

Ms Sheree Chambers v News of the World

Clauses noted: 1, 3, 4, 10

Ms Sheree Chambers of Alton, Hampshire, complained to the Press Complaints Commission that an article headlined "999 blonde is secret vice girl" published in the News of the World on 23 November 2003 was inaccurate in breach of Clause 1 (Accuracy) and intruded into her privacy in breach of Clause 3 (Privacy) of the previous Code of Practice. She also raised concerns under Clause 4 (Harassment), Clause 8 (Listening Devices) and Clause 11 (Misrepresentation) of that Code.

The complaint was rejected.

The article alleged that the complainant, who worked as an Ambulance Technician, was also a "secret vice girl" who took part in group sex sessions. The complainant was concerned that a number of the quotations attributed to her were inaccurate. In addition, she contended that the article was inaccurate both in stating that she was paid for sex and alleging that condoms were not used during the party attended by the newspaper's reporter

The complainant further complained that the material for the article was obtained through subterfuge in breach of Clause 11 (Misrepresentation) and clandestine listening devices in breach of Clause 8 (Listening Devices). The result was an article which intruded into her privacy in breach of Clause 3 (Privacy), since there was no public interest in exposing her activities outside of work. Furthermore, the complainant was employed in the second lowest ambulance grade and was therefore not in a responsible position; her job had a similar level of seniority to a junior nurse.

Finally, the complainant was concerned about the two photographs of her which accompanied the article. She said that the first, which showed her in her ambulance uniform, was taken in breach of Clause 4 (Harassment) by a photographer who approached her to take pictures, despite having been asked to stop. The second photograph was taken by one of the undercover reporters. The complainant maintained that it had been obtained through subterfuge, since the reporter had assured the complainant that it would be for private use only and would not be published anywhere.

The newspaper said that the quotations attributed to the complainant came from three sources. There were two taped conversations – one made at the complainant's home, and one at one of the group sessions. The third source of the quotations was an informant, who had not taped the conversation. The informant was adamant that oral sex had taken place at the venue without any condoms being used, and confirmed that he had had unprotected intercourse with the complainant. The newspaper offered if necessary to obtain a signed affidavit from the man. Moreover, the newspaper said that the complainant was a prostitute who charged for sex either in a group or on a one-to-one basis at her home, something for which it had evidence in the form of a tape recording in which the complainant outlined her nightly charges.

The newspaper also said that the complainant ran an explicit website which contained photographs of her performing sexual acts without condoms. It also pointed to a diary section in which the complainant described her sexual antics in great detail, although the complainant later pointed out that this had begun two months after publication of the article.

Regarding the photograph of the complainant in her uniform, the newspaper said that there was no question of harassment. The photographer simply took the complainant's photograph and then left.

The newspaper accepted that it had used subterfuge to expose the complainant but argued that it could not have obtained the information – which it was in the public interest to publish on account of the complainant's responsible job attending to the injured and unwell – if it had not done so. The

newspaper pointed out that the Hampshire Ambulance Service Trust had seemingly accepted this argument by dismissing the complainant following an enquiry.

The complainant maintained that taking part in the parties did not make her a prostitute. She said that her website explained that her sessions were free unless a venue needed to be hired. She asked for an apology and an acknowledgement that the subterfuge deployed by the newspaper had breached the Code.

Adjudication

Considering the complaint initially under Clause 1, the Commission noted that the newspaper had provided taped evidence to substantiate its allegation that the complainant charged for sex. Clearly in these circumstances the newspaper's description of her as a 'vice girl' was not a breach of the Code. It had also pointed to evidence – in the form of the complainant's website – which justified its allegation that the complainant had engaged in sexual acts with people without using condoms. While this website may have only been set up after the article was published, it was nonetheless important corroborative evidence which shed light on the complainant's behaviour. In light of this, the Commission did not consider that any of the complaints of inaccuracy concerned matters of significance that raised a breach of Clause 1 of the Code.

The Commission then turned to the complaint under Clause 4, which states that journalists must not persist in photographing individuals having been asked to desist. The Commission noted that both parties to the complaint had opposing views about whether harassment had occurred. The Commission could not conclude that there was any evidence that there had been a breach of the Code.

The Commission then considered the complaint under Clause 3. By her own admission, the complainant engaged in sexual acts seemingly indiscriminately with a large number of people. Evidence submitted by the newspaper proved that she did so without using contraception. Yet she also worked in the NHS as an Ambulance Technician, coming into contact with members of the public, many of whom would have been unwell. There was clearly a public interest in revealing that a member of the ambulance service was compromising her sexual health in such a blatant way. The Commission did not consider that the complainant's right to privacy outweighed the public's right to know this information. Moreover, while the activities may have taken place in private places such as hotel rooms, by inviting strangers such as the newspaper's undercover reporter to take part in them, there was nothing especially private about them.

Given that the public interest was served by the publication of the article, the Commission considered that the manner in which the article had been researched – which involved taping the complainant without her knowledge and not revealing to her that the men were journalists – was justified. There were therefore no matters to pursue under Clauses 8 (Listening Devices) and 11 (Subterfuge) of the previous Code of Practice.

Relevant rulings

Daniels v Sunday Telegraph, 2004
Monckton v Evening Standard, 2003
Etchells v News of the World, 1999
Manson v News of the World, 1997

Adjudication issued 2004