

Prime Minister and Mrs Blair v The Daily Telegraph

Clauses noted: 6

The Prime Minister and Mrs Blair complained that articles headlined "Quiet flows the don as Euan opts for Trinity" published on December 7 2001 in the Daily Telegraph and "Euan is hoping to follow his father to Oxford" published in the Daily Mail on December 8 2001 contained information about the private life of their son Euan in breach of Clause 6 (Children) of the Code of Practice.

The pieces concerned Euan Blair's application to university. The complainants said that the articles breached Clause 6 (i) of the Code - because they unnecessarily intruded into Euan's time at school - and breached Clause 6 (v) of the Code as they had only been written because of the position of his parents.

The Daily Telegraph said that it had learned of Euan's application through a list of applicants posted in the Porters' Lodge of the college to which he had applied. It argued that the story was not about Euan but about the choices that the Prime Minister and his wife make about their children's education, which was particularly relevant in the context of previous debate about the admissions policies of Oxbridge colleges. There was a legitimate public interest in reporting where Prime Ministers choose to educate their children.

The Daily Mail pointed out that it had been following a story that had been put into the public domain elsewhere. It said that a Mail reporter phoned the Downing Street press office and was told that they had no comment to make. At no time did the press office indicate that the story was considered to be intrusive. Had they done so the matter would have been referred to the editor for further consideration.

Adjudication

The Commission dealt first with the complaint against the Daily Telegraph.

The specific purpose of Clause 6(i) of the Code - which states that "young people should be free to complete their time at school without unnecessary intrusion" - is to ensure that all children are able to complete their education at school away from the glare of publicity.

Clause 6(v) adds further protection for the children of famous people - ensuring that nothing is written about young people simply because of the position of their parents. Although this part of the Code relates to children under the age of 16, it was clear that its spirit could be applied in this instance and the newspaper had in any event argued its case under this part of the complaint. Dealing with complaints under Clause 6 (v) in the past, the Commission has sought to apply a simple test - whether a national or local newspaper would normally publish an article pertaining to private matters if the child was not related to famous parents.

First of all, the Commission noted that while the article complained about might appear to be a trivial diary piece, it raised important matters of principle. The Commission viewed the purpose of the complaint to be as much about possible future coverage flowing from this article as about any damage that may or may not have been caused by an apparently innocuous piece.

The Commission noted that at the time that the piece was written Euan Blair was simply an applicant to the college and had not been offered a place. Many other young people at his school, and other schools, would have been in a similar position. It acknowledged that the process of applying to university from school is a time of anxiety for young people and considered that the press must be able to demonstrate that commenting upon such applications at a crucial time in an individual's education is - in the terms of the Code - "necessary". The effect of this piece had been

to thrust Euan Blair's university entrance procedures into the public eye in a way which could damage both his education and welfare.

The Commission did not believe the newspaper had made a case that this article was "necessary". It disagreed with the newspaper's contention that the story was essentially about the choices that the Prime Minister and his wife make about their children's education - principally because such a choice would have been the private choice of Euan and his school. Indeed, it also noted that the item was a diary piece directly concerned with Euan's application to university and contained no reference to the previous debate about the admissions policies of Oxbridge colleges.

The Commission noted that the Code makes clear that in cases of public interest involving children a newspaper must demonstrate that such public interest is so exceptional that it over-rides the normally paramount interests of the child. Again, the Commission did not believe that the newspaper had made out a case that there was exceptional public interest involved. As the Commission has made clear before (Blair vs Mail on Sunday, Report 47), if the choices that the complainants or their children made were at odds with government policy or with any public statement made by the complainants then there might be a public interest justification for publicising them. This was not the case here.

Under Clause 6(v), the Commission believed that while a local or national newspaper might well report on the outcome of an individual's entrance procedure to university, it was highly unlikely that any newspaper would comment on the private application procedure of an ordinary individual. There was therefore also a breach of this part of the Code.

The Code states that the Commission will have regard to the extent to which the material has become available to the public. The remaining issue for the Commission to consider was therefore whether the application had been publicised to such an extent - by virtue of it being posted in the college Porter's Lodge - as to put the matter firmly into the public domain. The Commission did not consider that it had. The college had done no more than simply pin a list of applicants on its own property for the information of the relatively few people who were directly affected by the administration of the college. This did not give carte blanche to newspapers to write intrusive stories about the applicants.

The Commission therefore considered that the article was an unnecessary intrusion into Euan Blair's time at school and that it had only been published because of the position of his parents. The complaint was therefore upheld.

The Commission then turned to the complaint against the Daily Mail. There clearly were some differences between the two articles: first, it was not the Daily Mail that had put the material into the public domain and caused the original breach of the Code - it was merely following it up; second, the newspaper had contacted Downing Street prior to publication when there would have been an opportunity for the complainants to make clear that the material in The Telegraph was to be challenged and that it considered it private. The newspaper had made clear that had the complainants objected it would have reconsidered whether to run the story.

Because the material contained in the article in the Daily Mail was very similar to that in the Daily Telegraph it was clear to the Commission that the newspaper had also breached the Code.

However, because of the various mitigating factors set out here, it was the Commission's decision to apply its normal procedures - in line with established rules under its Memorandum and Articles of Association - to seek to resolve this dispute rather than adjudicating at this stage. If the newspaper does not resolve the complaint to the Commission's satisfaction in the light of the breach of the Code, then the Commission will issue a separate adjudication without delay.

The Commission has had to deal with a number of complaints in the past about the children of public figures and commentary by newspapers about their education or private lives. It wanted to underline in this adjudication that the acid test that any newspaper should apply in writing about the children of public figures who - like the Prime Minister and Mrs Blair's children, and unlike the Royal Princes - are not famous in their own right is whether a newspaper would write such a story if it was about an ordinary person. Academic achievement or successful entrance to a University might well fall into such a category; private choices about the nature of such an application, or indeed private details about an individual's time at university, would not. The children of public figures like the Prime Minister are clearly not public figures in their own right - but of interest to the public only because of the position of their parents. The Commission considers that they should continue to benefit - like the families of all public figures - from the full and strong protection contained in the letter and spirit of Clause 6 of the Code.

In concluding this matter the Commission noted that while the Code gives substantial protection to all children, it is much more difficult to protect any individual where he or she begins to acquire a public profile in their own right, for instance by making public appearances. Privacy is best maintained when not compromised in any way.

Adjudication issued 2002