

Ms Paula MacManus through PJMC Solicitors v The Sunday Times

Clauses noted: 1, 3

Ms Paula MacManus complained to the Press Complaints Commission through PJMC Solicitors that two articles headlined "Belfast bug was aimed at top IRA leaders" and "MI5 chief admits to bugging Sinn Fein headquarters", published in The Sunday Times on 12 September 2004 and 16 January 2005, had intruded into her privacy in breach of Clause 3 (Privacy) of the Code. She also raised concerns under Clause 1 (Accuracy) of the Code.

The complaint was not upheld.

The first article reported that a listening device had been discovered at the complainant's house. The second article reported the discovery of a similar device at the IRA headquarters, and referred to the discovery at the complainant's house. The complainant said that both articles had intruded into her privacy by publishing her name without her permission. She also said that the first article had inaccurately accused her of allowing the IRA to use her home for meetings, and had falsely suggested that the device was discovered as the result of a search in which she was involved. The complainant said that her identification had exposed her to possible danger.

The newspaper said that it did not believe that a person's anonymity was protected in cases such as these. The complainant worked for Sinn Fein, who had sought publicity over the existence of the listening device. The newspaper said that it was important to name the complainant to avoid confusion with others who worked in Mr Adams' office. The journalist had contacted Sinn Fein prior to publication of the first article to ask for the complainant's comment. He was told that the complainant would not comment. Her identity was neither confirmed nor denied.

The newspaper denied that the first article had suggested that the complainant had allowed her flat to be used for IRA meetings. It had made clear that she was not suspected of any wrongdoing, and had withheld her address. However, security services did believe that Martin Lynch met Bobby Storey at the complainant's flat. The article had not implied that the complainant had assisted in a search of her flat. However, if the device had been discovered by the Housing Executive, there was no reason for it to have been handed to Sinn Fein. The newspaper said that it was therefore entitled to question whether a search had been carried out.

The complainant said that the device had not been handed to Mr Adams. She also said that Sinn Fein had a considerable workforce, none of whom could have been identified had the article been written in another way. As the complainant had declined to speak to the newspaper, this should have been an indication that she did not want to be named.

Adjudication

The Commission turned firstly to the complaint under Clause 3 concerning the identification of the complainant as the occupier of the flat where the listening device was found. The Commission understood that the complainant had made clear to Sinn Fein that she wanted to remain anonymous, and was concerned that her identification could place her in possible danger. However, it did not consider that the information that had been published about her was intrusive in breach of the Code. Her name and the fact that she worked for Sinn Fein were not, in the Commission's view, private matters. Neither her address nor any other information about her that the Commission would consider private – such as personal correspondence, health details, photographs taken in private places and so on – had been published. In these circumstances, and given that the complainant was a central part of a significant news story, there was no reason for the newspaper to have withheld her identity. The Code does not grant individuals the right to anonymity in such stories unless they consent to identification. The Commission also noted that the article had emphasised that the complainant was not suspected of any wrongdoing.

Turning to the complaint under Clause 1, the Commission did not consider that the first article had been inaccurate. It had made clear that the complainant was not suspected of misconduct and had not suggested that she allowed her home to be used for IRA meetings. It had outlined that Martin Lynch was "believed" to have met Bobby Storey at the flat, but had not stated this as a fact. Although the article had suggested that the discovery of the device may not have been accidental, it had not implied that the complainant had been involved in any search.

Adjudication issued 2005