

***Patricia Hewitt MP v The Sun***

Clauses noted: 3, 9

Patricia Hewitt MP complained to the Press Complaints Commission that an article published in The Sun on 21st September 2009, headlined "Hewitt son in coke bust", intruded into her son's privacy in breach of Clause 3 (Privacy) and unnecessarily referred to her and her husband in breach of Clause 9 (Reporting of crime) of the Editors' Code of Practice.

The complaint was not upheld.

The article reported that the complainant's son, Nicholas Birtles, had been charged with possession of cocaine.

Ms Hewitt said that while her son had committed a criminal offence and behaved very foolishly, publishing the story on the front page was disproportionate and had only happened because of the identity of his parents. This was unfair on Nicholas, who was a private individual entitled to the same treatment - from the media as well as from the criminal justice system - as any other young man. She and her husband had never talked publicly about their children, specifically to avoid unwanted attention on them.

The newspaper argued that criminal charges are not private: any local newspaper is entitled to report on them, and this principle extends to the national press as well. In this case, that Ms Hewitt was a former Health Secretary, and her husband a judge who had spoken about the problem of drugs in his neighbourhood, naturally made them both relevant to the story. The newspaper happily accepted that their positions in public life also accounted for the prominent publication of the story. But, given that the information was not private - and that the complainant and her husband were genuinely relevant to the story - the location of the story in the paper was a matter for the editor to decide rather than something that fell under the Code of Practice.

Ms Hewitt said that she had not given particular prominence to the issue of drugs when she was Health Secretary, and said that her husband's comments related to drug dealing (which he had written, confidentially, to his local NHS Trust), for which her son was not convicted. In any case, she suspected that even if she and her husband had never publicly discussed drugs the story would have been published on the front page. Furthermore, given that Government had a policy on almost any issue, the newspaper's argument meant that any criminal act involving the child of a current or former minister was fair game. She argued that there was growing concern among people in public life about press intrusion, because while people like her and her husband inevitably had to accept public scrutiny, it was grossly unfair that their children should suffer the humiliation of national press coverage.

*Adjudication*

The Commission understood why Ms Hewitt wished to protect her son from unwelcome attention in a newspaper. Indeed, the Commission frequently helps public figures protect the privacy of their children. However, there were three particular features of this case that made it difficult to conclude that the Code had been breached.

First, Nicholas Birtles was an adult, not a child (in the sense of the Code) who would be entitled to greater protection for their privacy.

Second, he had committed a criminal offence, which is not something that is regarded as a private matter. Indeed, it is in the interests of society as a whole that the administration of criminal justice is as transparent as possible. The press is entitled to report such proceedings, and naming him in connection with the charge was not itself an intrusion into privacy.

Third, the Commission was satisfied that Ms Hewitt and her husband were genuinely relevant to the story given their current and previous roles and comments. The arrest happened in the neighbourhood where they lived together with Nicholas (whose address given to the police would be that of his parents). Ms Hewitt's husband, who was a member of the judiciary, had contacted his NHS Trust about drug problems in the area. Ms Hewitt herself, as a former Health Secretary, had played a public role in drugs policy. These facts made them genuinely relevant to the story.

The Commission noted Ms Hewitt's contention that the story was published with disproportionate prominence. But given that the story itself did not breach the Code, the question of where to publish it in the paper was a matter for the editor to decide. The Code contains no rules that allow the PCC to pronounce on such matters.

The complaints under Clauses 3 and 9 were not upheld.

Adjudication issued 06/11/2009