

PCC publishes important new privacy ruling

The Press Complaints Commission has today published an adjudication on a complaint from Kimberley Fortier, the woman recently alleged to have been having an affair with the Home Secretary, in which she contended that a photograph published in the Sunday Mirror intruded into her privacy and had been taken following harassment. The complaint was rejected under Clauses 3 (Privacy) and 4 (Harassment) of the Code.

The Commission did not consider that the manner in which the photograph was taken amounted to harassment in breach of Clause 4 of the Code. There was nothing to suggest that the photographer had 'persisted' unduly in his attentions, or had acted in an intimidating fashion. The Commission did not consider that a previous, general request by the complainant for journalists and reporters to desist from approaching her could last in perpetuity; it considered that, as developments in the story had occurred subsequent to the initial request, the photographer was entitled to approach the complainant in the manner that he did.

In rejecting the complaint under Clause 3 that the publication of the photograph was intrusive, the Commission made the following points: it does not generally consider publication of photographs of people in public places - in circumstances where there has been no harassment - to breach the Code; the complainant's identity, in connection with the allegation that she was involved with a senior politician, had been established in the public domain; and the photograph contributed to a general public debate and was taken at a time when the story was developing.

This decision represents a further development of PCC privacy jurisprudence, and is particularly significant in light of recent court rulings.

To read the adjudication in full, [click here](#)

ENDS

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