep material private. That’s because anyone can now publish information online. As with the case of Prince Harry’s deployment to Afghanistan, if the news is broken by a mainstream online news outlet such as the Drudge Report, it will immediately be known and republished around the world.

So does this mean the end of effective privacy regulation, just when the press has finally won approval for making self-regulation work, and when lawyers and courts have driven forward the law of

confidence to the point that it is a general privacy law?

This change in the way people communicate is a huge force in favour of freedom of expression. Even celebrities who threaten to sue newspapers for publishing stories or pictures of them do not seem able or willing to restrain similar material from appearing online. This is why certain commentators suspect that the motives of some high profile people in suing over privacy are about getting damages and controlling bad publicity in the UK, rather than actually retrieving private information from the public domain.

Privacy regulation is increasingly unrealistic if the wider context of modern communications is ignored. Imposing rules on just one section of the media will be meaningless and anti-competitive. This is because of the highly fluid nature of digital communications and the fact that consumers are not restricted to accessing UK media alone. A privacy law may currently cause headaches for editors but it will become useless for those wanting to keep private information out of the public domain.

This takes us back to the key ingredient that makes self-regulation work better than the law: the buy-in of the regulated industry. Self restraint on the part of journalists will be the only realistic way in which information or pictures can remain private. This is already shown by the success of the PCC’s preventative work such as our private advisory notes which have the respect of the industry. It was also illustrated (although this was not a PCC issue) by the fact that so many British journalists kept quiet about Prince Harry’s army deployment.

Encouraging editors and journalists to decide for themselves not to publish intrusive information is a far more effective system than trying to impose penalties after the event. And attempting to injunct the information may simply tempt people to get it into the public domain through unregulated outlets. It’s too soon to say with confidence what the regulatory architecture will look like in ten years’ time but it seems that the trend will be for formal regulation to be relaxed, while more is expected of self-regulation.

PRIVACY AND PICTURES

One of the most contentious areas of privacy relates to whether particular photographs are intrusive. It is the subject on which the PCC is the most active pre-publication. Our work here shows how impossible it would be to apply rigid or legal rules about when and where photographs can be taken and published. There are numerous reasons for this.

First, circumstances vary – a photograph taken by someone who is intimidating or threatening may be considered intrusive, whereas one taken in the same place of the same person in a non-threatening way may not. Similarly one person standing on the threshold of their house will be highly visible to passers by, while another will not. The concept of ‘reasonable expectation of privacy’ is fluid.

Second, as the public interest in seeing pictures of people in the news increases, so does the level of justification for publishing them without consent. For instance, there is likely to be greater interest in a picture of someone accused of a major crime than of an individual in the news because a relative has died in unusual circumstances.

Third, information conveyed in pictures has a different quality from that expressed in words. The court ruling on the Douglas/Zeta Jones case in 2004 said that pictures “are not merely a method of conveying information that is an alternative to a verbal description. They enable the person viewing the photograph to act as a spectator... of whatever it is that the photograph depicts.” But how do editors know when information that is legitimate to write about becomes intrusive in a photograph?

All this argues in favour of having a set of principles which set out boundaries, and which can be applied flexibly according to the circumstances. This is particularly so since these complications are magnified by two further factors; the first is the sheer number of photographs at editors’ disposal – eight years ago The Sun newspaper’s picture desk received 2,500 new images a day, now it is between 10,000 and 15,000, with The Times currently receiving over 10,000. Checking them all for absolute compliance with the Code would be impossible.

Encouraging editors and journalists to decide for themselves not to publish intrusive information is a far more effective system than trying to impose penalties after the event

There’s also much less time to verify the provenance of a photograph when it is to be published on a website. In 2008, we saw several examples of intrusive photographs posted online but not in print. For instance, photographs of a well-known actress appeared on a national newspaper website with a caption that said she was being harassed by foreign paparazzi. This problem was dealt with promptly following our intervention.

We understand the imperative to publish information as quickly as possible online, but publications must ensure their staff are equipped to make these important decisions. We’ll be offering training updates to newspapers and magazines in 2009 on the current position regarding the Code of Practice and pictures.

DOWNSIDES OF THE LAW

The law of confidence has developed rapidly since the introduction of the Human Rights Act in 2000. It has given people more choice about where to go if they want to complain about media intrusion. While the PCC offers a greater range of services than the courts, some believe that going to court is more effective because it can deliver legally-enforceable remedies.

However from the point of view of a complainant, there can be serious downsides. Perhaps the most obvious was starkly illustrated by the Max Mosley case against the News of the World. During the trial and in the text of the ruling, the public learned an enormous amount of private information about Mr Mosley that is now permanently in the public domain.

Trials can be a counter-productive way of settling disputes about an alleged privacy intrusion. The adversarial and formal nature of a trial, coupled with the human interest in such cases, means they attract a huge amount of media attention. And yet a trial held in camera would run contrary to the principle of open justice.

What's more, the PCC has heard from people who regret seeking an injunction because any further inquiries into matters that might touch on the subject of the injunction have to be referred to lawyers. This of course has serious ongoing cost implications.

There is also the question of inaccessibility; in 2008 we received complaints from people who had found the law a slow and tortuous process – our service on the other hand is flexible, quick and free of charge.

PRIVACY AND HARASSMENT

Images of people being chased by photographers are seen as an example of the worst sort of press behaviour. But, as with much of the PCC's work, there is a balance to be struck in terms of what is acceptable – for there are competing interests at stake. Some photographers can overstep the mark and individuals can feel threatened, but it's important to bear in mind that:

- As part of freedom of expression in an open society, the public has a right to see images of people who are in the news, whether they have a fleeting brush with fame or deliberately seek publicity;
- There's no legal restriction on individuals taking pictures in public places and moves to create one would affect every person in the UK with a camera, not just the paparazzi;
- Photographers are not a homogenous industry and standards of behaviour differ. It would be counterproductive for established agencies to have a reputation for harassing people, as editors would cease buying their images. But from the evidence we see, it seems apparent that there are a number of unscrupulous individuals whose behaviour lowers the reputation of all professional photographers;
- Photography is not a regulated profession.

That said, individuals in the news have equally important rights not to be harassed unless there is some public interest for pursuing them. The relevance of the PCC is that – regardless of who has taken a photograph, be it a staff photographer, agency, individual paparazzo or member of the public – editors must take care not to publish one that has been taken as a result of harassment. This may be easier said than done – so to assist editors in making the correct decisions, and to minimise the intrusion to the individual, the PCC has a system of 'private advisory notes' (also known as 'desist messages') that are circulated to senior editorial figures and newspaper lawyers across the country, and which highlight problems while they are going on so that immediate steps can be taken to resolve the matter. The system works in the following way:

- Someone approaches the PCC because they have experienced unwanted attention from journalists or photographers, or fear they may be about to;
- We discuss their circumstances and ask a number of questions, including whether they are intending to do - or already have done - a deal with other media;
- If they have a case of potential harassment, we send an e-mail requesting that journalists or photographers cease their approaches;



- This also alerts editors to the danger of publishing a picture from a freelancer, as they are responsible for the manner in which a picture is taken;
- We never instruct editors what they can and cannot publish – we simply arm them with extra information to make their own decisions under the Code of Practice.

The effect is generally that the harassment stops or that the photographs concerned do not get published. This in turn acts as a disincentive for freelance paparazzi to continue pursuing the individual. From the editors' point of view, they also minimise the chance of a formal PCC complaint of harassment after the event, or the risk of legal action.

One high profile individual who used the service in 2008, when her personal circumstances changed, was the television newsreader Natasha Kaplinsky. She said:

"When I had my baby last year, I didn't want to be followed around by photographers every time I left the house, as happened when I was pregnant. We asked the PCC to issue a private request to photographers to stop following us, and to newspapers and magazines not to use pictures of me taken when I was with my family in private time. The degree of compliance was very impressive, and I would recommend this service to anyone in a similar position." But this system is chiefly used by ordinary members of the public, as set out below.

PREVENTATIVE WORK – FREE, CONFIDENTIAL AND COLLABORATIVE

Discussions about pre-publication privacy issues have often focused on injunctions by the courts. However, the process can be expensive when challenged by the media, appealed and overturned. What's more, the resultant story can appear rather more prominent than originally intended.

The PCC has a 24-hour emergency service through which pre-publication issues can be raised and resolved. Whilst we have no formal powers of prior restraint, if a complainant contacts us with legitimate concerns, we quickly work with both parties to try to sort out the issue. These discussions affect the way in which the newspaper handles publication of the story and may lead to it not appearing at all.



LEFT: TV Newsreader Natasha Kaplinsky, FIVE 2008

Examples in 2008 where our discussions prevented stories from being published include:

- A soap star was contacted about her pregnancy. Although she had informed some of her family, friends and colleagues, she did not want it to be made public. We referred to past decisions by the PCC which had ruled that the existence of pregnancy in the first twelve weeks was private;
- A rumour was circulating that a celebrity had entered rehab. Their representative contacted us saying that it was a private matter relating to that person's health;
- Two teachers, who were in a relationship, discovered that their local paper had been sent personal information by a former partner who was seeking to embarrass them. We pointed out that, if the paper used this material, it would be assisting in that harassment;
- A national newspaper intended to publish a story about a practising dentist who was infected with HIV and Hepatitis C. The individual made clear that he was following established protocol as to how such a situation should be handled and that there was no public interest in the wider dissemination of details of his illness.

Far from stifling freedom of expression, this system preserves it, ensuring that newspapers take informed decisions about what to publish

This PCC service is used both by those in the public eye and ordinary citizens caught up in a news story. It's free and confidential, requires no legal representation and doesn't generally lead to subsequent challenge and argument. What's more, people who are concerned about the accuracy of an article can ensure that any points are made before publication so that there is no need for a complaint afterwards. For example:

- Two MPs were concerned that inaccurate information about their housing expenses might be published. Through the PCC, they made clear the correct



position, which newspapers were able then to use;

- A woman was worried that a national newspaper was intending to publish allegations of benefit fraud. She used the PCC to provide off-the-record information, which influenced its decision over whether to run the story;
- A political figure was concerned about allegations relating to his behaviour before taking a new role. Having highlighted inaccuracies in the proposed story, the paper published an article but it did not include some of the claims he had denied.

Far from stifling freedom of expression, this system preserves it, ensuring that newspapers take informed decisions about what to publish.

OUR INTERVENTION IN CASES OF HARASSMENT

In our busiest year yet, the following are just a few of the people we helped:

- The actress Sienna Miller was being continually harassed by photographers. The PCC sent out messages on her behalf on two occasions and also handled specific concerns about one national newspaper;
- A television presenter was receiving persistent attention from photographers outside her home. She wanted newspapers to be aware of the fact that she had been pursued (sometimes dangerously) by paparazzi in cars;
- A woman who lost her husband when she was pregnant didn't want to be harassed at her home, especially with her new baby. The PCC communicated this across the industry and no photographs were subsequently published;
- A representative of a couple whose son died on a scout trip contacted the PCC to express concern that they were the recipient of numerous calls from journalists requesting (and offering payment for) interviews;
- The daughter of an 82-year-old lady who was visited by a reporter from a national newspaper – in connection with a financial scandal involving her grandson – requested that she not be contacted again;
- The family of a four-year-old girl who died in hospital contacted the PCC through Merseyside Police requesting that they not be approached for comment and for journalists not to attend the funeral.

CASE STUDY

When the circumstances of a story change

IN MAY 2007, ten-year-old Jordon Lyons drowned in a pond near Wigan. Two Police Community Support Officers arrived at the scene several minutes after he disappeared, but did not enter the water to rescue him. They were widely criticised for not trying to help.

Many newspapers requested interviews with the PCSOs and their families, which were refused. After the inquest, Greater Manchester Police asked the PCC to circulate a request that no further contact be made.

A week later the Telegraph journalist returned to the home of one of the PCSOs. Greater Manchester Police complained that this further approach was improper and constituted harassment. The newspaper argued that it was legitimate to seek further comment because David Cameron had referred to the case at the Conservative Party Conference.

The Commission considered that David Cameron's comments had indeed moved the issue forward. This was a rare occasion in which the Commission agreed that there was a public interest in overlooking a desist request. The complaint was, therefore, not upheld.

LESSON A desist request cannot last in perpetuity. If circumstances of a story change, a further approach may be appropriate provided it can be justified in the public interest.

RIGHT: The parents of Madeleine McCann



The Select Committee Inquiry into Press Standards, Privacy and Libel

In November 2008, the Culture, Media and Sport Select Committee announced a major new inquiry following concern about the developing privacy law under the Human Rights Act and the treatment by the press of the parents of the missing girl Madeleine McCann. Its report will also consider the role of Conditional Fee Arrangements and whether the balance between press and personal freedom is fair.

The Commission told the Committee that it has always evolved quickly in response to changes in cultural expectations and the state of the law. It set out the range of what it does to protect personal privacy (which is greater than the reach of the courts both in volume and substance) and why it should be responsible for setting boundaries on issues of privacy and press freedom. It also asked whether judges can balance the competing cultural, economic and personal interests when they forensically apply the law to individual cases.

The background to the state of the law is how judges have been interpreting

the Human Rights Act. When the Bill was being debated in Parliament in 1998, the then Home Secretary Jack Straw gave the following reassurance:

"The new clause [in the Bill] provides an important safeguard by emphasising the right to freedom of expression. Our intention is that this should underline the consequent need to preserve self-regulation. That effect is reinforced by highlighting in the amendment the significance of any relevant privacy code, which plainly includes the code operated by the PCC.

I am glad that we have been able to frame an amendment that reflects the Government's stated commitment to

the maintenance of a free, responsible press, and the consequent need for self-regulation, while maintaining the protection of the convention that all our citizens should, and do, enjoy.

I have explained the effect that we want to achieve with our new clause. If, for any reason, it does not work as we envisage, and press freedom appears at risk, we shall certainly want to look again at the issue". (Hansard, 2 July 1998, col. 541.)

In light of concerns expressed about the actual impact of the Act ten years on, the Select Committee's inquiry will analyse whether the Government's intention has been borne out.

Police consent doesn't mean impunity

THE SCARBOROUGH EVENING NEWS videoed police entering the complainant's house and searching for drugs. The footage was posted on its website and an image published in the paper. The Commission found that "showing a video and publishing a picture of the interior of the complainant's house was highly intrusive, particularly when the coverage contained information likely to identify her address". No charges were brought as a result of the raid.

The Barking and Dagenham Recorder covered a raid in which police were looking for stolen property. The article included a pixellated image of the complainant's seventeen-year-old son. The complainant said that several people had recognised both her son and the interior of her home. No stolen goods were found and police later discovered that the information prompting the raid had come from a malicious telephone call.

The Commission considered that there was insufficient public interest justification for entering a person's home without consent and photographing its contents. Both complaints were upheld.

LESSON Newspapers cannot invade a person's privacy with impunity simply because they have the consent of the police. There would have to be a considerable public interest, which may depend on the results of a raid leading to charges being brought, to justify publication without the owner's consent.

REPORTING OF SUICIDE



THE NEED FOR SYMPATHY, DISCRETION AND SENSITIVITY

BRIDGEND DOMINATES THE NEWS

In early 2008 there was a spate of suicides of young people in the Bridgend area of South Wales. As prominence of the story increased with further deaths, some began to question the role the media were playing. There were allegations that people using social networking sites helped to glamorise suicide, and concerns about the newsgathering methods of all media – press, television and international journalists on the ground in Bridgend. Questions were asked about the extent to which reporting risked provoking copycat suicides.

The Code of Practice was particularly relevant in three key areas: in its requirement for the press not to report 'excessive detail' of the method of suicide; in ensuring that approaches to individuals were made with sympathy and discretion; and that publication at times of grief or shock was handled sensitively.

On 19 February, one set of parents explicitly criticised the media, saying that the coverage of other suicides may have influenced their son's behaviour and that they had felt under pressure to speak to journalists. We contacted local police, schools, hospitals, Citizens' Advice Bureaux and others involved in helping the families at a time of grief.

On 20 February, Sir Christopher Meyer made the following public statement:

"I particularly want to make sure that the relatives and friends of the young people who have died are aware that they are not obliged to speak to the press and that, if they do not want to, the PCC can help prevent unwanted inquiries. We also have a role in dispersing any media scrums that may arise outside people's homes.

While the press is entitled to report news of unusual or premature deaths, such as suicides, there are rules in the industry's Code of Practice – under which we take

complaints – stating that excessive detail should not be used when reporting the method of suicide, and that publication must be handled sensitively at times of grief and shock. We are ourselves monitoring the situation, but we would urge anyone with examples of articles which in their view are either insensitive or which provide such excessive detail to contact us immediately.

We are in touch with the South Wales Police and have asked them to pass our details on to any of the relatives who might need our help".

On 16 May we held a series of meetings in conjunction with the local MP, Madeleine Moon. We had a private meeting with families of the deceased, a private lunch with local interested parties and a public meeting to which everyone in the town was invited.

We were told that the suicides were taking place long before they achieved such prominence in the media. As such, it may never be possible to determine whether reporting was a motivational factor in any of the deaths. Inquiries into these suicides are still being carried out so it is counter-productive to draw firm conclusions too soon.

We learnt valuable lessons from this experience. One was that, despite our attempts to contact people proactively,

CASE STUDY

Avoiding gratuitous detail

A **DAILY SPORT** article listed the ten most popular 'suicide hotspots' in Britain. Choose Life, a suicide prevention initiative from NHS Scotland, complained that this unnecessary detail might encourage vulnerable people to take their own lives at the places shown. We agreed and also thought the article was inappropriately light-hearted. For example, it made reference to a bridge as a 'well-known favourite for Britain's top-yourself tourists'. The PCC upheld the complaint under Clause 5 (ii) of the Code.

Choose Life said, "We are encouraged that the PCC upheld our complaint. This underlines the PCC's resolve to take action on irresponsible reporting of suicide and is a huge step forward".

LESSON Clause 5 is designed to minimise the chances of imitative suicide. Newspapers should avoid gratuitous detail and references that might glamorise or make light of suicide.

CASE STUDY

Using images in context

A SUNDAY TIMES magazine article on the Bridgend suicides was illustrated with photographs of those involved set against a graphic depiction of a noose. Madeleine Moon MP complained about use of the graphic and republication of the photographs. The Commission accepted that a view as to sensitivity was subjective but did not consider that the use of the images – given their context – raised a breach of the Code. Nor was there excessive detail about the method used. As such, the PCC did not uphold the complaint.

LESSON The Commission has three tests: does the coverage break news of a death; does it treat it in a light-hearted way; and does it include gratuitous or gruesome detail? Newspapers should also be aware that the use of photographs, especially when accompanied by dramatic graphics, can cause considerable distress to families.



ABOVE: Bridgend Open Day

Continued from page 15

there was a general lack of understanding about our powers and availability. We will address this in future by fostering greater awareness of our role, especially among police family liaison officers.

Another lesson related to photographs taken from social networking sites. This case was perhaps the first that highlighted ethical issues about information crossing from personal websites into the mainstream media.

Relatives felt they had no control over images which, in many cases, they had previously been unaware of. Each time there was a new death, republication made it difficult to move the grieving process on. We asked the media not to reuse pictures obtained in this way.

There was further follow-up in the form of adjudicated complaints and a new Best Practice Note issued by the Editors' Code of Practice Committee (see opposite).

CASE STUDY

Omitting excessive information

SEVERAL NEWSPAPERS published reports about a man who had killed himself with a chainsaw, giving details about how the implement had been positioned and activated. The Commission investigated the issue without a formal complaint and concluded that the published details were excessive and that the newspapers (many of which had only published the story online) had, therefore, breached Clause 5 (ii) of the Code. Whilst the newspapers argued that the information had been heard at inquest and provided by an agency, we ruled that this was not sufficient defence.

LESSON The editing process is crucial. Care must be taken to remove excessive information prior to publication – both online and offline – even if that information has been heard during an inquest or has been provided by a news agency.



Editors' Code of Practice Committee: Briefing note on reporting of suicide

Suicide: a sensitive issue

Suicide has always been covered by the Code's rules on intrusion into grief, stressing the need for sympathy and discretion and sensitivity in publication. But there is a dimension to reporting suicide that sets it apart from other tragedies: the inherent risk of 'social contagion'. Research has demonstrated that media portrayals of suicide – as in news reports or fictional TV or films – can influence suicidal behaviour and lead to multiple imitative acts, particularly among the young. Instances of self-poisoning increased by 17% in the week after it was featured in a TV drama.

In 2006, faced with real evidence that over-explicit reporting could lead to copycat cases, the Code Committee introduced a new sub-clause: *When reporting suicide, care should be taken to avoid excessive detail of the method used.* So editors face a twin test: they must both publish with sensitivity and avoid excessive detail.

The Bridgend experience

A series of more than 20 suicides of young people in and around Bridgend in South Wales thrust all this into the spotlight. Some politicians, police and parents blamed media speculation about possible links between the deaths for possibly triggering later cases.

A PCC survey revealed a complex web of public anxieties in Bridgend that often went far beyond the scope of press self-regulation, embracing concerns about

broadcasters and foreign media, and sometimes involving wider societal issues. These apart, the picture that emerged was less a case of repeated individual breaches of the Code, than a cumulative jigsaw effect of collective media activity, which became a problem only when the individual pieces were put together.

While the Code covered many public concerns, it was clear that others might be more appropriately – and effectively – addressed not by over-prescriptive rules but by editors modifying their activities voluntarily.

Important areas of public concern where the Code already applies include:

- **Graphic images** illustrating suicide methods were often upsetting to relatives and friends. Under the Code, such images would normally have to pass the 'excessive detail' test.
- **The cumulative effect** of repeated media inquiries to family members also caused unintended distress. Here, too, the PCC can help by passing on 'desist' messages via its arrangements for handling media scrums.
- **Glorification of suicide:** Stories presented in a way likely to romanticise suicide could have a serious influence, especially on vulnerable young people. But, within the spirit of the Code, most coverage of this sort would again risk breaching the 'excessive detail' rule.

Possible areas where editors might voluntarily mitigate the effects of legitimate publicity include:

- **Helpline numbers:** When reporting the Bridgend deaths, many newspapers voluntarily published contact details of charities that aid people with suicidal feelings. This was widely welcomed as directing those most at risk – especially vulnerable young people – into the arms of those who could offer them most help.
- **Republication of photographs:** Each new death often prompted reprinting of images of others who had taken their own life, adding to families' distress. Sometimes it might be necessary, others not.
- **Publications of photographs without family consent:** Using pictures supplied by friends or from social networking sites, without the close family's consent, can cause unintentional distress.

There can be no hard rules in such subjective areas. These and similar measures can only be discretionary. But the lessons of Bridgend are that, by bearing them in mind, editors faced with difficult judgments at critical times could avoid causing unintended offence or exposure to accusations of insensitivity.

CASE STUDY

Removing specific references

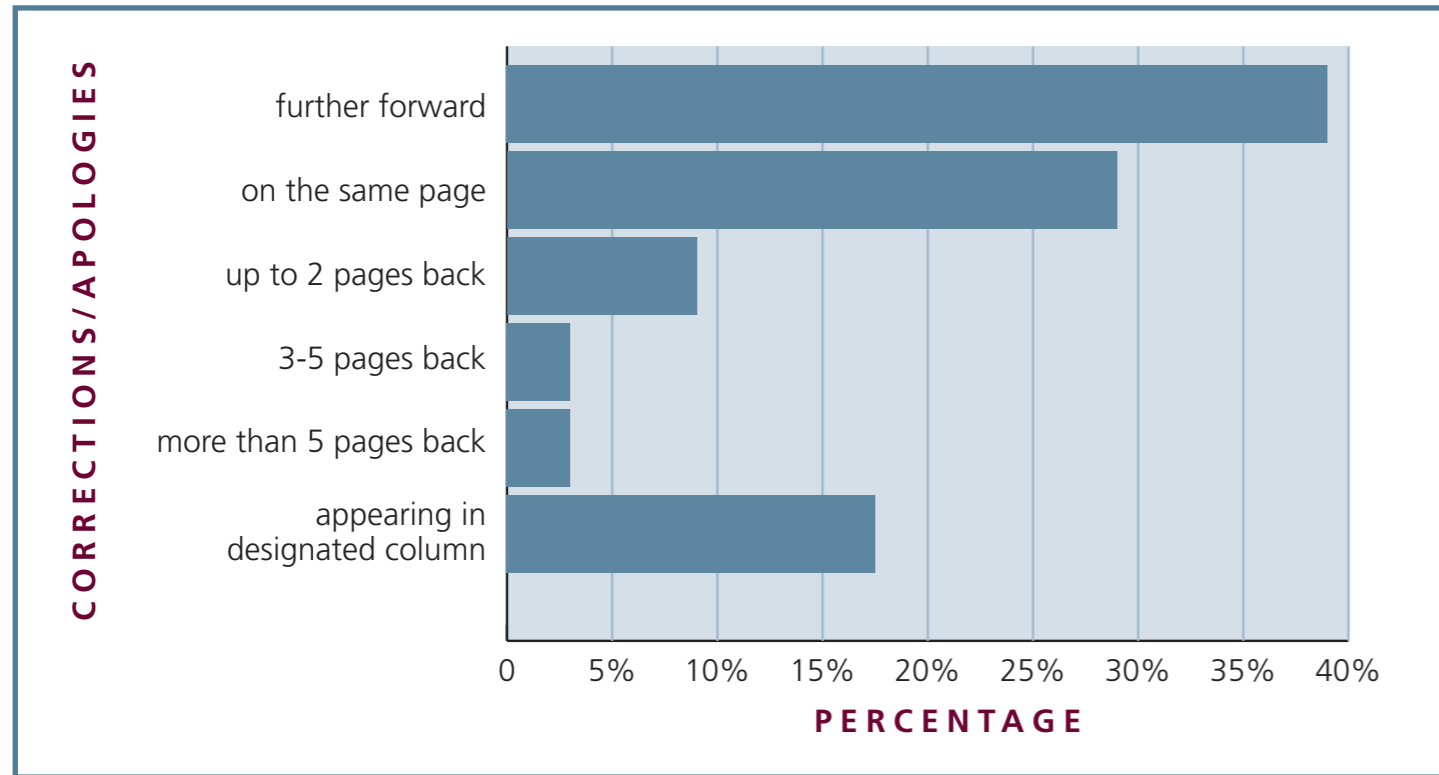
A READER FELT that She magazine had included too much detail in an article on suicide. The article was a first person account written by the sister of someone who had taken his own life and referred specifically to how he had electrocuted himself. Accepting the merit of the complaint, the magazine introduced a more stringent compliance procedure, all staff were briefed on the Code and the issue was raised at an internal legal seminar.

LESSON It is the editor's responsibility to remove excessive detail about how the suicide was carried out.



Putting them in their place

One marker of our success is the prominence given to apologies and adjudications. Prominent publication demonstrates the industry's willingness to cooperate fully with the PCC and respond constructively to the needs of a complainant. We don't specify where they should appear but expect editors to publish with due prominence, which means there must be a relationship between the original error and the remedy or censure by the PCC.



Over the last few years, standards have improved. In 2008, over 85% of corrections and apologies were published on the same page as the original article, further forward or in a designated column. This is the highest figure to date. In cases involving apologies, almost 90% appeared no further back than the original or in a corrections column.

The national press is slightly better than regional papers on this. 91% of cases involving nationals appear on the same page, earlier or in a column, whilst it's just over 72% for regionals. This may be because no regional newspaper used a corrections column to publish a PCC-negotiated text last year. All corrections and apologies involving magazines appeared on the same page as, or further forward than, the original article.

In 2008, we negotiated two front page apologies. We also robustly criticised the Evening Standard for the insubstantial basis of its front page claims about environmental activists' behaviour at Heathrow airport. Given the serious nature of the breach, the newspaper published a reference to the adjudication on its front page (an industry first) and our full criticisms inside.



CASE STUDY

Front page apology

THE EVENING STANDARD published a front page claim that the Duke of Edinburgh had prostate cancer, relating to a further story on page five. Within 36 hours we had negotiated a resolution to a complaint. The paper accepted that the allegation was untrue and apologised for breaching his privacy. The front page of the next day's edition said: "The Evening Standard apologises to the Duke of Edinburgh". The full apology was published in an agreed position on page five.

LESSON This complaint demonstrated the advantages of coming to the PCC with a privacy concern. The process was quick. It involved no further private details being released. The apology was prominent and proportionate. It also demonstrated that newspapers can remedy breaches of the Code through prompt cooperation with the PCC.

CASE STUDY

Criticised for a buried ruling

THE PCC UPHELD a complaint from Nicholas Soames MP against the Brighton Argus over a photograph showing him driving a quad bike on a public road with a trailer that carried three children (whose faces had not been pixellated). The image was used to illustrate a story that speculated about their safety. We found that it breached Clause 6 of the Code. However the Argus did not publish our ruling with sufficient prominence. So in a further criticism, we said:

"The photograph was published on page 8. The Commission's adjudication – which the newspaper was obliged to publish in full and with due prominence – appeared on page 32. The newspaper asked the Commission to take into account the fact that there were more pages in the edition in which the adjudication appeared than the one in which the photograph appeared. This

meant that the adjudication was a similar distance from the back of the paper to the photograph. The Commission was not impressed with this argument. It considered that the editor had clearly failed in his duty to publish a critical PCC ruling with due prominence. There was therefore a further breach of the Code. As a result, the Commission required the editor to publish this statement in a prominent place in the newspaper."

LESSON It is unacceptable to publish a critical adjudication a long way further back in the paper than the original article. There's generally no good reason to do so. Editors will be further criticised if they do not get it right the first time.



CASE STUDY

What lies within?

IN 2008, the Commission received a number of complaints that magazine covers promised content that did not correspond to the inside articles.

Reveal magazine suggested that an article contained comments from Victoria Beckham about her fitness regime. The story actually used quotes from Melanie Brown, who briefly referred to Mrs Beckham. The editor phoned the complainant, apologising for the confusion and offering her a free subscription.

Look magazine carried a front-cover image of Jennifer Aniston with the caption 'I'm having a baby!'. The article contained claims that Ms Aniston was thinking about having a baby with her partner. The editor apologised to the complainant, undertaking to bear her comments in mind for future reference, and refunded the cost of the magazine.

An OK! headline referred to an actress, who had recently been diagnosed with cancer, as 'dying'. However, the article said that the actress was actually "deeply hurt when the press sensationalised her plight by suggesting she was dying. The harsh headlines devastated her and she is keen to assure her concerned fans that... she hopes chemotherapy will cure her".

This issue does not only relate to celebrity articles. A problem occurred with Love It magazine, which used the front-page headline: "Locked up by my hubby and forced to eat". The husband complained, making clear that his wife was sectioned under the Mental Health Act via a process that was controlled by a consultant, a GP and other medical staff. The magazine apologised to the complainant.

LESSON Magazines should be careful about the use of front page headlines. It can be a breach of the Code to make claims that do not correspond to the true content of the inside article.



SOCIAL NETWORKING AND PRIVACY



IDENTITY PARADE

SOCIAL NETWORKING AND PERSONAL INFORMATION

If the developing law of privacy seems to some in the media to be a restriction on their ability to communicate freely, the emergence of social networking sites is a blast in the opposite direction. For, within the space of just two years, it has become commonplace for people to publish personal information about themselves online which may reach an audience of millions. Such sites are more than just communication tools: they are increasingly part of an individual's identity, helping to define the user to the world in terms of their looks, hobbies, friends, jobs, activities and so on. What is more, the popularity of such websites is not confined to the young – already over a fifth of people aged 55-64 have social networking pages.

With so much information available, these websites have become a valuable resource for journalists. If a photograph or personal detail is voluntarily uploaded by someone who does not restrict their privacy settings, it may be difficult to argue that republication in a newspaper or magazine would be an intrusion into privacy.

But the Commission will take a common sense view about the extent to which the information is publicly accessible – for instance, the number of friends who could view photographs or private details – in any complaint about republication. And the Commission has previously made it clear that it would expect publications to demonstrate a public interest reason for using subterfuge to obtain information that was on a restricted website.

The press should be careful in two areas however. The first relates to copyright, a legal issue on which the Commission does not adjudicate. But the second concerns cases involving grief and shock (covered in Clause 5 of the Code of Practice). We have had private approaches from relatives of people who have died suddenly who have expressed disquiet about the way in which photographs of the deceased were used without their consent. While the Commission has not said as a matter of principle that using photographs taken

from social networking sites following untimely deaths will breach the Code, it is important to be aware that context will be important. The Commission generally applies three tests when considering whether publication has been handled insensitively at times of grief. These are:

- does the coverage break news of a death;
- does it treat it in an inappropriate or disrespectful way;
- does it include gratuitous detail.

It's possible that a successful case could be made that publishing a photograph of the person doing something embarrassing, for instance, made light of their death in a way that was insensitive to grieving relatives.

The use of social networking sites clearly marks a cultural shift in the way in which people communicate. It says something about the way in which people regard their own personal information that they can be so willing to share it with large numbers of people online. We will not be able to ignore the fact that individuals themselves are increasingly responsible for the extent to which information about them becomes public – something that will doubtless be a factor for the courts and other bodies adjudicating on where the boundaries of what is public and what private lie.

Delving a little deeper

In March 2008, we commissioned research from Ipsos MORI to discover more about the implications of social networking:

- 42% of web users aged 16-24 know someone who has been embarrassed by information uploaded on to the internet without their consent;
- 78% of adult web users aged 16-64 who are members of a social networking site would change information they publish about themselves online if they thought the material would later be reproduced in the mainstream media;
- 83% of 16-24 year-olds who go online use social networking sites, as do half of adult web users;
- A third (35%) of web users aged 16-64 who are members of a social networking site say they don't ever think before posting information that it might later be used by third parties without their consent.

The message from the research was clear: when uploading information about themselves, people often fail to think through the implications. When these are made clear, they overwhelmingly say that the internet should not become a free-for-all. 89% of web users aged 16-64 agreed that *"there should be clear guidelines about the type of personal information that can be published online... so that people can complain if material published about them is wrong or intrusive"*.

For the PCC, the internet presents a range of challenges, but its fundamental role in seeking a balance between the competing rights of privacy and freedom

of expression remains the same. Indeed, because of their inherent flexibility, self-regulatory systems can be well-suited to meeting the challenges of the web.

"In the digital age, self-regulation, with its sound principles and speed of operation, has never been more relevant. That is why I expect our current Code of Practice to be able to handle complaints in this area; and in the process to enable the Commission over the coming months and years to define through its decisions the boundary between the private and the public." – Sir Christopher Meyer, June 2008

In the digital age, self-regulation, with its sound principles and speed of operation, has never been more relevant

The results of the Ipsos MORI survey were presented to the public at a seminar sponsored by the PCC. Academics, lawyers, regulators and journalists considered the significance of the findings and sought answers to questions such as:

- to what extent is online material genuinely in the public domain?
- is it necessary to invoke the public interest before copying information that is freely available, even if it may be private in nature?
- does the uploading of information imply consent for its use by third parties?

While journalists still have a duty to make judgement calls about whether it is right to take information from the internet without consent, participants thought that website operators should do more to promote public awareness of the risks associated with uploading private information.

Traditionally, websites have relied on terms and conditions forms which users must fill out when opening an account. But this is now outdated, argued Dave Evans of the Information Commissioner's Office, and is an unrealistic way of expecting users to engage with the privacy issue. One speaker proposed that sites use blogs and chatrooms to encourage users to stop and think about the implications of what they post.

Given the young age of many internet users, parents and teachers also have a major role to play in promoting awareness of the issues. The challenge for both the public and the media is to select and use material appropriately, at the same time enjoying the wealth of new opportunities social networking sites offer.

Note: Ipsos MORI conducted online interviews with 1,000 online British public aged 16-64 using the i:omnibus. Interviewing was conducted 14-18 March 2008. The data have been weighted to reflect the known British online population profile.

REACHING OUT

OPEN DAYS

One of the main ways in which the Commission has sought to engage with the public is by holding regular Open Days around the UK. Events have been running since 2003 and last year PCC staff and Commissioners visited Leeds and Ipswich.

In Leeds over 40 attendees from a range of backgrounds – including the NHS, Leeds City Council, ITV, community groups as well as a number of students from local colleges – joined in a lively debate at the city's Town Hall, grilling PCC Chairman, Sir Christopher Meyer, and editor of the Yorkshire Post, Peter Charlton.

And in Ipswich, more than 50 people attended a Q&A session with PCC Director, Tim Toulmin, senior lay Commissioner, The Rt Rev John Waine, and the editor and ombudsman of the Ipswich Evening Star, Nigel Pickover and Malcolm Alcock.



LEFT: An article by the Star's ombudsman
TOP: Audience at Leeds Open Day
BOTTOM: Q&A Panel members at Ipswich Open Day, Nigel Pickover and Malcolm Alcock

SPECIAL INTEREST GROUPS

Aside from general meetings, the Commission continues to target people and groups who may particularly benefit from having more in-depth knowledge about the PCC. For instance, in 2008 the Commission continued to play a role in training courses for media shielders in the armed forces, working in conjunction with the MOD's Defence Media Operations Centre. PCC representatives took up speaking opportunities at numerous other events – including ones organised by Samaritans, the National AIDS Trust, the Law Society and the Parliamentary Joint Committee on Human Rights.

And throughout the year the Commission has liaised with Police Forces, Health Trusts, Coroners' Courts and other authorities which have regular contact with vulnerable groups.



ABOVE: Samaritans and the NAT both liaised with the PCC when producing media guidelines

JOURNALIST TRAINING

It is also important that the Commission continues to promote understanding of its role among journalists.

Representatives of the Commission therefore deliver dozens of talks and seminars to both trainee and in-post journalists.

It is especially important that even experienced journalists are updated on the Commission's rulings and changes to the Code, so that journalists and editors can make informed decisions about how they publish material. Events for working journalists were held in Jersey and Aberdeen and further seminars are planned for 2009. The Commission is also committed to developing new training resources for journalists in the next year.

The PCC can offer in-house training to newspaper and magazine groups either on general Code issues or on particular subjects such as photographs and privacy. Contact Tonia Milton on tonia.milton@pcc.org.uk if you would like to take advantage of this free service.



ABOVE: Photo journalism students at Norton College. Photo: Lee Durant

TEACHERS' PACK

We have produced a new teachers' pack which has been sent to over six hundred A-level media studies teachers around the UK. It introduces the work of the PCC, explains the history of press self-regulation and includes a number of particular case studies for students to consider. Responses from teachers included:

"Thank you for the letter and download resource on PCC. Fantastic. Will be using it."
Jason Mazzocchi, Head of Media Studies, Acland Burghley School; and Senior Examiner for the OCR Board in Media Studies

"Thank you for the resource pack. The area of regulation can be a dry one for A Level Media Studies students and this pack, with its case study examples, will help bring the subject alive."
Kathy Cobb, Assistant Head & Head of Media Salesian School, Chertsey

"Just a quick 'thank you' for your letter detailing your Teachers' Resource Pack. I've just looked this up and printed a copy out: it is a great resource!"
I thought you might like to know how useful this resource will be."
Caroline Bagshaw, Assistant Subject Leader English & Media, The Royal Latin School, Buckingham



It can be downloaded from our website:
http://www.pcc.org.uk/assets/111/Teachers_Resource_Pack.pdf

FACTS & FIGURES

Complaints numbers to the PCC have steadily increased over the last few years. In 2008, we received a total of 4698 complaints, a record high and an increase of 8% from 2007. We are confident that it is not a sign of dramatically falling standards in the industry, but of increased awareness and accessibility of the PCC.

Indeed, key statistics make this clear. Last year: total complaints increased by 8%; resolved by 14%; rulings by 15%; investigations by 15%. However, the number of possible breaches of the Code increased by just below 4%.

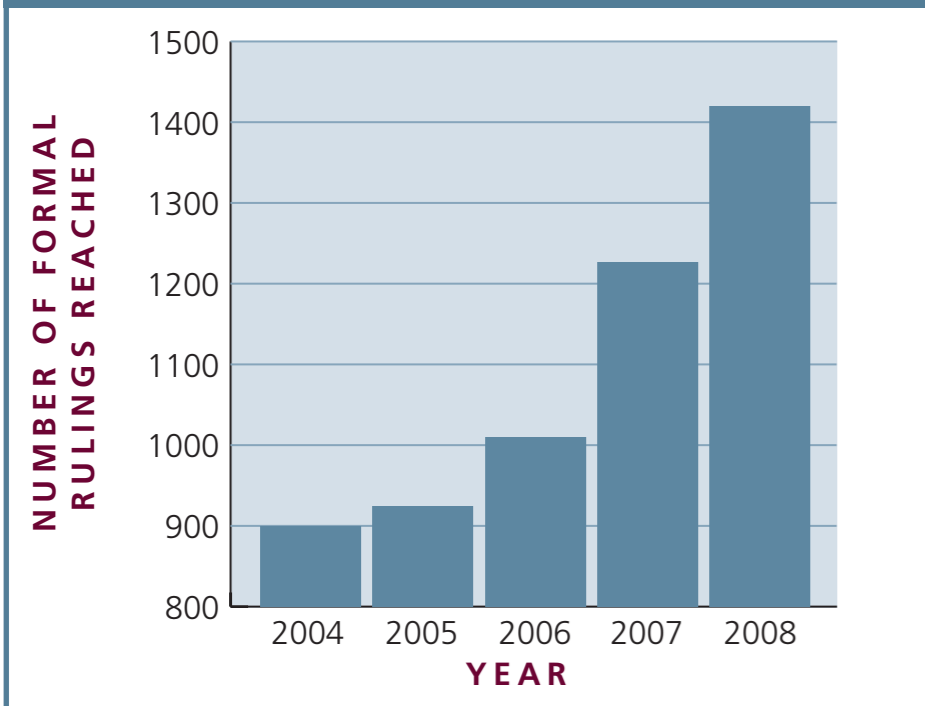
Certainly, there is more material being published online by newspapers than ever before. For the second year running, the PCC received more complaints about online versions of articles than print versions. The industry has stepped up its efforts to advertise the PCC online, which means readers are often only one click away from making a complaint.

In 2008, over half of the complaints initially lodged (primarily by email) were not taken forward formally by complainants or raised issues outside of the remit of the PCC (with adverts, say, or matters of taste). We received several multiple complaints that were protests, co-ordinated online, from large numbers of people. The attached table shows the articles attracting the most complaints in 2008; they all involved, to varying degrees, specific constituencies of complainants.

Much of the concern about The Times article (a comment piece railing against cyclists) related to the tastefulness of the claim. However, the Commission considered one set of arguments that the article was misleading, discriminatory and constituted harassment, and found no breach of the Code. Although there were 584 complaints, it was only necessary for us to issue one ruling.

So it is necessary to focus on the complaints that fell properly within the PCC's remit. In 2008, we issued 1420 rulings. These were all cases where a formal conclusion was reached: either by the PCC resolving the complaint, issuing a decision, or publishing an adjudication. This is a record high, and part of an ever-increasing trend:

FORMAL RULINGS REACHED UNDER THE CODE



THE TOP FIVE

1. THE TIMES

"What's smug and deserves to be decapitated?"
584 complaints

2. Daily Mail

Coverage of Jonathan Ross and Russell Brand controversy
92 complaints

3. DAILY EXPRESS



THE TIMES
The Daily Telegraph

THE INDEPENDENT

Coverage of Mumbai attacks
90 complaints

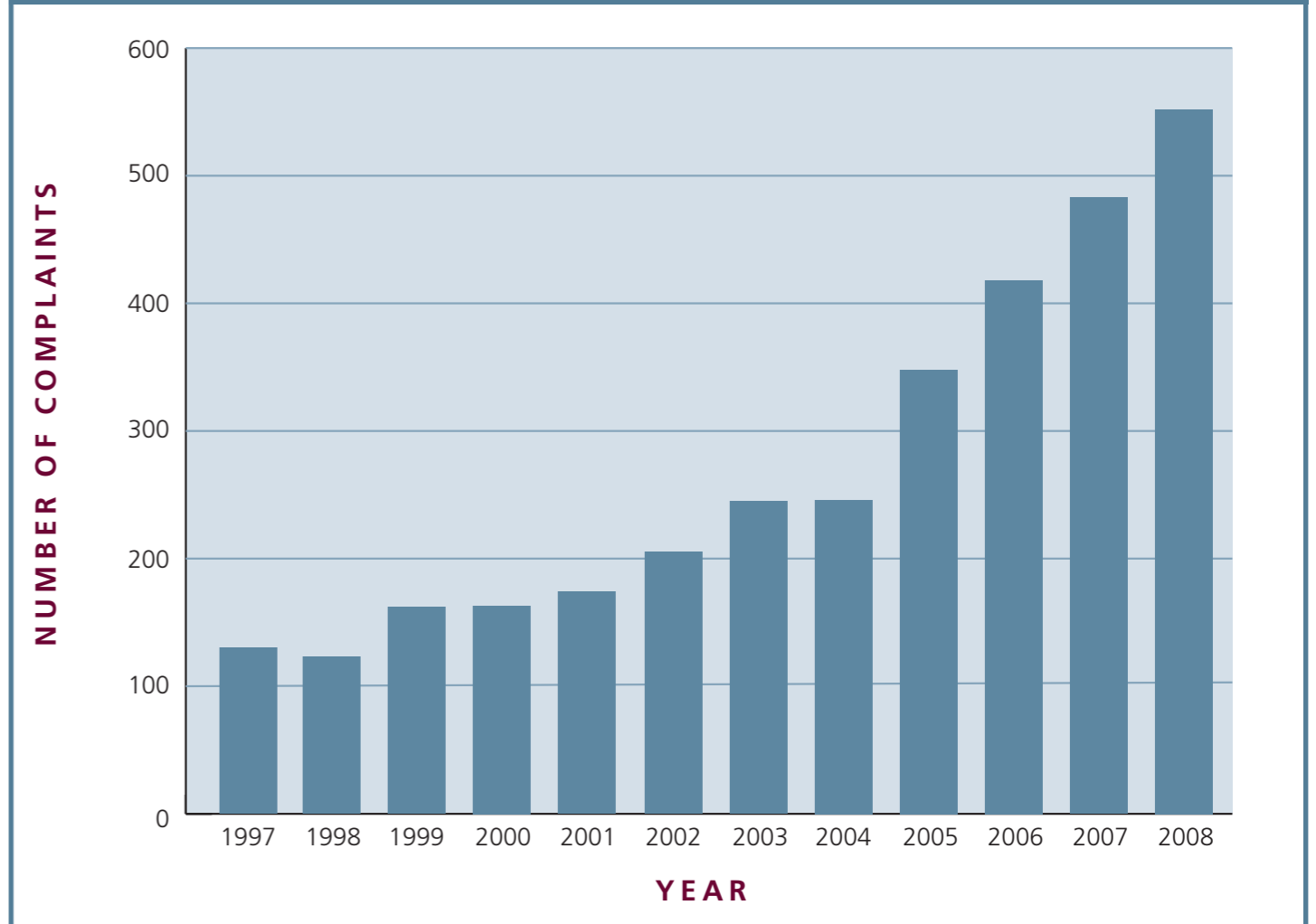
4. Sun

"Beaten up by two Grandads"
33 complaints

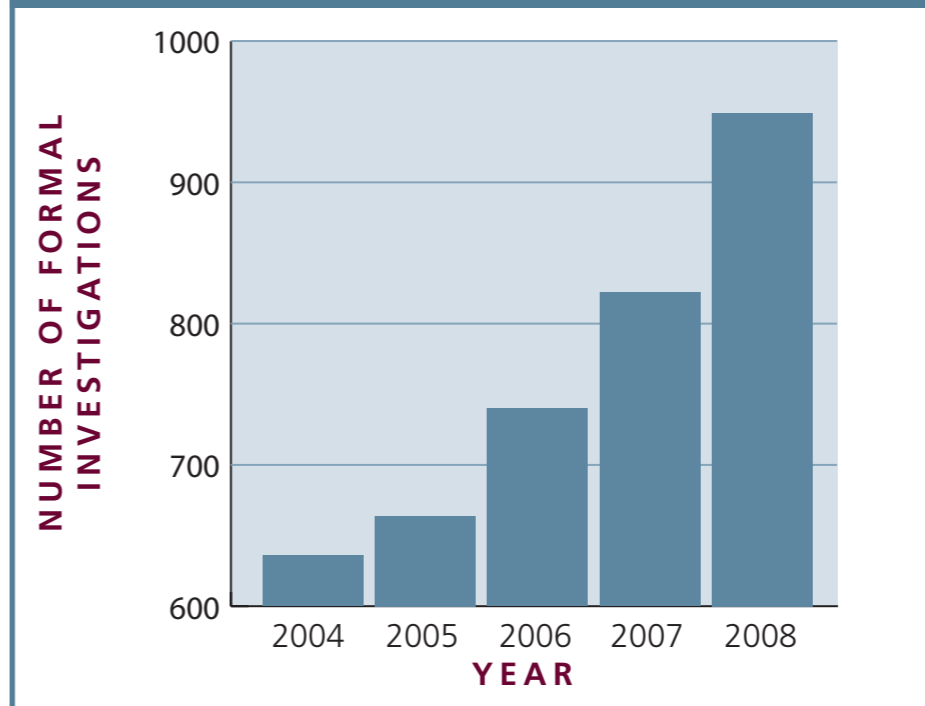
5. DAILY EXPRESS

"Families must sell land for gypsy campsites"
28 complaints

RESOLVED OVER 12 YEARS



FORMAL INVESTIGATIONS



We resolved 552 complaints to the satisfaction of the complainant, another record. Over 80% that raised a possible breach of the Code were resolved. Each year for the last 10 years, we have resolved more complaints than the year before. Tangible evidence that our service is improving.

The PCC is ever more diligent in its considerations and demanding in its requirements from editors. In 2008, we made 949 formal investigations.

FORMAL RULINGS UNDER THE CODE

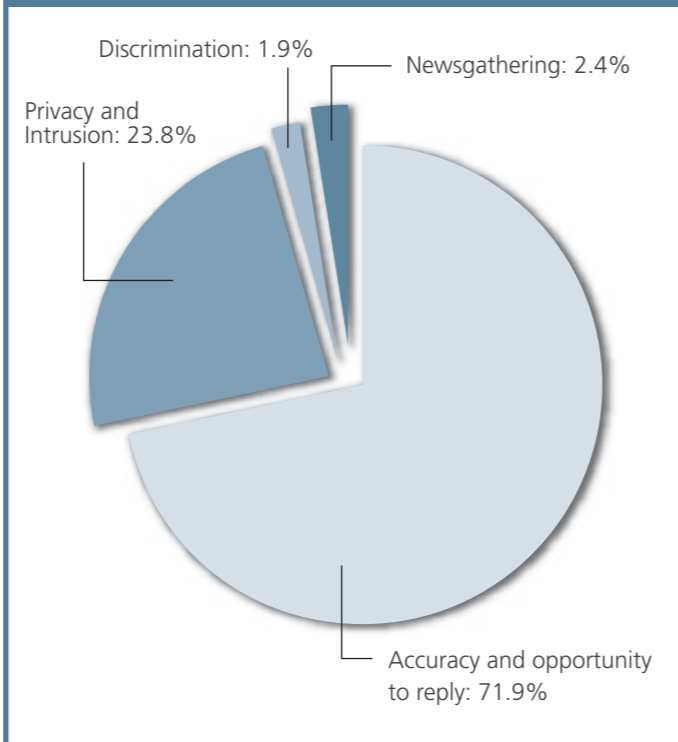
No breach of the Code	721
Sufficient remedial action offered by the newspaper	102
Resolved to the satisfaction of the complainant	552
Adjudicated upheld	24
Adjudicated not upheld	21

The average time taken to reach these rulings was 36 days. That's up from 34 in 2007, but an acceptable rise given the increase in overall activity.

POSSIBLE BREACHES OF THE CODE BY CLAUSE

Accuracy:	71.4%
Opportunity to reply:	0.5%
Privacy:	8.8%
Harassment:	3.4%
Intrusion into grief or shock:	6.9%
Children:	3.4%
Children in sex cases:	0.1%
Hospitals:	0.1%
Reporting of crime:	1.1%
Clandestine devices and subterfuge:	1.3%
Victims of sexual assault:	0.4%
Discrimination:	1.9%
Financial journalism:	0%
Confidential sources:	0.3%
Witness payments in criminal trials:	0.1%
Payment to criminals:	0.3%

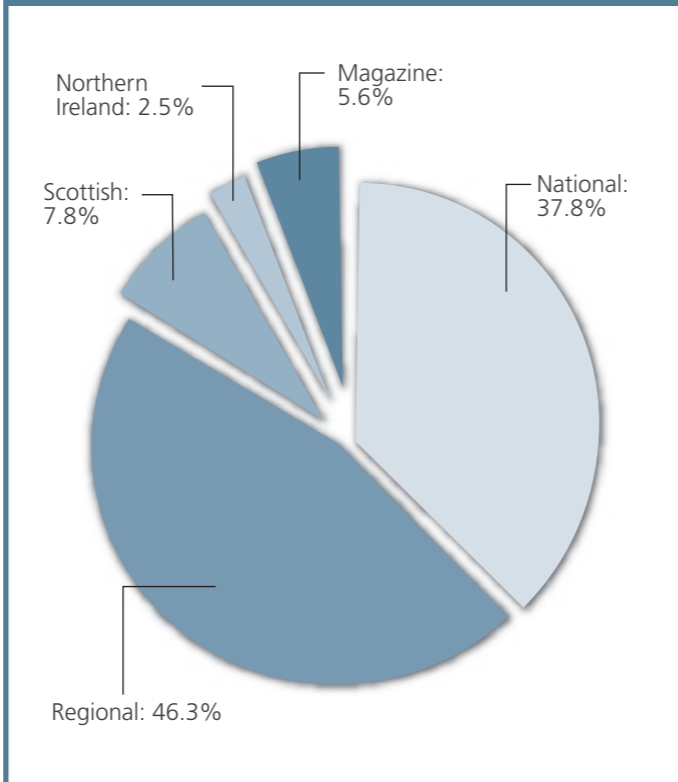
POSSIBLE BREACHES OF THE CODE BY TYPE OF COMPLAINT



Privacy complaints represent a key component of our work. In 2008, we made 329 rulings, up 35% from 2007. We are now the preferred forum to handle disputes because of speed, confidentiality and minimal confrontation.

Every year we make more privacy rulings about regional newspapers than any other form of print media. In 2008, complaints about national titles increased from 28% to 38% of the total, but they were still in the minority.

PRIVACY RULINGS



CASE STUDY

Deciding what's in the public interest

THE SUN revealed that someone with a conviction for downloading sexual images of children, who worked for a supermarket, had been seen making a delivery to a nursery school. It illustrated the story with a photograph of him making the delivery and, on its website, footage filmed secretly of him working in the store.

The Commission agreed that there was public interest in the story but not in the use of the footage since there was no disputing where he worked. The complaint was upheld.

LESSON There needs to be powerful public interest to justify undercover filming. Newspapers and magazines should take care that they do not simply put such material online because it is in their possession.

Scrutinising the PCC's work

The PCC is subject to permanent scrutiny by the Charter Commissioner, Sir Brian Cubbon, and the Charter Compliance Panel. Sir Brian's role is to examine complaints about the handling of cases by the PCC and its staff. In 2008 he received 52 complaints, a small rise on the previous year's figure but a similar proportion of the total number of cases brought before the Commission.



Sir Brian Cubbon GCB

In the majority of cases, Sir Brian found that the initial complaint had been handled correctly and explained to the complainant why he came to that conclusion. However, in a number of instances he recommended further action. Examples include:

- A man's complaint against Park Home & Holiday Caravan magazine had been rejected by the Commission. However, he said we had failed to deal with a substantive part of his complaint. The Charter Commissioner agreed and asked us to re-open the investigation. As a result, the magazine undertook that a particular term will not be used in future editorial copy.
- A woman had been upset by an article that included information about the

state of her father's health before he died. We ruled that there had been no invasion of his privacy because Clause 3 only applies to the living. The complainant wrote to the Commissioner who, whilst concluding that we had handled the case properly, was able to give a fuller explanation of the ruling.

- A complaint of inaccuracy was rejected by the PCC as not raising a breach of the Code. However, Sir Brian understood the complainant's concerns and, by liaising with the Commission and the editor of the relevant newspaper, he arranged for a clarification to be published.

Sir Brian also heads the Charter Compliance Panel, whose other member is Harry Rich. Together they carry out a

regular audit of the Commission's work by selecting and assessing a number of files. After each audit, the Panel recommends ways in which procedures and practices might be improved. Last year these included:

- Clearer distinction between cases where remedial action is necessary because the Code has been breached and where it is appropriate for less tangible reasons
- Greater engagement between the Commission and the Panel on individual cases
- A review of standard phraseology for letters and decisions
- A review of the Commission's case law on 'illustrative photographs'.

Images that are too graphic and published too quickly



THE WILTSHIRE GAZETTE & HERALD published a report on a road accident involving an elderly woman. The online version included a photograph of the victim being treated by the emergency services, which the victim's son-in-law considered too graphic. He said that the article had been published when not all members of the family had been informed of the accident or knew the extent of the injuries.

The Commission considered that the online article raised a breach of the Code by showing the victim's facial features as she received treatment. It had been uploaded before her condition had been established, when family may not have been informed or would be in a state of shock. The newspaper was required to withdraw the photograph as well as publish the family's criticisms and an apology.

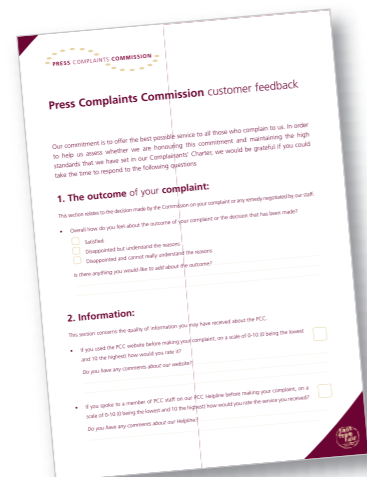
LESSON Newspapers must exercise caution when using images that relate to a person's health and medical treatment, even if they are taken in public places. Rare and large-scale events such as terrorist attacks and natural disasters involve issues of public interest that may make it acceptable to publish images of the injured without consent. Incidents such as car crashes are far less likely to do so. Newspapers should also be especially careful about the immediate online publication of accident photographs.

CUSTOMER FEEDBACK

In order to evaluate how our service is rated, we survey all those who have received a decision.

In 2008, 228 people replied:

- 83% thought their complaint had been dealt with thoroughly or very thoroughly;
- 79% considered the time taken to deal with their complaint was 'about right';
- 84%, when asked how good the PCC website was, gave it 7 or more out of 10.



"This is the first time I have used the service. From the response I received, I have every confidence in using it in the future should the need arise."

"Wonderful to find an organisation that deals fairly with complaints! So many do not."

"Without your excellent help, I would have made no progress."



C A S E S T U D Y

Failure to include denial of serious allegations

PAUL BURRELL complained about an article headlined “Burrell: I had sex with Diana”, which was largely based on his brother-in-law’s recollection of a conversation he had allegedly had in 1993, in which Mr Burrell was said to have boasted of having sex with Princess Diana.

The Commission was asked whether it was acceptable for the newspaper to have run the story without going to Mr Burrell for comment. The newspaper said it thought that Mr Burrell could not be trusted and was concerned about him obtaining an undeserved injunction.

We agreed with the complainant. Since the claims were substantial, published with great prominence, and were based on the recollection of a fifteen-year-old conversation, the newspaper should have run Mr Burrell’s denial in the story or made a prompt

and proportionate offer to do so soon after. The Commission said there was a strong likelihood that the omission of any denial from Mr Burrell may have misled readers into believing that he accepted the allegations.

LESSON There has never been a requirement for newspapers to contact those about to feature in articles. However, failure to include a denial of serious allegations may cause readers to be misled. It will depend on the nature of the claims and how much evidence there is to support them. Concerns about undeserved injunctions are not an excuse.

International report

The Alliance of Independent Press Councils of Europe (AIPCE) provides a link between press councils and press complaints commissions throughout Europe.

There has been considerable growth in the number of self-regulatory press and media councils around the world in recent years. This has largely been the result of a desire to strike a balance between freedom and responsibility. All members of AIPCE are opposed to the harmonisation of media regulation across borders. One of its founding principles was: “that media content regulation... should be based on nations’ differing cultures”.

This seems like common sense. Pan-European regulation, even aside from practical problems, would be inappropriate given the the divergent social, cultural and political outlooks of Europe’s many countries. However, a standardised Code

of Practice or single European press council is said to be on the agenda of some policy-makers and academics. This will be resisted by the PCC and its partners.

In 2008, a new website was launched (www.aipce.net) which explains the role of the Alliance and includes contact details of its members.

AIPCE’s annual conference was hosted by the Deutscher Presserat and attended by representatives from over twenty countries. Delegates discussed the importance of accountability and the challenges of dealing with internet content. The Alliance also backed ongoing efforts towards establishing self-regulatory systems in France and Hungary.

The PCC has always sought to

foster a spirit of co-operation with press councils outside Europe, sharing experiences and advice. Last year we participated in events to promote media self-regulation in Sri Lanka, Spain and Canada (where separate, provincial press councils are seeking closer co-operation in response to the changing media landscape).

We also hosted numerous guests at the PCC’s offices: representatives from the press councils of Malawi, Alberta and Norway; journalists and students from many countries including Russia and the United States; and various political delegations, including from China and Iran. All came to learn more about the practical workings of self-regulation.



DAVID CHIPP

It was with great sadness that we learned of the death of David Chipp in September 2008 at the age of 81. David had enjoyed a successful journalistic career with Reuters and PA, and was a founding member of the PCC. After retirement and until his death, he continued to advise the PCC in his role as international consultant. He was well known and hugely admired by those involved in self-regulation across the world, and had been a key figure at the meeting in Amsterdam in 1998 that ultimately led to the formation of AIPCE.

COMMISSION MEMBERS



Sir Christopher Meyer, KCMG
Chairman



Esther Robertson

Esther Robertson: I believe that the Commission has come a long way in raising its profile and developing ways to tackle many of the new challenges facing the industry. I find the diverse backgrounds of the lay members bring a range of perspectives which are very helpful, especially when having to make difficult judgements.



Ian Nichol: A free press, like any major institution, has to have a control system. The PCC gives a quick, free, easy route of action to individuals who would otherwise (assuming they could afford it) be obliged to go down the route of expensive litigation.



Matti Alderson: As an alternative to state regulation, the PCC offers a flexible, responsive, credible and reliable source to which consumers can turn to safeguard their interests.



John Home Robertson: The press has such a vital role to play, both for information and commentary purposes, which is why it's so important they get it right. The press are certainly facing very serious challenges at the moment but it is really important that editorial standards do not slip as a result.



Colleen Harris MVO: I think it is important for the PCC to be flexible and vigilant in meeting the needs of the public and the press. From all the experience I have gained working with the UK media and overseas media I have come to appreciate how important it is for press freedoms to be maintained.



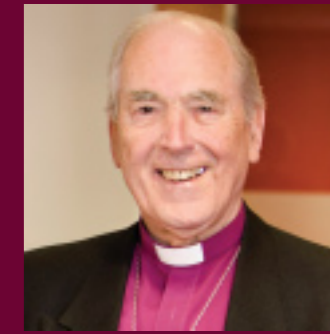
Eve Salomon: We take it for granted in the UK, but it is important to remember that a free press is vital for the proper operation of democracy. At the same time, with freedom comes responsibility. I see the role of the PCC to help balance press freedom with due accountability.



Vivien Hepworth: Press standards matter – and so does press freedom. I believe strongly in the self-regulatory model on which the PCC is based. I hope that a varied career means I have learned to listen carefully to all sides of a story, and to be willing to argue when the occasion merits it.



Simon Sapper: Effective self-regulation – “right touch not light touch” – of the press is integral to democracy, but there are many challenges – political, economic and technological. We need to make sure buy-in to the Commission remains strong, and that our work is responsive, innovative and resolute.



The Right Rev John Waine KCVO: The PCC is a token of the recognition by the press of its responsibility to maintain public trust, and its willingness to deal with instances of failure to do so. I am glad to add my own professional experience to that of my fellow Commissioners in the undertaking of this important task.



Simon Irwin
Editorial Director,
Kent Messenger Group



Spencer Feeney
Editor in Chief,
South Wales Evening Post



John McLellan
Editor, The Scotsman



Peter Wright
Editor, The Mail on Sunday



Tina Weaver
Editor, Sunday Mirror



Ian MacGregor
Editor, The Sunday Telegraph



Lindsay Nicholson
Editorial Director,
Good Housekeeping



Tim Toulmin
Director

FINANCIAL REPORT

The PCC's income comes entirely from raising levies on press organisations. In order to maintain a suitable distance, this funding is organised by a third party, the Press Standards Board of Finance (PressBoF). The Commission is grateful to Jim Raeburn and Linda Spowart from PressBoF for administering the system.

Here are extracts from the Commission's accounts for 2007, the most recent year for which figures are available. They have been audited by Saffery Champness.

Item	Expense £
Staff and Commissioners' costs	1,055,717
Accommodation, including insurance	153,120
Telephones and faxes	17,637
Newspapers and other publications	11,822
Office equipment and leases	27,143
Stationery, printing and monitoring costs	63,405
Postage	11,314
Lawyers	67,613
Audit and tax consultancy	41,997
Charter Commissioner/Charter Compliance Panel	43,875
Consultants	74,979
Design and literature	33,155
PR/conferences/entertainment	90,530
AIPCE conference*	27,941
Travel and subsistence	46,582
Website and IT costs	29,233
Depreciation	39,449
Bank charges	2,302
Total	1,837,814

* The Alliance of Independent Press Councils of Europe conference was hosted by the UK in Edinburgh in 2007. The costs were covered by sponsorship from the Open Society Institute, Johnston Press plc and the European Publishers Council.



Sir Christopher Meyer



Tim Bowdler CBE
(Chairman of PressBoF)



Andrew Phillips
(Lord Phillips of Sudbury)



Lord Evans of Temple Guiting
CBE

THE APPOINTMENTS COMMISSION

PCC Commissioners fall into three categories: the Chairman, who is appointed by PressBoF on behalf of the newspaper and magazine industry; editorial members who are nominated by their relevant trade body and appointed by the PCC's Appointments Commission; and the lay members, who are recruited following advertising and interview, and are also appointed by the Appointments Commission. Terms of office for lay members are three years, although a member may be reappointed.

The Appointments Commission meets twice a year and membership is not remunerated. Its members are:

- The Chairman of the PCC (Sir Christopher Meyer throughout 2008);
- Tim Bowdler CBE (Chairman of PressBoF);
- Andrew Phillips (Lord Phillips of Sudbury);
- Lord Evans of Temple Guiting.

There is currently one vacancy on the Appointments Commission, following the retirement of Sir David Clementi at the end of 2008. Baroness Smith of Gilmorehill stepped down at the beginning of 2008 and was replaced by Lord Evans. The PCC wishes to record its deep gratitude to both Sir David and Lady Smith for giving freely of their time and expertise.

In 2008, the Appointments Commission:

- Appointed Lindsay Nicholson, Editorial Director of the National Magazine Company, to the PCC following a nomination from the Periodical Publishers Association;
- Appointed Ian MacGregor, Editor of the

Sunday Telegraph; Tina Weaver, Editor of the Sunday Mirror; and Peter Wright, Editor of the Mail on Sunday; as editorial members of the PCC following nominations from the Newspaper Publishers Association;

- Appointed Simon Sapper, Assistant Secretary, Communication Workers Union, to a three year term as a lay member of the PCC;
- Appointed John Home Robertson, former Labour MP and MSP, to a three year term as a lay member of the PCC;
- Extended the term of office of Sir Brian Cubbon, Charter Commissioner and Chairman of the Charter Compliance Panel, until summer 2009;
- Re-appointed Matti Alderson, Bishop Waine, Vivien Hepworth, and Ian Nichol to further terms as lay members of the Commission.

During 2008, lay members Dianne Thompson and Nick Wilkinson retired from the Commission. We are all very grateful for their years of service to the PCC.



New Chairman

On 14th November 2008, the Chairman of PressBoF announced that Baroness Buscombe, Chief Executive and Director General of the Advertising Association, would take over as Chairman of the Press Complaints Commission on the completion of Sir Christopher Meyer's second term of office at the end of March 2009. Trained as a barrister, Lady Buscombe has had an extensive career in politics and the private sector. In 1998 she was made a Life Peer and has been a Conservative front bench spokesman in the House of Lords on several briefs including Trade and Industry, Social Security, Legal Affairs, Cabinet Office, Education and Skills, Home Office and Culture, Media and Sport.

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Simon Yip
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Complaints Assistant

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Catherine Speller
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Communications Officer

T H E C O D E O F P R A C T I C E

This is the newspaper and periodical industry's Code of Practice. It is framed and revised by the Editors' Code Committee made up of independent editors of national, regional and local newspapers and magazines. The Press Complaints Commission, which has a majority of lay members, is charged with enforcing the Code, using it to adjudicate complaints. It was ratified by the PCC on the 1 August 2007. Clauses marked* are covered by exceptions relating to the public interest.

All members of the press have a duty to maintain the highest professional standards. The Code, which includes this preamble and the public interest exceptions below, sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.

It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists.

Editors should co-operate swiftly with the PCC in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including headline reference to the PCC.

1 Accuracy

- The press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.
- The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.
- A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

2 Opportunity to reply

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

3* Privacy

- Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications. Editors will be expected to justify intrusions into any individual's private life without consent.
- It is unacceptable to photograph individuals in a private place without their consent. *Note – Private places are public or private property where there is a reasonable expectation of privacy.*

4* Harassment

- Journalists must not engage in intimidation, harassment or persistent pursuit.
- They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them.
- Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

5 Intrusion into grief or shock

- In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.
- When reporting suicide, care should be taken to avoid excessive detail about the method used.

6* Children

- Young people should be free to complete their time at school without unnecessary intrusion.
- A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- Pupils must not be approached or photographed at school without the permission of the school authorities.
- Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
- Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

7* Children in sex cases

- The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.
- In any press report of a case involving a sexual offence against a child –
 - The child must not be identified.
 - The adult may be identified.
 - The word 'incest' must not be used where a child victim might be identified.
 - Care must be taken that nothing in the report implies the relationship between the accused and the child.

8* Hospitals

- Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.
- The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

9* Reporting of Crime

- Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.
- Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

10* Clandestine devices and subterfuge

- The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents, or photographs; or by accessing digitally-held private information without consent.
- Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

11 Victims of sexual assault

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

12 Discrimination

- The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.
- Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

13 Financial Journalism

- Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.
- They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.
- They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

14 Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

15 Witness payments in criminal trials

- No payment or offer of payment to a witness – or any person who may reasonably be expected to be called as a witness – should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981. This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.
 - Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.
 - Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

16* Payment to criminals

- Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamourise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates – who may include family, friends and colleagues.
- Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.

The public interest*

There may be exceptions to the clauses marked *where they can be demonstrated to be in the public interest.

- The public interest includes, but is not confined to:
 - Detecting or exposing crime or serious impropriety.
 - Protecting public health and safety.
 - Preventing the public from being misled by an action or statement of an individual or organisation.
- There is a public interest in freedom of expression itself.
- Whenever the public interest is invoked, the PCC will require editors to demonstrate fully how the public interest was served.
- The PCC will consider the extent to which material is already in the public domain, or will become so.
- In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.



See more @ www.pcc.org.uk