

***A woman v Daily Mirror***

Clauses noted: 1, 3

A woman complained to the Press Complaints Commission that an article headlined "Teacher in naked photos scandal" published in the Daily Mirror on 15 January 2005 was misleading in breach of Clause 1 (Accuracy) and was intrusive in breach of Clause 3 (Privacy) of the Code of Practice.

The complaint was not upheld.

The articles reported the suspension of the complainant from an army college after explicit photographs of her – apparently sent between her and her partner – were discovered by her employers. The newspaper published a headshot of the complainant taken from one of the photographs.

The complainant said that the photographs concerned had been sent as part of a relationship. The specific picture had not previously been placed in the public domain and its publication was not in the public interest. This had resulted in an unwarranted intrusion into her private and family life. Furthermore, the article was misleading since it led readers to believe that she had willingly broadcast the image.

The newspaper said that it had deliberately restricted publication of the offending image to the complainant's face. Moreover, the article related to her suspension from a military college – something that had been confirmed by a spokesman – and was clearly therefore a valid subject for a newspaper article. Finally, there was no suggestion that the complainant had given consent for the images to appear.

The complainant said that the action taken by the college was a direct consequence of the publication of the articles. She stated that her professional life and her private life were separate and that the publication of the photograph intruded into her privacy.

*Adjudication*

The Commission noted that the complainant had been suspended from the military college while the matter was investigated. The photographs of the complainant had aroused some controversy, and her conduct had been brought into question. In these circumstances, the Commission was satisfied that the publication of the article – which described the background to the suspension – was legitimate.

However, this was not sufficient to deprive the complainant of all rights to privacy. The photographs which were at the centre of the controversy were explicit, and had been taken and shared in the context of a relationship. Although they were in the public domain to a very limited extent, the newspaper still had to balance the complainant's right to privacy with the legitimate public interest in the story when deciding how much of the photograph to publish. By choosing to crop the photograph and publish only a headshot, the newspaper had made the correct decision and avoided gratuitously humiliating the complainant. There was therefore no breach of the Code.

Turning to the issue under Clause 1, the Commission did not consider that the article gave the impression that the complainant intended for the image to appear. There was no breach of this Clause.

Relevant rulings

A woman v The News, 2004

Noble v News of the World, 2004

Adjudication issued 2005