

A woman v The People

Clauses noted: 1, 3, 4, 12

A woman from South East London complained that an article published in *The People* on 6 October 2002 headlined 'Girl cop has truncheon op to become a PC! ... as male cop worker goes the other way and gets his own personal loo' contained inaccurate, intrusive and discriminatory details in breach of Clauses 1 (Accuracy), 3 (Privacy) and 13 (Discrimination), and that she had been harassed in breach of Clause 4 (Harassment).

The article reported that following complaints from staff about sharing a toilet with a colleague who had undergone gender reassignment surgery, the colleague in question had been offered use of a separate facility. The complainant - the police civilian worker named in the article - maintained that she had not been given her own 'personal loo', and supplied the name of a Chief Superintendent who could substantiate this. Publication of her 'personal circumstances', her photograph, employment details, name and partial address was intrusive. Her health had suffered as a result of both the article and the manner in which she was asked to comment by the reporter. He approached her as she was getting into her car saying he wanted to do a 'sympathetic' piece on her, and continued to question her 'despite being repeatedly asked to leave'. The complainant was only able to escape his attention by getting into her car and driving away. Finally, the complainant contended that the article was discriminatory, as it would not have been published 'had a transsexual not been involved'.

The newspaper explained that senior officers and employees had confirmed that 'following complaints from members of staff the complainant was allowed to use the toilet of a senior officer' at a station she had previously worked at. A reporter had approached the complainant giving his name and that of the newspaper, but was immediately asked to leave. He asked if the complainant 'would talk about her recent change of gender' adding that the piece would be sympathetic, but the complainant repeated her comments so he apologised for bothering her, offered his contact details and left. The photograph was taken in a car park, which was a public place, and the newspaper did not consider publication of the complainant's name or the area of London in which she lives to be intrusive into her privacy. Finally, the article was not prejudicial or pejorative in relation to her transsexuality, although the newspaper tagged its library system setting out the complainant's objections to the article for future reference.

Adjudication

Clause 3 states that 'Everyone is entitled to respect for his or her family life, home, health and correspondence', and the Commission recognised the complainant's preference to keep details about her personal circumstances private. However the Commission has previously ruled that the reporting of facts relating to the appearance of individuals is not intrinsically intrusive, and publications are entitled to report on matters in the public domain and to take photographs of people in public places as defined by the terms of the Code. The consequences of gender reassignment surgery were publicly apparent, and the article had gone no further than to state the fact of this operation. The complainant's name, age and partial address in relation to the article were not private details, and reference to the complainant's gender was not prejudicial or pejorative. The Commission did not, therefore, consider the presentation or substance of the facts reported to be intrusive or discriminatory in breach of the Code.

The Commission noted that the newspaper had approached the complainant for her comments prior to publication, and acknowledged that the parties disputed the precise details of the exchange between the reporter and the complainant. However, it was agreed that the journalist had emphasised the 'sympathetic' tone of the proposed article and that the complainant had driven away from the scene after refusing the reporter's contact details without further incident. The

Commission did not consider that a sole approach of this nature was persistent or intimidatory in breach of Clause 4.

Although both the complainant and the newspaper had offered to substantiate their version of events with evidence from police sources, the Code states that newspapers must in the first instance 'take care not to publish inaccurate, misleading or distorted material'. The Commission acknowledged that the complainant had chosen not to speak to the newspaper about the matter. She had however been given opportunity to correct any potential inaccuracies prior to publication either when approached by the newspaper in person or by communicating with them at a more convenient time. In addition, the newspaper had undertaken to mark its files electronically to ensure that her objections to the article were clear in the event of future publication. Given moreover that any further contact from the newspaper could have raised a potential breach of Clause 4, the Commission considered that sufficient care had been taken to ensure the accuracy of the article and that no breach of Clause 1 had been established.

Relevant rulings

A woman v News of the World, 2002

Tindall v The People / Daily Mail / Leamington Spa & Warwick Courier, 2000

Pirie v News of the World, 2000

Adjudication issued 2003