

A woman v MK News

Clauses noted: 3, 9

A woman from Milton Keynes complained to the Press Complaints Commission that an article headlined "Top cop in court on child porn rap" published in the MK News on 27 October 2004 intruded into her privacy in breach of Clause 3 (Privacy) and identified her in breach of Clause 9 (Reporting of crime) of the Code of Practice.

The complaint was rejected.

The article reported that the complainant's estranged husband had appeared in court on child pornography charges. The complainant argued that the newspaper had breached Clause 9 (Reporting of crime) by publishing her name and partial address, identifying her without her consent in doing so. She also said that this was a breach of Clause 3 (Privacy) of the Code. The complainant requested an assurance from the newspaper that it would not use the same details again in any future reports on the matter.

The newspaper sympathised with the complainant, and acknowledged that it was a difficult time for her. It said that the alleged pornography had been found at the couple's marital home and was the focus of the police's investigation – and it would therefore have been difficult to report the court proceedings accurately without mentioning the location where the material was found. Furthermore, the marital address had initially appeared on a court list, and the complainant's name had already been put into the public domain by national newspapers which published stories after the house was raided. Nonetheless, the newspaper was happy to undertake to withhold the complainant's name from future reports, providing her name was not mentioned in any further proceedings.

The complainant contended that it was irrelevant that her name had appeared previously, since her estranged husband had not formally been charged at that point. She maintained that her name and address were not mentioned in court and that the address did not appear on the court list. She was happy with the newspaper's assurance, but asked for a private letter from the editor apologising for the inclusion of her details.

Adjudication

The Commission wished to express its sympathy for the complainant, who had become involved in a news story through no fault of her own. However, it could only come to a view under the terms of the Code.

Clause 9 is designed to prevent the identification of relatives of those convicted or accused of crime without their consent, unless they are genuinely relevant to the story.

It was evident on this occasion that the complainant's first name and her relationship with the accused had already been placed in the public domain through previous coverage of the story. Furthermore, the newspaper contended that the address of the marital home, while it may not have been mentioned in contemporaneous court proceedings, had featured on a court list, which was a public document. In any case, the address was clearly relevant to the story, given that it was the location where the alleged crime had occurred.

The Commission has previously ruled that a decision under Clause 9 will have regard to the extent to which the relative is made the focus of the article in order to prevent, for example, disproportionate publicity because of their position. On this occasion, the reference to the complainant was brief, and was not the focus of the piece. In the circumstances of this case the Commission was therefore satisfied that no breach of Clause 9 had been established. Nonetheless,

it welcomed the newspaper's offer to withhold the complainant's name from any future reports, something that was within the spirit of conciliation that self-regulation encourages

Regarding the complaint under Clause 3, the Commission did not consider that the name of the complainant, or her partial address, amounted to private information. Publication of these details was therefore not in breach of Clause 3 of the Code.

The complaint was rejected on both counts.

Relevant rulings

Gbonda v Evening Standard, 2004

Ryder v News of the World, 1999

Adjudication issued 2004