

***Miss Elizabeth Noble v News of the World***

Clauses noted: 1, 3, 10

Miss Elizabeth Noble of Tyne and Wear complained to the Press Complaints Commission that an article published in the News of the World on 2 November 2003 headlined "With all thy worldly goods I me endow" was inaccurate and intrusive in breach of Clauses 1 (Accuracy) and 3 (Privacy) of the Code of Practice. She also complained that the journalist responsible for the piece had sought to obtain information through misrepresentation in breach of Clause 11 (Misrepresentation) of the Code.

The complaint was upheld.

The article reported that a man had admitted in court to defrauding several women – including the complainant, to whom he had been engaged. The complainant said that the article attributed comments to her that she had not made and had published her photograph without permission. Moreover, she said she had deliberately not responded to requests for information from the freelance reporter responsible for the article – who had also misled her by presenting himself as a freelancer working for magazines.

The newspaper said that the comments and the photograph had been made available for use by the complainant through her friend – a fellow victim of the conman. It provided a statement from the freelance reporter in which he said that he had not approached the complainant under false pretences. He also claimed that the complainant had been considering selling her story to a magazine prior to the News of the World piece appearing.

The complainant said that she only decided to sell her story to a magazine after seeing the misleading piece in the News of the World. She had not provided her 'friend' with the comments attributed to her and had only sent her fellow victim a photograph in order that she might see what she looked like – it was contained in a private email and was certainly not for publication.

The newspaper argued that the story had already received coverage in a local newspaper and was, therefore, in the public domain. However, in the absence of further evidence it offered to write directly to the complainant to apologise for the distress caused by the article and the lengthy nature of the investigation.

***Adjudication***

The Commission acknowledged the newspaper's claim that it had accepted material for the story from a freelance journalist in good faith. Nevertheless, the preamble to the Code of Practice makes clear that editors and publishers must ensure that the Code is observed rigorously not only by their staff but also by anyone who contributes to their publications.

In this instance, the Commission noted that after three months of investigation no evidence had been provided to show that the complainant had made the comments attributed to her. Consequently, while acknowledging the newspaper's offer to apologise for the distress caused by the story and the time taken to investigate the matter, the Commission could come to no other view than that the article was inaccurate in breach of Clause 1 of the Code.

With regard to the complaint under Clause 3, the Commission noted that the photograph of the complainant had been made available to the freelance journalist by a fellow victim of the conman at the centre of the article. But there was no evidence that the complainant had intended for the contents of her e-mail to be published. Indeed, it had been sent three months before the article appeared. Publishing material without consent that had been sent in a private e-mail – in the

absence of any public interest for doing so – was a breach of Clause 3 of the Code, which entitles individuals to respect for their correspondence.

Turning to the complaint under Clause 11, the Commission noted that the journalist had described himself to the complainant as 'a true life feature writer for the women's weekly magazines and...not a journalist'. After receiving an email from the complainant in which she expressed concern about the News of the World article, he said: 'Yes I saw that article. That's why I steer clear of the papers and just work for magazines'.

It was clear to the Commission that the freelancer had sought to obtain information by misrepresenting the precise nature of his work. His deception had continued even after the article in the newspaper was published and there seemed to be no public interest defence for his behaviour. The result was a breach of Clause 11.

This case prompted the Commission to remind editors that they must take care to ensure that material submitted by freelance journalists for publication has been obtained in accordance with the Code.

Relevant rulings

Shipman v Daily Mirror, 2001

Railtrack plc v The Independent, 2002

Adjudication issued 2004