

Mr Nigel Harman v Star Magazine

Clauses noted: 3

Mr Nigel Harman of London complained to the Press Complaints Commission through Sadie Feast Management that an article published in Star magazine on 1 May 2004 headlined "Neighbourhood Celebwatch" intruded his private life in breach of Clause 3 (Privacy) of the Code of Practice.

The complaint was not upheld.

The article described in general terms the area in which the complainant lived and provided a number of photographs of places where he spent time – including his home and a number of local businesses. While his home address was not specified, the complainant suggested that the information provided in the article was sufficient to compromise his security by enabling people to trace his whereabouts.

The magazine said that readers would not be able to identify where the complainant's home was – nor even the specific area in which the shops pictured were to be found. It suggested that those shops – for instance, Greggs, Sainsbury's Local and Unwins – could be found throughout Britain. While taking note of the Commission's previous adjudication in the case of Ms Dynamite v Islington Gazette the magazine contended that this complaint was significantly different and that the complainant's safety had not been compromised.

The complainant's agent pointed out that one of the photographs showed a newsagent with its postal address visible above the door. It was, therefore, wrong to say that the immediate area in which the complainant lived had not been identified.

Although it denied breaching the Code, the magazine indicated that it wished to resolve the complaint, and suggested that the editor would be prepared to write to Mr Harman in order to apologise for any offence or distress caused by the piece. In addition, it said that it would take more care in the future when using photographs of the complainant and in the production of the accompanying text.

The complainant's agent did not consider the magazine's offered remedy to the complaint to be sufficient, and suggested that the magazine publish an apology.

Adjudication

The Commission has previously censured publications which identify the precise location of the homes of high-profile individuals, mindful of the particular security problems that can arise as a result. However, the Commission did not consider that in this case the Code had been breached. There were strong similarities with another complaint – Ryan v Star – which was made by another actor about the same feature in a different edition of the magazine. The reasons for rejecting this complaint were the same as those in Ryan v Star.

Firstly, the Commission was not persuaded that the magazine had provided sufficient information for people who were unfamiliar with Mr Harman to cause him a nuisance, for instance by turning up at his home. Secondly, the photographs of buildings and shops in his neighbourhood – taken from public places – did not include the complainant. He had had not therefore been followed or endured any physical intrusion by journalists or photographers as he went about his daily business. Thirdly, there was no actual evidence that the article had led to any security problems for the complainant.

The Commission has made clear, however, that there is a particular need for vigilance in this area. It therefore welcomed the magazine's attempts to resolve the matter, and especially the undertaking to take more care when dealing with such features in future.

Relevant rulings

Dynamite v Islington Gazette, 2003

A well-known entertainer v Mail on Sunday, 2000

Adjudication issued 2004