

Mr Badr Jafar v Evening Standard

Clauses noted: 3

Mr Badr Jafar of London complained to the Press Complaints Commission, through Schillings solicitors, that an article published on the Evening Standard website on 21 July 2006, headlined "Naomi arrested after 'disturbance'", enabled his property to be identified in breach of Clause 3 (Privacy) of the Code.

The complaint was not upheld.

The article reported that model Naomi Campbell had been arrested after an alleged disturbance outside the complainant's house. The complainant's solicitors said that the article knowingly followed an earlier article in The Sun which had stated the area where the complainant's property was located and contained a photograph of the house. They complained that in adding the road name of the private mews where the complainant lived to the information already in the public domain, the Evening Standard enabled the property to be pinpointed through "jigsaw identification". The private road contained approximately eight houses, was maintained by a private company and gave no right of way to public traffic. The complainant's solicitors said that the published information represented an intrusion into the complainant's privacy and a significant security concern. As a direct result of the coverage, the complainant had hired private security to patrol his home and had booked into a hotel as a precautionary measure.

The newspaper said that the article in no way identified the complainant and was surprised by the suggestion of "jigsaw identification". It did not name the complainant, give his full address or include any photograph of the property. The partial address details were provided by the police in a statement.

The complaint against The Sun was resolved amicably through the Commission.

Adjudication

The Commission did not consider that either article by itself revealed a sufficient amount of material to identify the precise whereabouts of the complainant's home. In the case of the Evening Standard, the newspaper had not included a photograph of the property or even named the complainant. It had solely published the name of the mews on which the complainant's house was situated, information which would generally not raise a breach of the Code.

The Commission accepted that a particularly determined individual might have been able to identify the exact location of the property by combining the information contained in the two articles, although it was unclear why anyone might wish to do so. The complainant had argued that this constituted 'jigsaw identification', but the Commission did not consider that this term was relevant to the complaint. The concept of 'jigsaw identification' generally relates to the process of identifying victims of sexual assault by putting together information that is in the public domain through a variety of different sources. The Commission did not consider that it was either practical or desirable to extend this principle to the identification of properties.

While the complainant appeared to have felt insecure as a result of the articles – something with which the Commission sympathised – it did not automatically follow that there was a breach of Clause 3. It is not the case that newspapers must never publish material that may identify the whereabouts of an individual's home. On the contrary, newspapers frequently publish the partial or complete addresses of those involved in court cases, for instance, or otherwise when addresses are relevant and legitimately in the public domain to a certain extent. Where the Commission expects restraint is when the individual concerned is vulnerable to attention from stalkers or is likely to encounter security problems if the whereabouts of their home are identified.

The Commission did not believe that either of these was a feature in this case. There did not appear to be anything about the complainant's identity or occupation that made him unusually exposed to obvious security concerns – and his solicitors had accepted that he was not likely to experience the problems with stalkers encountered by some high profile people. There remained the theoretical possibility that someone could have identified the complainant's home, but this did not strike the Commission in the circumstances as being particularly likely, and indeed there was no evidence or suggestion that anybody had. The newspaper had published only minimal details about the complainant's home in circumstances where the police had put the name of the road and some details of the disturbance into the public domain.

Taking into account what had been published, the subject matter of the story, the fact that material about the incident was put into the public domain by the police, and the unlikelihood of stalker or security problems, the Commission concluded that there was no breach of Clause 3 of the Code.

Relevant rulings

Edmonds v The Mail on Sunday, 2005

A well-known entertainer v The Mail on Sunday, 2000

Adjudication issued 03/11/2006