

Mr R A Preece v Derby Telegraph

Clauses noted: 1, 3, 9

Mr R A Preece of Chesterfield complained to the Press Complaints Commission, with the signed authorisation of his partner Jane Needham, that an article headlined "Woman is jailed for theft of firm's £68,000", published in the Derby Evening Telegraph on 23 April 2005, contained inaccuracies in breach of Clause 1 (Accuracy) and contained a photograph which intruded into his partner's privacy in breach of Clause 3 (Privacy) of the Code of Practice. The complainant was also concerned that a further article headlined "Thief's shock after ruling", published on 28 April 2005, identified him in breach of Clause 9 (Reporting of crime) of the Code.

The complaint was not upheld.

The first article reported the imprisonment of the complainant's partner, Ms Needham, for theft. The complainant said that it was inaccurate in stating that she had taken "up to £68,000" from her former company and had accumulated debts of £29,000. The figures given in court had been slightly smaller. He also objected to the fact that the article referred to his address, where Needham lived at the time of the trial, rather than the one she lived at when the offences were committed. Finally, he complained that the publication of a photograph of his partner, taken at an office Christmas party, intruded into her privacy in breach of Clause 3.

After publication of the first article, the complainant had contacted the newspaper to ask for a correction regarding the address. The newspaper therefore published a further item which clarified that Ms Needham had lived elsewhere at the time of the offences, but which named the complainant and published his partial address. The complainant said that he had not given consent for this information to appear, and that the result was a breach of Clause 9 as he had been identified as a friend of someone convicted of crime.

In reply, the newspaper said that its reporter had attended the court hearing and had a note which confirmed the broad accuracy of the figures for the amount stolen and the amount of debt. The complainant's address was given in court, which is why the newspaper used it in its report, and the newspaper's decision to publish the follow-up article making clear that Needham lived elsewhere at the time of the offences had been a gesture of goodwill. The complainant had not said that he did not want his name to appear in that article.

Finally, the newspaper said that the photograph of Needham had been provided by one of her former colleagues. It revealed nothing about her private life and there was nothing to suggest that she did not consent to its taking. The newspaper contended that the picture was genuinely relevant as it helped to identify a woman who had been convicted of serious offences.

Adjudication

The Commission did not consider that it was misleading in breach of Clause 1 for the original article to have referred to the complainant's address. It seemed to be a matter of fact that Ms Needham was living there at the time of the trial, and the address had been referred to in court and in court papers. The article did not say that Needham was living at the address when the offences were committed. Neither did the Commission consider that any discrepancies in the theft and debt figures were so significant as to mislead readers or raise a breach of the Code. There was no breach of Clause 1.

Turning to the complaint about the second article – that the article published to clarify Needham's address at the time of the offences identified him as a friend of someone convicted of crime – the Commission found no breach of Clause 9 for a number of reasons. The complainant had contacted the newspaper himself in order to obtain a correction, and had not apparently specifically indicated

that he did not wish to be identified. It was also a matter of fact that Ms Needham – who had just been convicted of theft – was his partner and lived at his house, and that his address had been given in court. He appeared to be representing her in a complaint to the newspaper about the original article. In these circumstances it seemed to the Commission that the complainant was genuinely relevant to the second story. There was therefore no breach of Clause 9.

The Commission finally considered whether the publication of the photograph of Ms Needham at an office Christmas party intruded into her privacy in breach of Clause 3. It concluded that it did not, for two main reasons. First, the photograph had not been taken surreptitiously by the newspaper when she was in a private place, but was a posed shot that had been supplied to the paper by the person who owned it. Second, the photograph conveyed no private information about the complainant, nor would it have been likely to have humiliated or embarrassed her gratuitously. It was an innocuous photograph that simply illustrated what she looked like.

The Commission did not therefore consider that publication of the photograph showed a lack of respect for Ms Needham's private life, and there was therefore no breach of Clause 3.

Relevant ruling

Gbonda v Evening Standard 2004

Adjudication issued 2005