

***Kate Beckinsale v Daily Mail***

Clauses noted: 3, 6

Kate Beckinsale complained to the Press Complaints Commission through solicitors Campbell Hooper of London that an article headlined "Mummy's latest love scene leaves Lily unimpressed" published in the Daily Mail on 15 April 2003 intruded into her privacy in breach of Clause 3 (Privacy) of the Code of Practice and her daughter's privacy in breach of Clause 6 (Children) of the Code.

The complaint was rejected.

The article reported that the complainant was in a new relationship and included a series of pictures showing her embracing and kissing her new partner. One photo also depicted the complainant's daughter apparently ignoring her mother's romantic activity. The complainant said that the images and the article intruded into her privacy and into the privacy of her daughter.

The newspaper said that the photographs had been taken in a public place and that they did not concern the welfare of the complainant's daughter. She had been photographed many times and material about her had been included in numerous articles in the past.

The complainant and her solicitors contended that previous photos of her daughter had been published without consent. Moreover, the photos published by the Daily Mail clearly concerned the welfare of the complainant's daughter.

*Adjudication*

Dealing first with the complaint that the article intruded into the privacy of the complainant the Commission noted that the photographs of her and Mr Wiseman embracing had been taken while the couple were in a public place. The Commission did not consider that the pair were in a place where they had a reasonable expectation of privacy nor, therefore, that the newspaper had shown a lack of respect for their private lives. There was no breach of Clause 3 of the Code.

Turning next to the complaint about the complainants' daughter, Lily, the Commission had a number of different tests to apply under Clause 6, in conjunction with Clause 3, of the Code.

First, was Lily in a private place? As set out above, the child was photographed in a public place where there was no general expectation of privacy.

Second, did the article contain material about her private life that was only published because of the fame of her mother? The article contained no private details about Lily – such as her health, or schooling, but recorded general observations about her apparent reaction to her surroundings.

Third, given that the photos were published without consent, could publication have damaged Lily's welfare? The Commission noted that – unlike in a previous ruling where photos of the daughter of a well-known individual appeared for the first time leading to her general identification – images of Lily had already been established in the public domain without apparent complaint from her mother. Nor was any case made out that publication could interfere with her schooling.

On none of these points, therefore, was there a breach of the terms of Clause 6, or Clause 3, of the Code.

Adjudication issued 2003