

***A woman v The Sun***

Clauses noted: 10

A woman complained to the Press Complaints Commission on behalf of her son that audio visual footage published on The Sun's website on 21st February 2008 had been obtained in breach of Clause 10 (Clandestine devices and subterfuge) of the Code.

The complaint was upheld.

The complainant said that her son had been convicted in 2007 for possession of internet pornography. Although her son had been put on the Sex Offenders Register, the judge did not restrict his movements. However, a journalist had secretly filmed him working in a supermarket, and had obtained a photograph of him making a delivery to a nursery school kitchen, which her son had done under instruction without breaking any rules. The newspaper published an article on the subject, and placed the video footage on its website.

The newspaper said that there was a clear public interest. The use of subterfuge in obtaining the audiovisual footage was acceptable, as it was the only way of showing readers the complainant's son at work in the store. That said, the newspaper removed the footage from its website and undertook not to reuse it, unless there was a clear public interest to do so.

*Adjudication*

The Commission concluded that there was a considerable public interest justification for the story as a whole, given that the complainant's son had made a delivery – as part of his job – to a children's nursery following his conviction for distributing, making and possessing pornographic images of children. The newspaper was entitled to highlight, and comment robustly on, this situation.

It was more difficult, however, to justify the taking and use of the audiovisual footage of the complainant's son at work in the supermarket, given that the public interest element of the story related only to the delivery to the nursery. The Commission has always said that there must be a powerful public interest justification for the use of undercover filming. On this occasion, there was no dispute that he worked for the supermarket, and the footage was not necessary to prove it. There was therefore insufficient justification for the subterfuge, and the result was a breach of Clause 10 of the Code on this one specific point.

The Commission rejected other points of complaint about the article itself, which also appeared in the newspaper.

Adjudication issued 01/08/2008