

Mrs Louise Miliband v The Mail on Sunday

Clauses noted: 3

Mrs Louise Miliband of Tyne and Wear complained to the Press Complaints Commission that an article published in The Mail on Sunday on 2 January 2005 intruded into her privacy in breach of Clause 3 (Privacy) of the Code of Practice.

The complaint was upheld.

The article, which discussed the recent adoption of a child by the Cabinet Office Minister David Miliband and his wife, referred to a specific detail about the complainant's health.

The complainant considered that the reference to her health represented a flagrant and fundamental breach of the Code, as it publicised what was an intensely personal and private matter. There was no public interest served by the article.

The newspaper apologised for causing distress to the complainant and offered to publish an apology to her, something that the complainant rejected. However, it had been given the information openly by a friend of the complainant's parents. When the newspaper telephoned the press office of the Cabinet Office the night before publication for comment, none was given. The newspaper considered that it could legitimately publish the article, given that the information had been volunteered by a family friend and that the press office had not commented when asked to do so. The newspaper also argued that it had handled publication of the information sensitively. It added that there was also a public interest in offering some context to what was a controversial issue of international adoption.

The complainant made clear that the newspaper should have known that the reference would cause distress and asked the Commission to adjudicate upon her complaint.

Adjudication

The Commission was asked to consider one aspect of a broader story. Its decision should not be taken as a comment one way or another on whether the investigation into the circumstances of the adoption was in the public interest.

Clause 3 of the Code states that everyone is entitled to respect for his or her private life, and specifically includes reference to a person's health.

It was clear in this case that the information concerned was highly personal. In order to have a legitimate reason for putting it into the public domain, the newspaper should either have had explicit consent from the complainant for doing so, or a convincing public interest reason for over-riding her wishes. Neither was a feature here. The newspaper's justification that consent had been implied because a family friend had spoken to a reporter in America was feeble. There was no apparent reason to think that the friend was speaking with the authority of the complainant. Neither was obtaining a non-committal response from a government press officer late on a Saturday night any sort of justification for publishing such private details about the complainant. Moreover, whether or not the newspaper had handled the story sympathetically was irrelevant. The fact was that the paper had put into the public domain – without consent – a highly intrusive story. The result was a serious breach of the Code. The Commission had no hesitation in upholding the complaint.

Relevant ruling

A woman v News of the World, 2002

Adjudication issued 2005