

Privacy
File
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Reuters Seminar on privacy, July 24, 2007

A note of the meeting

The conversation covered four key points: the current media context, public figures and private lives, regulation and public interest.

The context

What emerged from the conversation were:

- Market pressures: increased competition, fragmenting audiences and circulations and declining revenues
- The changing news environment and the impact of both 24 hour news and the internet: relevance versus significance
- The trend towards celebrity journalism and entertainment and the monetising of celebrity
- The tensions between demand and supply: people enjoy gossip but are the means used to obtain it in the public interest?
- The growing power of global news organisations and issues around ownership and who sets the editorial agenda

Public and Private lives

Points to emerge:

- Politicians were not guiltless when it came to making private matters part of the political agenda: the "dirty election" syndrome
- Politicians should have less expectation of privacy as they exist in the public space, but their families are entitled to higher protection
- The test for the line between public and private should be the ability to do the job, in which health, alcohol abuse or corruption might figure rather more than sex
- Politicians are mad to seek to capitalize on family life but equally even politicians have a right to some hypocrisy or inconsistency in their lives

- The test had to be the impact on significant numbers of people

Regulation

The key thoughts were:

- In the digitalised, web world, regulation by law is running out of options as it becomes less easy to achieve consistency or effectiveness. But, in any event, self and co regulation are the better route to follow
- Ofcom and the PCC need to work more closely together in this area; their findings and adjudications set a case law standard on privacy and the methods used to infringe it
- PCC needs to be seen to be even more proactive, improve its communication about what it is doing actively to support high editorial standards, and be able to demonstrate its independence
- It looks as if the proposals of the Information Commissioner will become law but it will be important to ensure both journalists and the public understand the public interest exemptions
- So no "fishing expeditions"; any breach of the law, in terms of the methods used to access information, has to have a strong public interest defence
- Other potential infringements of privacy have to be based on consent
- Public service broadcasters should be able to set the "gold standard"

Public Interest

Various aspects were discussed including:

- The public interest in the free flow of information, but also, when there might be a public interest in not publishing (for example around the health of a politician – examples ranged from Churchill, via John F Kennedy and Lloyd George to an

HIV positive MP), or indeed around third party rights to freedom of expression

- The public interest in being able to trust the media, both to be accurate but also not to suppress, and the corresponding responsibility of the media to be accountable and behave responsibly
- A definition of a single public interest that justifies an infringement of privacy remains difficult as much depends on the case and the circumstance; examples, such as appear in the codes, help
- Key points to consider are whether there is a public "evil" and the potential impact of the behaviour on significant numbers of people, and whether the behaviour impacts on the capacity of the individual to do the job

COMPLAINANT NAME:

A man

CLAUSES NOTED: 1, 5

PUBLICATION: Chat magazine

COMPLAINT:

A man from Fife complained to the Press Complaints Commission through solicitors that an article headlined "Beaten, raped and brutalised", published in Chat magazine on 13 September 2007, was inaccurate and misleading in breach of Clause 1 (Accuracy) and intruded into his family's grief in breach of Clause 5 (Intrusion into grief or shock).

The complaint was upheld.

The article was a woman's account of life with an abusive former partner, which referred to his conviction for the murder of the complainant's step-daughter. In addition to what the complainant said were unnecessarily graphic details, the complainant and his family were distressed by two images: a headshot of the victim and an uncaptioned staged photograph of a female body wrapped in bin liners, which was how the actual body was discovered. The piece had caused much distress on what was the first anniversary of the murder.

The magazine said that the details in the story had previously been referred to in court and were in the public domain. The article was about another of the man's victims, but the complainant's step-daughter's case was relevant as it showed the degree of violence the man was prepared to use. The magazine admitted that the photograph of the body should have been captioned to make clear that it was not an image of the victim. It sincerely regretted the distress the article had caused to the complainant's family.

DECISION:

Upheld

ADJUDICATION:

The Commission considered that the magazine's failure to make clear to readers that the photograph was staged constituted a breach of Clause 1 (Accuracy). But of particular concern to the Commission was the fact that, in using the misleading picture near to the first anniversary of the death, the magazine had also shown a total disregard for the family of the dead woman. While the Commission normally considers the rules on grief and shock to have greatest relevance in the immediate aftermath of an incident, the magazine's cavalier approach in this instance constituted a clear breach of both the letter and spirit of Clause 5 of the Code. This was notwithstanding the fact that some of the information was legitimately in the public domain following a court case, and which the magazine was therefore entitled to publish. The complaints under both Clauses 1 and 5 were upheld.

REPORT:

76 Adjudication issued 31/10/07

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