

***Sean Little v Darlington & Stockton Times***

Clauses noted: 3

Sean Little, ex-head of waste and street scene at Richmondshire District Council, complained to the Press Complaints Commission that an article headlined "Secret deal over departure of council waste official", published in the Darlington & Stockton Times on June 19 2009, contained confidential information about him in breach of Clause 3 (Privacy) of the Editors' Code of Practice.

The complaint was not upheld.

The newspaper had obtained documents showing that the complainant had received a substantial termination payment from his former employer, Richmondshire District Council (RDC). This was allegedly paid on the basis that he would not take the council to an employment tribunal after his departure, which followed a period of sick leave. The complainant had overseen the introduction of fortnightly waste collections, something which had been a matter of local controversy.

The complainant's main concerns centred on the publication of the exact amount of money involved in the compromise agreement, and the private health reasons behind his sick leave. These were confidential details protected under an agreement between a public body and its employee, in accordance with employment legislation.

The newspaper argued that the payment of a sum of taxpayers' money in these circumstances was a matter of public interest. The departure of a senior officer who had been dealing with a controversial issue, the amount paid to him, and the nature of the illness which led to his departure were all important. The editor said that the complainant was not the first senior officer to leave the council after a period of sickness absence caused by stress, and argued that the article was relevant to the wider issue of effective governance at RDC.

*Adjudication*

The Commission could understand the complainant's strength of feeling on this matter, given that he had entered into the agreement assuming it would remain confidential. However, the newspaper was not party to the confidentiality agreement and, in terms of the PCC, it had to justify its article only under the Editors' Code of Practice. This requires disclosures of private information to be justified in the public interest.

The Commission considered that there were two details in the article that were private to some degree: the amount of money that the complainant had received, and the fact that he had been absent from work due to health reasons. Both required the public interest to justify their publication.

The Commission was satisfied that there was indeed an adequate justification for the inclusion of both details. In terms of the complainant's health, it noted that the reference was general: there were no details of the precise illness, symptoms or treatment. Any intrusion on this point would therefore have been slight, and was proportionate to the level of public interest in revealing further details about the complainant's departure from the council, which took place following a period of some local controversy over the waste collections policy.

Similarly, while the details of the financial settlement were more specific - and, therefore, more intrusive - the Commission was satisfied that their inclusion was proportionate to the public interest in the story, so as to explain to readers the manner in which the departure of a public servant had been handled by the council. There was the added justification here that the sum involved public money.

In the circumstances, the Commission did not consider that there was a breach of Clause 3 of the Code.

Adjudication issued 18/12/2009