

**Mr Glen Swire v The Mail on Sunday**

Clauses noted: 4

Mr Glen Swire of Uckfield, East Sussex, complained that reporters from The Mail on Sunday harassed him and his family in breach of Clause 4 (Harassment) of the Code of Practice.

The complaint was upheld.

Mr Swire's daughter, on whose behalf he was also complaining, had unexpectedly found herself at the centre of a news story. Numerous publications had approached the complainant, his daughter and her friends for comments. The complainant said that following repeated approaches he had contacted the Commission which had advised him to tell the reporters to desist from contacting them. On 4th January 2001 the complainant told the Mail on Sunday reporter Paul Henderson to desist and, on the 5th January, he biked a letter to the editor informing him of this request. However, on the 5th January Mr Henderson approached his daughter with the offer of a job on the newspaper and on the 6th January a reporter and photographer from the newspaper 'accosted' the complainant's daughter outside her flat.

The editor wrote to the complainant to say that it had been informed that his daughter might like to write a column for the paper and apologised if this was incorrect. However, this had been confirmed by an intermediary, although the complainant insisted that it was the intermediary's idea and not his daughter's. The reporter and photographer were waiting outside the daughter's home on the 6th January to see whether she was interested in speaking to the paper in light of the offer to write a column. Mr Henderson had not passed on the message to desist and the editor did not open the letter from the complainant until after his return from holiday. The editor therefore accepted that the last visit may have raised issues under the Code but was keen for the Commission to appreciate that all approaches had been civilised and in the honest belief that the complainant's daughter might still have been interested in writing for the newspaper.

*Adjudication*

There was clearly some confusion between the parties regarding whether the complainant's daughter wished to write a column for the newspaper. However, in light of the fact that the complainant had, on the advice of the Commission, told the reporter to desist on the 4th January and written to the editor on the 5th in similar terms, the approach by another reporter and photographer to the complainant's daughter on the 6th January was in breach of the Code. The Commission accepted that the newspaper may not have acted in bad faith but, as a result of messages not having been passed on or not received, the terms of the Code had - according to the newspaper, inadvertently - been breached.

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The complainant also asked the Commission to consider two further aspects to this complaint. Firstly, he wondered whether anything could be done to prevent newspapers from re-publishing the details of the story about his daughter that had caused so many newspapers to approach the family in the first place. While the Commission sympathised with the complainant on this point, it could not ask newspapers to remove material from their records that was legitimately in the public domain.

Secondly, the complainant asked the Commission whether it could, in future, do anything to protect those friends and family members who are not immediately connected with a story, but who are associated with the principals, from unwanted attention. While newspapers are entitled to approach anybody providing they do so within the terms of the Code, the Commission believed that there was scope for making clearer the protection from harassment that the Code affords to everybody. It will therefore take the opportunity of this complaint to publish advice to members of the public about

how to deal with persistent or unwanted approaches from newspapers. This would apply equally to those in the complainant or his daughter's situation or to those more removed from a story but who are approached by journalists for background or other information.

Adjudication issued 2001