

A man v Burton Mail

Clauses noted: 3

A man from Derbyshire complained to the Press Complaints Commission that an article, headlined 'Thieves snatch farm jewels' published in the Burton Mail on 28 January 2004, contained material that intruded into his and his wife's privacy in breach of Clause 3 (Privacy) of the Code of Practice.

The complaint under Clause 3 was not upheld, but the Commission censured the editor for the delay in responding to its enquiries.

The article reported that there had been a theft at the complainant's home. The complainant said that by giving his full address and the details of when the crime took place – during a period of the day when any reader might reasonably assume that the house was empty on a regular basis – the newspaper had put his property at risk of further burglaries.

The newspaper said that all of the information contained in the report had come from local police, although the complainant said that the police had denied giving the paper his precise address. The newspaper did not consider that publishing the details was improper, suggesting instead that any complaint should be against the police. It then took over six weeks to reply to a further letter from the Commission, when it added that similar stories were published on a regular basis in the hope that readers might be able to give useful leads to the police.

Adjudication

There were two issues for the Commission to consider in this case. The first related to the alleged intrusion. The second concerned the length of time it had taken for the newspaper to deal with the complaint.

The Commission sympathised with the complainant, given the obvious distress that publication had caused to him and his wife. However, it considered that the newspaper was performing an important function in publishing a witness appeal, and noted that it was acting on information that apparently came from the police. Indeed, the article requested that anybody with information contact the local police or Crimestoppers – and provided phone numbers for both. The Commission also had to bear in mind that potential witnesses would have needed a certain amount of information about the incident in order to come forward. It therefore had to balance the complainant's right to privacy on these matters with the newspaper's right to report factually a matter of local concern, and also with the public interest inherent in publishing information designed to assist the police in the pursuit of their enquiries. It was hesitant to reach a conclusion that would interfere with this important public function and consequently did not uphold the complaint under Clause 3. In coming to this conclusion, however, the Commission wished to state that editors must always have regard to the vulnerable position of individuals before deciding what information to publish. It would not be enough of a defence simply to argue that potentially intrusive information had come from an official source – editors must always be able to demonstrate that publication was also in the public interest.

The Commission did find, however, that there was a breach of the Code arising from the amount of time that the editor took to respond to its enquiries. The Code makes clear that 'it is the responsibility of editors to co-operate with the PCC as swiftly as possible in the resolution of complaints'. One of the chief virtues of the self-regulatory system is its ability to resolve disputes quickly. It is unacceptable for editors to undermine this by unnecessarily delaying their responses to the Commission.

Relevant rulings

Desbrow v The Scotsman, 2004

Tomlinson v Peterborough Evening Telegraph, 2002

Adjudication issued 2004