

***A woman v Barking & Dagenham Recorder***

Clauses noted: 3

A woman complained to the Press Complaints Commission that an article published in the Barking and Dagenham Recorder on 15th May 2008, headlined "Police raids in hunt for stolen sat-navs", was intrusive in breach of Clause 3 (Privacy) of the Code.

The complaint was upheld.

The article concerned a police raid on the complainant's home, which was intended to recover stolen goods. It was illustrated by photographs of the raid, including a pixellated image of the complainant's seventeen-year-old son, who had been handcuffed by police, sitting in his bedroom. The article stated that there had been no arrests as a result of the raid.

The complainant was concerned that a reporter and photographer had entered her home and taken photographs without her consent. She said that several people had recognised both her son (despite the pixellation) and the interior of her home. No stolen goods had been found on her property, and she said that the police later found that the information prompting the raid had come from a malicious telephone call.

The newspaper argued that it had been invited to the property by police. The article did not name the complainant or reveal her full address; it did not contain any outside pictures that could have specifically identified the property; and her son's features had also been obscured. As there was no identification of the house or its occupants, there was no privacy intrusion. The newspaper was willing to publish something to reiterate that no arrests had been made.

***Adjudication***

Taking and publishing the photograph of the inside of the complainant's home was clearly very intrusive, regardless of whether or not the boy's face had been obscured in the published picture. The question was whether there was an adequate public interest justification for this behaviour. The Commission considered that there was not. No stolen goods had been discovered, and no arrests made - something which should have made the editor realise that using the picture would be difficult to justify in the public interest. Moreover, it was no defence to rely on the fact that the police had invited the paper on the raid. It was the responsibility of the editor, not the police, to get the necessary consent for publication or otherwise to comply with the Code when deciding which material to publish.

The decision to publish a picture of someone handcuffed in their own bedroom to illustrate a story that itself revealed that no stolen goods had been discovered and no arrests made was an error of judgement and led to a clear breach of Clause 3 of the Code.

Adjudication issued 21/10/2008