

Mrs Deborah Rundle v The Sunday Times

Clauses noted: 1, 5

Mrs Deborah Rundle complained to the Press Complaints Commission that an approach by a reporter to her daughter after the death of her son raised a breach of Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice.

The complaint was upheld.

The complainant's son, Toby, had died at university on 8 October 2009, and there was speculation that he had taken his own life. Mrs Rundle complained that coverage of the incident in The Sunday Times was inaccurate and insensitive.

While the PCC investigation was ongoing, another reporter from the paper contacted the complainant's daughter through Facebook. She informed the reporter that the family did not wish to speak in view of the ongoing complaint. The reporter then asked about the details of the complaint, sending a copy of the article to the complainant's daughter so she could highlight what was wrong with it. This upset Mrs Rundle's daughter.

The Managing Editor apologised for this second approach, explaining that the reporter was a freelance and was unaware of the PCC complaint. However, he accepted that the reporter should not have continued questioning Mrs Rundle's daughter once the complaint was mentioned. The reporter understood her error and apologised for it. Nothing from the correspondence would be used in any future article. Additionally, all section editors and deputies had been alerted to the complaint and told not to contact the family. The paper also offered to send a private letter of apology to the family.

Adjudication

It was regrettable that a communication failure at the newspaper resulted in a further approach being made to the family despite the fact that there was an outstanding complaint about the previous coverage. It would also have been sensible for the reporter not to have pursued the matter directly with Mrs Rundle's daughter once the complaint was brought to her attention. The combination of these two factors led the Commission to conclude that the handling of this approach was intrusive in breach of Clause 5, and the complaint was upheld on this point.

A further complaint about an article headlined "'Harry Potter' student found hanged in his Oxford room", published in The Sunday Times on 11 October 2009, was not upheld.

Mrs Rundle's husband, a reporter on the Western Daily Press, had arranged a sensitive tribute to their son in his newspaper on 10 October. The Sunday Times had approached the family on the day and - while Mrs Rundle had been too upset to speak to the reporter - her husband had provided some background to the case.

She said that the article was salacious and insensitive, and that it had taken information from her son's outdated MySpace page which had been created as a spoof some years previously. She was concerned about the use of web material where the information was irrelevant and 'cobbled together as a joke'. The resulting inaccurate impression was that her son was a deeply troubled boy under insurmountable pressure.

The newspaper said that Mr Rundle had spoken to its reporter willingly and there had been no follow-up call withdrawing the family's co-operation. The MySpace information existed in the public

domain, regardless of whether it was contemporaneous, and it was not clear when it was uploaded as it had appeared on undated pages. It was willing to remove these references from the online article as a gesture of goodwill.

Adjudication

The burden of the complaint under Clause 1 seemed to be that the newspaper had taken old information out of context, thereby giving a misleading impression of the complainant's son. It was clearly regrettable that the complainant did not recognise the description of her own son from the collection of quotes that the newspaper had found online. However, it seemed to be the case that the information had indeed been taken from her son's social networking site. One of the hazards of posting information online is that it can remain permanently and publicly accessible, and that a degree of control is lost once it is uploaded. While this may not be a matter of concern for many people, it can be an issue when people are suddenly thrust into the public spotlight. The Commission acknowledges that in reprinting information taken from the internet - which newspapers are generally entitled to do, subject to some parameters that the PCC has set down in previous rulings - it can be difficult for journalists to capture the tone and the spirit in which items were originally posted. This is particularly true in relation to unusual or untimely deaths. It is difficult, however, to say that using information in this way amounts to a breach of the Code. The circumstances between the posting and the death will have changed so significantly that it may always seem odd or out of context to those who know the deceased to see their words posted in a story about their death.

These factors were relevant in this case. The complainant was worried that people would interpret the information in a certain way, but - while it was of course true that a news story sourced in this way would have struggled to capture a fully-rounded picture of her son - it was by no means clear that readers generally would have been left with one particular impression of him, as she had feared.

The Commission concluded that in all the circumstances, the use of the material did not breach Clause 1.

In terms of Clause 5, the question of whether publication is 'handled sensitively' at a time of grief will always be, to some degree, a subjective judgment. Nonetheless, the Commission generally considers three questions when deciding whether this part of the Code has been breached: did the article break the news of the death; was the coverage treated in a light-hearted or humorous manner; and did the article include any gratuitous - or perhaps gruesome - detail? On balance, the Commission did not consider that the answer to any of these questions was yes. However, it did wish to record that the newspaper had, in its view, still come close to breaching the Code. While the tone of the article was not light-hearted, it did contain information about the complainant's son that amounted to trivia taken from his MySpace page. The Commission could understand why the complainant felt aggrieved that this type of detail was used so liberally in an article that reported such a recent tragic event. In the circumstances, the Commission asked its Chairman to write to the newspaper, to emphasise its concerns.

The Commission wished to point out that newspapers still remained entitled, when reporting the death of an individual, to make use of publicly available material obtained from social networking sites. However, editors should always consider the impact on grieving families when taking such information (which may have been posted in a jocular or carefree fashion) from its original context and using it within a tragic story about that person's death.

Taking everything into consideration, and while the Commission had great sympathy with the complainant and her family, this part of the complaint was not upheld.

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