

A woman v Nottingham Post

Clauses noted: 6

A woman complained to the Press Complaints Commission that an article headlined "Day of drama as bus ploughs into bridge", published in the Nottingham Evening Post on 12 December 2009, contained a photograph of her daughter which was published without consent in breach of Clause 6 (Children) of the Editors' Code of Practice.

The complaint was upheld.

The article reported that a bus full of primary school children on a day trip had crashed into a low railway bridge. The complainant objected to the inclusion in the coverage of a photograph of her daughter, together with numerous other children, being comforted by a policeman at the scene of the accident. Her daughter had been pictured in a clear state of distress and the complainant had not been asked for her consent for the photograph to appear. The child had been further upset by the publication of the image.

The newspaper said that the accident had occurred in a public place in full view of a number of onlookers. An immediate investigation had been announced and it had spoken to a number of angry parents who were concerned about what had happened. While there had been a lot of discussion at the time as to whether the use of the image was justified, it had ultimately decided that the publication of the photograph was in the public interest, given that that the story related to an important matter of public health and safety. In addition, the fact that there were no serious injuries or fatalities had been an important factor in deciding to move forward to publication.

Adjudication

Newspapers are entitled to publish stories and pictures of serious road accidents, which take place in public and often have wide-reaching consequences. In this case, it was not in doubt that the bus crash - which involved more than fifty schoolchildren - was a serious incident which raised important questions in regard to public health and safety. The Commission did not wish to interfere unnecessarily with the newspaper's right to report the matter, which it generally had done in a sensitive manner.

However, it was clear that the complainant had not given her consent for the newspaper to either take or publish the photograph which showed her daughter in a state of distress. The subject matter of the close-up photograph certainly related to her welfare.

There may be occasions where the scale and gravity of the circumstances can mean that pictures of children can be published in the public interest without consent. In the specific circumstances of this case, the Commission did not consider that there was a sufficient public interest to justify the publication of the image. It accepted that the newspaper had thought carefully about whether to use the photograph, but the Commission considered that it was just the wrong side of the line on this occasion. The complaint was therefore upheld.

Adjudication issued 18/03/2010