

## IPSO Paper No. 247

### MINUTES

#### Complaints Committee, Independent Press Standards Organisation

Gate House, 1 Farringdon Street, London EC4M 7LG

18 March 2015 at 15:30

Present: Sir Alan Moses (Chairman)  
Richard Best (Deputy Chairman)  
Lara Fielden  
Gill Hudson  
David Jessel  
Matthew Lohn  
Jill May  
Elisabeth Ribbans  
Neil Watts  
Peter Wright  
Nina Wrightson

Attending: Matt Tee, Chief Executive  
Charlotte Dewar, Director of Operations  
Ben Gallop, Senior Complaints Officer  
Bianca Strohmman, Senior Complaints Officer

The following members of the Executive were also in attendance: Xavier Bastin, James Garmston, Robyn Kelly, Holly Pick, and Hugo Wallis.

#### 1. Apologies

Apologies were received from Janette Harkess.

#### 2. Update by the Chairman

The Chairman noted that IPSO's move to its premises had been a great success, in large part due to the superb work of Tonia Milton and Michelle Kuhler. The Committee recorded its thanks to both of them and noted that the new offices were a great improvement.

The Chairman updated the Committee on events since the previous meeting, including his testimony (with Matt Tee) before the House of Commons Select Committee on Culture, Media and Sport, and his lecture at the LSE on IPSO and the Future of Press Regulation.

#### 3. Update by the Chief Executive

The Chief Executive noted that Paul Vickers had resigned as Chair of the Regulatory Funding Company. He informed the Committee that IPSO's budget

for 2015 had received formal sign-off. He noted that progress was good on negotiations over changes to IPSO's rules and regulations and the recruitment of a new Director of External Affairs.

4. Minutes – February 2015 meeting

The Committee approved the minutes for its meeting of 18 February 2015.

5. Declaration of interests

Peter Wright declared an interest in the complaint by Clementine Bobin against The Times: Ms Bobin had made a parallel complaint against the Daily Mail, which had been resolved following IPSO's referral of the complaint to the publication's internal complaints process. The Committee agreed that he would not participate in the discussion on the complaint.

6. Complaints 01592-14 / 00794-15 McMillan v Daily Record / Dumfries and Galloway Standard

The Committee discussed these complaints and ruled that they were not upheld. A copy of their rulings appears in **Appendix A**.

7. Complaint 01657-14 Bobin v The Times

Following his declaration of interest, Peter Wright left the room and did not participate in the discussion on the complaint. The remainder of the Committee discussed this complaint and ruled that it was upheld. A copy of its ruling appears in **Appendix B**.

8. Complaint 00256-15 A woman v Lancashire Evening Post

Peter Wright who returned to the room. The Committee discussed this complaint and ruled that it was upheld.

[Post-meeting note: The Committee issued a decision to the parties. This was revised following representations from one of the parties regarding the accuracy of the decision. A copy of the final ruling appears in **Appendix C**.]

9. Matters arising

a. Sunday Mirror and Brooks Newmark MP

The Committee considered the issues raised by this matter further. IPSO subsequently issued a statement setting out its findings, a copy of which appears in **Appendix D**.

10. Complaint 01780-14 Turner v The Sun on Sunday

The Committee discussed this complaint and ruled that it was upheld in part. A copy of its ruling appears in **Appendix E**.

11. Complaint 02167-15 McAllister v Daily Record

The Committee discussed this complaint and ruled that it was not upheld. A copy of its ruling appears in **Appendix F**.

12. Complaints not adjudicated at a Complaints Committee meeting

The Committee confirmed its formal approval of IPSO complaints listed in **Appendix G**, all of which had been previously circulated to the Complaints Committee.

13. Any other business

There was none.

**Next meeting: 22 April 2015 at 10.30am.**

## Appendix A

### Decision of the Complaints Committee 01592-14 McMillan v The Daily Record

#### Summary of Complaint

1. Elaine McMillan complained to the Independent Press Standards Organisation that the Daily Record had breached Clause 1 (Accuracy) and Clause 5 (Intrusion into Grief or Shock) of the Editors' Code of Practice in an article headlined "We're numb with shock", published on 31 October 2014.
2. The article reported that Angela Laskey – the complainant's sister-in-law – had been murdered in Santa Barbara, California. A journalist from the newspaper had contacted the complainant by telephone on the day before the article was published. The article reported that the complainant had said that "we're numb with shock. We are sitting by the phone waiting for news".
3. The complainant said that the telephone conversation began with the journalist addressing her by her first name, and offering her condolences; only then did the journalist introduce herself. She then told the journalist that Ms Laskey's name had not been released publicly, and enquired as to how the journalist knew about her death. She told the journalist that the newspaper should not report on Ms Laskey's death until her name had been officially released, at which point she would speak to the journalist.
4. The complainant said that when the journalist had asked whether she and her husband were "numb with shock", or if they "were sitting by the phone waiting for news", she responded "yes"; the article's presentation of these as direct quotations was therefore inaccurate. In circumstances where the name had not been released, and only family and close friends were aware of the death, she had not expected a call from a journalist, and it took her by surprise. Had she been aware of the journalist's identity immediately, she said that she would not have said anything.
5. The newspaper said that the journalist introduced herself immediately, and informed the complainant that she was phoning in relation to the death of Angela Laskey. It said that during the conversation about Ms Laskey and her family, the journalist asked "Do you feel numb with shock at what's happened?", to which the complainant responded "Yes. We are sitting by the phone waiting for news".
6. The newspaper said that it had received a tip-off from a confidential source regarding her death, and had then contacted the Santa Barbara Police

Department, which had stated that Ms Laskey's name had not been officially released but confirmed that her family had been informed. The newspaper then checked the complainant's husband's Facebook page, from which it was clear that he was aware that Ms Laskey had died; it provided screen grabs of the page as it had appeared at the time. It said that in these circumstances, it decided that it was appropriate to approach the family. (The complainant denied that the postings amounted to an acknowledgment of Ms Laskey's death.)

7. The newspaper offered to remove the complainant's quotations from the online article, but maintained that the manner in which they were presented was a traditional journalistic convention. It said that as the complainant had accepted that the words were true, there was no breach of the Code.

### **Relevant Code Provisions**

#### **8. Clause 1 (Accuracy)**

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.
- iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

#### **Clause 5 (Intrusion into grief or shock)**

- i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.

### **Findings of the Committee**

9. The Committee recognised that in transcribing spoken remarks for print publication, it may be necessary to adapt a verbatim transcript to ensure that an individual's meaning is clear. The complainant accepted that, during the conversation, she had agreed that she was "numb with shock", and "sitting by the phone waiting for news". She was aware in doing so that she was in a conversation with a journalist who was preparing to publish an article reporting on Ms Laskey's death. The particular phrases in question were innocuous; the complainant had confirmed that they were an accurate summary of her feelings; and no particular significance was attached to the fact that they were presented as a direct quotation. The Committee noted that, had the words not been innocuous, their publication in this form might have raised issues under Clause

1. In this instance, however, it concluded that their publication was not significantly misleading. There was no breach of Clause 1.

10. The Committee turned to the complaint under Clause 5. Whilst it acknowledged that the call from the journalist may have been unexpected, the conversation which followed did not suggest that the journalist, by telephoning the complainant, had acted in a manner that was insensitive or unsympathetic. On the complainant's account of the conversation, the journalist had introduced herself immediately after offering condolences and confirming to whom she was speaking. The complainant's account of the telephone conversation, and the timing of the call, did not demonstrate that there had been a lack of sympathy or discretion in the newspaper's approach to the complainant. Whilst the Committee expressed its sympathy to the complainant, there was no breach of Clause 5.

### **Conclusions**

11. The complaint was not upheld.

**Decision of the Complaints Committee**  
**00794-15 McMillan v Dumfries and Galloway Standard**

**Summary of Complaint**

1. Elaine McMillan complained to the Independent Press Standards Organisation that Dumfries and Galloway Standard had breached Clause 1 (Accuracy) and Clause 5 (Intrusion into Grief or Shock) of the Editors' Code of Practice in an article headlined "Dumfries woman is murdered in USA", published on 31 October 2014.
2. The article reported that Angela Laskey (referred to as Angela McMillan in the article) – the complainant's sister in law - had been murdered in Santa Barbara, California. A journalist from the newspaper had contacted the complainant by telephone on the day before the article was published. The sub-headline of the article stated that "Family 'numb with shock'". The article went on to report that "Angela's brother Paul and his wife Elaine...said the news of her death had left the family 'numb with shock'. Elaine said: '...We are sitting by the phone waiting for news'".
3. The complainant said that the telephone conversation began with the journalist addressing her by her first name, and offering her condolences; only then did the journalist introduce herself. She then told the journalist that Ms Laskey's name had not been released publicly, and enquired as to how the journalist knew about her death. She told the journalist that the newspaper should not report on Ms Laskey's death until her name had been officially released, at which point she would speak to the journalist.
4. The complainant said that when the journalist had asked whether she and her husband were "numb with shock", or if they "were sitting by the phone waiting for news", she responded "yes"; the article's presentation of these as direct quotations was therefore inaccurate. In circumstances where the name had not been released, and only family and close friends were aware of the death, she had not expected a call from a journalist, and it took her by surprise. Had she been aware of the journalist's identity immediately, she said that she would not have said anything.
5. The newspaper said that the journalist introduced herself immediately, and informed the complainant that she was phoning in relation to the death of Angela Laskey. It said that during the conversation about Ms Laskey and her family, the journalist asked "Do you feel numb with shock at what's happened?", to which the complainant responded "Yes. We are sitting by the phone waiting for news".

6. The newspaper said that it had received a tip-off from a confidential source regarding her death, and had then contacted the Santa Barbara Police Department, which had stated that Ms Laskey's name had not been officially released but confirmed that her family had been informed. The newspaper then checked the complainant's husband's Facebook page, from which it was clear that he was aware that Ms Laskey had died; it provided screen grabs of the page as it had appeared at the time. It said that in these circumstances, it decided that it was appropriate to approach the family. (The complainant denied that the postings amounted to an acknowledgment of Ms Laskey's death.)
7. The newspaper offered to remove the complainant's quotations from the online article, but maintained that the manner in which they were presented was a traditional journalistic convention. It said that as the complainant had accepted that the words were true, there was no breach of the Code.

### **Relevant Code Provisions**

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- iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

#### **Clause 5 (Intrusion into grief or shock)**

- ii) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.

### **Findings of the Committee**

9. The Committee recognised that in transcribing spoken remarks for print publication, it may be necessary to adapt a verbatim transcript to ensure that an individual's meaning is clear. The complainant accepted that, during the conversation, she had agreed that she was "numb with shock", and "sitting by the phone waiting for news". She was aware in doing so that she was in a conversation with a journalist who was preparing to publish an article reporting on Ms Laskey's death. The particular phrases in question were innocuous; the complainant had confirmed that they were an accurate summary of her feelings;



and no particular significance was attached to the fact that they were presented as a direct quotation. The Committee noted that, had the words not been innocuous, their publication in this form might have raised issues under Clause 1. In this instance, however, it concluded that their publication was not significantly misleading. There was no breach of Clause 1.

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## **Conclusions**

11. The complaint was not upheld.

## Appendix B

### Decision of the Complaints Committee 01657-14 Bobin v The Times

1. Clémentine Bobin complained to the Independent Press Standards Organisation that The Times had breached Clause 3 (Privacy) and Clause 9 (Reporting of crime) of the Editors' Code of Practice in an article headlined "Banker left glamour model for new life", published on 5 November 2014.
2. The article contrasted the student days in England of Rurik Jutting with the circumstances of his recent arrest for murder in Hong Kong. It was accompanied by three photographs, the largest of which depicted Mr Jutting standing next to the complainant with his arm around her, captioned as "Rurik Jutting as a Cambridge student at 21, with a friend". The other photographs showed one of his alleged victims and a former girlfriend.
3. The complainant said that the photograph had been taken in 2006, when she was a young co-worker of Mr Jutting, after which period she had had no contact with him. Although it had not named her, it had clearly identified her to friends, family and colleagues, which was intrusive and upsetting. In addition, she was concerned that its relative prominence and size suggested that she was the glamour model mentioned in the headline.
4. The complainant argued that the photograph had been taken in circumstances where she had a reasonable expectation of privacy, at a private event in the enclosed grounds of a college. While it appeared to have been taken from a publicly-accessible Facebook page, she had never consented to its circulation; the page belonged to a friend, who had been unaware that no privacy settings protected it. This did not mean it was in the "public domain".
5. The newspaper argued that in light of the allegations against Mr Jutting, there was a public interest in examining his life; the photograph served to illustrate the apparent transformation of his circumstances. The caption referred to the complainant's past connection to Mr Jutting, but she did not remain his "friend", and Clause 9 should therefore not apply. In its view, those who would recognise the complainant would be aware that she had had no continued association with the accused.
6. It did not dispute the complainant's account of the circumstances in which the photograph was taken. In its view, however, the individuals pictured had a limited expectation of privacy, and the content of the photograph was innocuous. Given this, and the fact that the Facebook album from which it had been

obtained was publicly accessible, the newspaper did not accept any breach of Clause 3.

7. The newspaper removed the photograph from its website as soon as it was aware of the complainant's concerns, and apologised for having distressed her. It later removed the photograph from its editorial systems as well, and confirmed that there were no circumstances in which it imagined republishing it.

### **Relevant Code Provisions**

#### **8. Clause 3 (Privacy)**

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.

#### **Claude 9 (Reporting of crime)**

- i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.

#### **The Public interest**

- i) The Regulator will consider the extent to which material is already in the public domain, or will become so.

### **Findings of the Committee**

9. Regardless of the true nature of their connection, the caption to the large and prominent photograph described the complainant as a "friend" of Mr Jutting. While the article, taken as a whole, made clear that the complainant was not the "glamour model" cited in the headline, it nevertheless asserted a direct association between the complainant and Mr Jutting, in a manner that squarely engaged the terms of Clause 9.
10. In order to avoid a breach of the Code, the newspaper was therefore required to show it was justified in identifying the complainant, either because the complainant was genuinely relevant to the story, or because – regardless of her relevance – there was a public interest which justified publication.
11. The article had made no reference to the complainant, and she was plainly not personally relevant to the story. No public interest could reasonably be regarded as justifying the intrusion into the complainant's life caused by so prominently and publicly associating her with an alleged criminal. The Committee upheld the complaint under Clause 9.

12. The Committee did not separately uphold the complaint under Clause 3 (Privacy). Although the Committee noted the complainant's concern that the photograph had been taken without consent from a Facebook page, it conveyed only the fact of the complainant's association with Mr Jutting around 8 years ago, when they were at university. This was not in itself private, and it raised no additional issues for the Committee to consider beyond those which gave rise to the breach of Clause 9.

## Conclusions

13. The complaint was upheld in part.

## Remedial Action

14. Having upheld the complaint under Clause 9 (Reporting of crime) of the Code, the Committee considered what remedial action should be required. The Committee has the power to require the publication of a correction and/or adjudication, the nature, extent and placement of which is to be determined by IPSO. It may also inform the publication that further remedial action is required to ensure that the requirements of the Code are met.

15. The Committee required that in order to remedy the breach of the Editors' Code, the newspaper should publish the Committee's adjudication upholding the complaint. The article under complaint had been published on page 9 of the newspaper; the adjudication should also be published on this page or further forward, with a headline to be agreed in advance.

16. The terms of the adjudication, which the newspaper should publish without addition or alteration, are as follows:

17. *Clémentine Bobin complained to the Independent Press Standards Organisation that The Times had breached Clause 9 (Reporting of crime) of the Editors' Code of Practice in an article headlined "Banker left glamour model for new life", published on 5 November 2014. IPSO upheld the complaint as a breach of the Editors' Code and required The Times to publish this decision by its Complaints Committee as a remedy to the breach.*

*The article contrasted the student days in England of Rurik Jutting with the circumstances of his recent arrest for murder in Hong Kong. It was accompanied by three photographs, the largest of which depicted Mr Jutting standing next to the complainant with his arm around her, captioned as "Rurik Jutting as a*

Cambridge student at 21, with a friend". The other photographs showed one of his alleged victims and a former girlfriend.

The complainant said that the photograph had been taken in 2006, when she was a young co-worker of Mr Jutting, after which period she had had no contact with him. Although it had not named her, it had clearly identified her to friends, family and colleagues, which was intrusive and upsetting.

The newspaper argued that in light of the allegations against Mr Jutting, there was a public interest in examining his life; the photograph served to illustrate the apparent transformation of his circumstances. The caption referred to the complainant's past connection to Mr Jutting, but she did not remain his "friend", and Clause 9 should therefore not apply. In its view, those who would recognise the complainant would be aware that she had had no continued association with the accused.

The newspaper removed the photograph from its website as soon as it was aware of the complainant's concerns, and apologised for having distressed her. It later removed the photograph from its editorial systems as well, and confirmed that there were no circumstances in which it imagined republishing it.

Regardless of the true nature of their connection, the caption to the large and prominent photograph described the complainant as a "friend" of Mr Jutting; this asserted a direct association between the two, in a manner that squarely engaged the terms of Clause 9.

In order to avoid a breach of the Code, the newspaper was therefore required to show that it was justified in identifying the complainant in making this link, either because the complainant was genuinely relevant to the story, or because – regardless of the complainant's relevance – there was a public interest which justified publication.

The article had made no reference to the complainant, and she was plainly not personally relevant to the story. No public interest could reasonably be regarded as justifying the intrusion into the complainant's life caused by so prominently and publicly associating her with an alleged criminal. The Committee upheld the complaint.

## Appendix C

### Decision of the Complaints Committee 00256-15 A woman v Lancashire Evening Post

#### Summary of complaint

1. A woman complained to the Independent Press Standards Organisation that the Lancashire Evening Post had breached Clause 3 (Privacy) and Clause 7 (Children in sex cases) of the Editors' Code of Practice in an article published in January 2015.
2. The article reported that photographs of children from Lancashire had been found on a file sharing website which the newspaper described variously as a "Russian pervert website" and a "paedophile website". The article reported that most of the pictures were accompanied by sexually suggestive comments from users across the world which suggested that they were being used for sexual gratification.
3. The article was illustrated with five pixelated photographs of local children which had been hosted on the Russian site.
4. The complainant said that two of these images were of her young child. They had originally been published on her Facebook profile, and recognised from the newspaper by friends who had alerted her to the article. She said that – given the content of the website – publishing photographs in which her child was identifiable intruded into her child's privacy in breach of Clause 3 and Clause 7, as they had been reproduced from a website where they had been used for sexual gratification.
5. The newspaper defended its use of the photographs as an important element of a public-interest story, which made clear the nature of the material on the website. While it had been unable to contact the parents of the children involved before publication because it did not know their identities, it had alerted local schools to give them a chance to implement child protection procedures. The newspaper said that it had been contacted by other parents who were grateful that they had been alerted to the possible use of images of their children in this way. Following its coverage, the link to photographs of children from Lancashire had been removed from the website, and a local MP had become involved in the issue.
6. While the photographs were not pornographic, they were sensitive, and it had therefore chosen to publish them heavily pixelated and in a small size (smaller than a postage stamp), in its print edition only. It strongly denied that the child was identifiable from the photographs. Nonetheless, it apologised to the

complainant for the distress caused by their publication, and removed the images from a planned follow-up article after being contacted by her directly. As the article did not relate to a court case, it did not agree that the terms of Clause 7 were engaged.

### **Relevant Code provisions**

#### 7. Clause 3 (Privacy)

- (i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- (ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.

#### Clause 7 (Children in sex cases)

- (i) The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.

#### The Public Interest

- 5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

### **Findings of the Committee**

- 8. The article under complaint had led to the removal of the photographs of local children from the website, new child protection procedures at local schools, and the involvement of a local MP. The right of the newspaper to publish the story was not in doubt, and indeed it had performed a valuable public service by publicising the issue.
- 9. The pixelation of the images had evidently been insufficient to prevent the child from being identified by those who were familiar with them. The newspaper knew that the images had been sourced from publicly accessible social media profiles; it should therefore have recognised the risk that the child could be identified in this way.
- 10. The photographs had previously been published by the complainant on social media, in innocuous circumstances. However, the fact that the child had featured on the Russian website constituted significant and deeply personal new information, with the clear potential to cause significant trauma and disruption. Notwithstanding the public interest in the story itself, there was no public interest which justified the publication of identifiable photographs of the child in this context. Publication, in this form, represented a failure to respect the child's family life and a breach of Clause 3.

11. On this occasion, given that it was not suggested that the child in question had been the victim in a case involving a sex offence, the Committee did not establish a separate breach of Clause 7.

## Conclusions

12. The complaint was upheld under Clause 3 (Privacy).

## Remedial action required

13. Having upheld the complaint, the Committee considered what remedial action should be required. The Committee has the power to require the publication of a correction and/or adjudication, the nature, extent and placement of which is to be determined by IPSO. It may also inform the publication that further remedial action is required to ensure that the requirements of the Code are met.
14. The Committee required the newspaper to publish the Committee's ruling upholding the complaint. The article had been published on the front page of the newspaper, and continued on page 9. The adjudication should be published in full on page 9, with a front page reference directing readers to this page, which should include the headline of the adjudication. The headline should make clear that IPSO has upheld the complaint, and refer to its subject matter; it must be agreed in advance.
15. The terms of the adjudication to be published are as follows:

*Following an article published in the Lancashire Evening Post in January 2015, a woman complained to the Independent Press Standards Organisation (IPSO) that the Post had intruded into her child's privacy, in breach of Clause 3 (Privacy) of the Editors' Code of Practice. IPSO upheld the complaint and established a breach of the Editors' Code. IPSO required the Post to publish this decision by its Complaints Committee as a remedy to the breach.*

*The article reported that photographs of children from Lancashire had been found on a file sharing website which the newspaper described variously as a "Russian pervert website" and a "paedophile website". The article reported that most of the pictures were accompanied by sexually suggestive comments from users across the world which suggested that they were being used for sexual gratification.*

*The article was illustrated with five pixelated photographs of local children which had been hosted on the Russian site.*

*The complainant said that two of these images were of her young child. They had originally been published on her Facebook profile, and recognised from the newspaper by friends who had alerted her to the article. She said that – given the*



content of the website – publishing photographs in which her child was identifiable intruded into her child’s privacy in breach of Clause 3, as they had been reproduced from a website where they had been used for sexual gratification.

The newspaper defended its use of the photographs as an important element of a public-interest story, which made clear the nature of the material on the website. While it had been unable to contact the parents of the children involved before publication because it did not know their identities, it had alerted local schools to give them a chance to implement child protection procedures. The newspaper said that it had been contacted by other parents who were grateful that they had been alerted to the possible use of images of their children in this way. Following its coverage, the link to photographs of children from Lancashire had been removed from the website, and a local MP had become involved in the issue.

While the photographs were not pornographic, they were sensitive, and it had therefore chosen to publish them heavily pixelated and in a small size (smaller than a postage stamp), in its print edition only. It strongly denied that the child was identifiable from the photographs. Nonetheless, it apologised to the complainant for the distress caused by their publication, and removed the images from a planned follow-up article after being contacted by her directly.

IPSO’s Complaints Committee understood that the article under complaint had led to the removal of the photographs of local children from the website, new child protection procedures at local schools, and the involvement of a local MP. The right of the newspaper to publish the story was not in doubt, and indeed it had done a valuable public service by publicising the issue.

The pixelation of the images had evidently been insufficient to prevent the child from being identified by those who were familiar with them. The newspaper knew that the images had been sourced from publicly accessible social media profiles; it should therefore have recognised the risk that the child could be identified in this way.

The photographs had previously been published by the complainant on social media, in innocuous circumstances. However, the fact that the child had featured on the Russian website constituted significant and deeply personal new information, with the clear potential to cause significant trauma and disruption. Notwithstanding the public interest in the story itself, there was no public interest which justified the publication of identifiable photographs of the child in this context. Publication, in this form, represented a failure to respect the child’s family life and a breach of Clause 3.

## Appendix D

### Decision by the Complaints Committee Brooks Newmark MP and the Sunday Mirror

#### Background to these inquiries

1. On 28 September 2014, the Sunday Mirror published an article headlined "Tory Minister quits over sex photo". The article reported that Brooks Newmark MP had resigned as Minister for Civil Society the previous day, after the newspaper had informed him it intended to report that he had sent an explicit image of himself to an undercover reporter posing as a female Conservative Party activist.
2. The article was based on material obtained by a journalist, Alex Wickham, who worked for the Guido Fawkes blog, which was subsequently offered to the newspaper for publication.
3. Mr Wickham set up a Twitter account under the false name 'Sophie Wittams', described as a "twentysomething Tory PR girl". The 'Sophie' account followed 88 Twitter users, including MPs, political organisations, celebrities and newspapers.
4. The initial phase of his investigation was limited to following other Twitter users, retweeting messages and commenting on tweets published by others. Mr Newmark subsequently initiated private contact with 'Sophie' via direct messages, which culminated in an exchange of explicit images. This exchange was the subject of the article.
5. Mr Newmark made no complaint to IPSO, but the article and the newsgathering techniques used to obtain it raised issues under the Editors' Code of Practice and were a matter of public concern. IPSO decided to make inquiries of the Sunday Mirror to ensure that it had complied with its obligations under the Editors' Code. Mr Newmark was invited to cooperate with these inquiries but declined to do so.
6. The Sunday Mirror maintains that IPSO does not have the power to make formal inquiries, leading to an adjudication, about this matter, in the absence of a complaint from a directly involved party. It emphasised, however, that it did not seek to avoid addressing IPSO's concerns. The newspaper cooperated with the investigation, making full submissions. IPSO does not accept the newspaper's contention, but does acknowledge that this power needs to be more explicitly stated in its regulations. Accordingly, this is the determination of the Committee and is not an adjudication under the existing rules.

#### Relevant Code provisions

##### Clause 10 (Clandestine devices and subterfuge)

(ii) Engaging in misrepresentation and subterfuge, including by agents and intermediaries, can generally be justified only in the public interest and then only where the material cannot be obtained by other means.

### Public interest

1. The public interest includes, but is not confined to:
  - (i) Detecting or exposing serious impropriety
  - (ii) Preventing the public from being misled by an action or statement of an individual or organisation.
2. There is a public interest in freedom of expression itself.
3. Whenever the public interest is invoked, the Regulator will require editors to demonstrate fully that they reasonably believed that publication, or journalistic activity undertaken with a view to publication, would be in the public interest and how, and with whom, that was established at the time.

### **The issues**

7. In considering whether there had been a breach of Clause 10 of the Editors' Code, IPSO examined the following questions:
  - a. Was there misrepresentation and subterfuge when the 'Sophie Wittams' Twitter account was set up, followed other accounts, tweeted and re-tweeted?
  - b. If there was misrepresentation or subterfuge, was the decision to launch the investigation using such methods based on pre-existing credible information?
  - c. Was there misrepresentation and subterfuge after Mr Newmark contacted 'Sophie' privately with a direct message?
  - d. If there was misrepresentation and subterfuge, had the editor of the Sunday Mirror demonstrated fully that she had grounds for a reasonable belief that (i) both the investigation and publication of its outcome were in the public interest and how, and with whom, that was established at the time; and (ii) that the material could not have been obtained by other means?
  - e. Did a sufficient public interest justify the investigation and publication?

### **The setting up of the Twitter account**

8. The 'Sophie Wittams' Twitter account was set up by Mr Wickham. A confidential source had told him that they had spoken to a number of women who claimed to have been approached on social media by members of Parliament, including Mr Newmark. The women alleged that the MPs acted on the pretext that the contacts were professional, but in fact were attempting to initiate inappropriate relationships. Based on conversations with other sources, Mr Wickham believed that there were grounds to suspect a pattern.

9. Mr Wickham considered that there was a significant public interest in investigating this further, given the imbalance of power between an MP at the top of the political ladder, and a woman involved at a low level in party politics. None of the sources was willing to speak on the record, and Mr Wickham therefore concluded that it would not be possible to corroborate the allegations without using subterfuge. He elected to set up the Twitter account to test whether it would receive contacts of the kind that his sources had described.
10. The Sunday Mirror says that the 88 accounts followed by 'Sophie' included some, but not all, of the MPs about whom he had received information about inappropriate contacts with women, including Mr Newmark. This activity was open and visible to other users, and was intended to ensure that the profile appeared credible. The newspaper asserts that the account did not initiate private correspondence. While Mr Wickham had received information about several individuals, the focus of the investigation, from the start, according to the Sunday Mirror, was Mr Newmark.
11. The Sunday Mirror contends that the subterfuge and misrepresentation at this stage, if indeed it amounted to subterfuge and misrepresentation, was minimal – because Mr Wickham did not initiate private communication with any other user – and necessary to establish the credibility of the Twitter account.
12. The decision to launch an investigation using clandestine means must be based on credible information that the person or persons to be investigated have previously behaved in the manner suspected, or that there are specific reasons to believe they would do so. Those who decide to cast a net that involves misrepresentation or subterfuge for the purposes of initiating an investigation must be in possession of such information before they do so, if they are to comply with Clause 10.
13. Mr Wickham said that he had a confidential source who had spoken to several women who had been approached on social media by MPs, including Mr Newmark. The Editor of the Sunday Mirror has provided a statement to IPSO as part of the newspaper's response to IPSO's inquiries in which she describes a meeting she held with the newspaper's political editor to discuss the investigation. She says in her statement that, following this meeting, she resolved to double check the validity of the source and to "put more detail around who the source was and the validity of previous tips." She probed the strength of this source and was convinced that the source was sufficiently credible to have justified initiating the investigation.

### *Conclusion*

14. Although many people set up Twitter accounts under false names, when journalists conceal their identities in an attempt to obtain information which would not otherwise be provided, they are engaged in misrepresentation and subterfuge. The purpose of setting up the account was to see whether a Tory MP or Minister would be tempted into improper communication. Accordingly, the

setting up and use of the Twitter account was within the scope of Clause 10 and required a public interest justification.

15. Under the terms of the Editors' Code, subterfuge can only be justified if it is deployed to obtain information which cannot be obtained by other means. The nature of the justification required depends on the nature of the subterfuge to be used. In relation to the setting up of the Twitter account and the public exchanges, IPSO considered that the subterfuge was only slight; there was no direct enticement, nor was there any direct contact. At this stage, accordingly, the information relied upon did not need to have been as substantial as it would have needed to be, had Mr Wickham directed any inducement to act indiscreetly against a particular individual. Given that Mr Wickham's source was not prepared to go on the record, IPSO accepts that there was no alternative to subterfuge to investigate the story, and the initial phase of the investigation did not breach Clause 10.

### **Misrepresentation and subterfuge after Brooks Newmark initiated private communication**

16. Mr Newmark initiated the private, direct message contact with 'Sophie'. He had tweeted about Wimbledon tennis, in reply to which she had tweeted "Ha Ha". He had then sent her a private message: "Glad you appreciate my sense of humour and how seriously I take my sport! :-)".

17. After a number of messages had been exchanged, including a suggestion by Mr Newmark that they meet, he had asked 'Sophie' to send a photograph of herself. Following an exchange of several pictures, 'Sophie' suggested that they "take it to the next level". Mr Newmark agreed and, having received an explicit image, requested a further image in a different pose in exchange for "something in return". The newspaper says that he later sent an explicit image of himself.

### *Conclusion*

18. Mr Newmark's decision to send a private message triggered an escalation of the degree of subterfuge and misrepresentation. Thereafter, it was he who decided to ask for a photograph in circumstances where, so far as any journalist might reasonably believe, there was no reason to do so other than to intensify the exchange. It was only after an exchange of pictures that 'Sophie' suggested they "take it to the next level".

19. IPSO has considered whether this suggestion amounted to an acceleration of the subterfuge, unjustified by the previous exchanges. In the context of the messages as a whole, and, in particular the unnecessary request for and exchange of photographs which preceded this acceleration, it has concluded that the suggestion was justified by the preceding events. The level of subterfuge and misrepresentation used at each point of the investigation was justified and did not represent a breach of Clause 10.

20. During IPSO's inquiries, the Sunday Mirror declined to provide full details of the messages exchanged between the reporter and Mr Newmark, without Mr Newmark's consent. It did provide a redacted version of the exchange which supported the chronology of the messages published in the article, including those quoted above. Given its own duty of confidentiality, IPSO questions the need for the full exchange to have been withheld or redacted, but appreciates the need to take into account Mr Newmark's privacy. Nonetheless, IPSO had sufficient information about the exchange of direct messages to reach the above conclusion.

**The Editor of the Sunday Mirror's belief that the investigation and the publication of its outcome were in the public interest**

21. The question whether there was credible information justifying the launch of the investigation is distinct from the question as to whether there is a public interest in pursuing the investigation and publishing its outcome. The following paragraphs cover the Editor's treatment of these discrete issues.

22. The Editor of the Sunday Mirror said in her statement that she was aware of the requirements of the Editors' Code, particularly Clause 10, and understood that the Sunday Mirror was responsible under the Code for the way the investigation was carried out by the freelance journalist.

23. The Sunday Mirror told IPSO that Mr Wickham had a primary source that had been involved in discussions with several young women who had received private messages on social media which made them feel deeply uncomfortable and under pressure to agree to meet them. There were specific allegations about individual MPs, including Mr Newmark.

24. The newspaper said that, although this amounted to solid grounds to investigate, Mr Wickham spoke to other sources, including a senior political journalist, who corroborated some of Mr Wickham's information.

25. The newspaper said that there was clearly a continuing and consistent pattern of behaviour that had been causing concern and had provided solid grounds for the investigation. As a result of these initial conversations with contacts, Mr Newmark had become the main focus of the investigation.

26. The Editor of the Sunday Mirror says that, following an internal meeting, she resolved to double check the validity of the source and to put more detail around who the source was and the validity of previous tips. She believed that the credibility of the original source justified the investigation. She had been satisfied that the alleged behaviour had warranted investigation in the public interest, and that the allegations made to the journalist by the source were "credible and more than just repeated gossip".

27. The Sunday Mirror did not provide evidence to IPSO to substantiate these claims on the grounds that to do so might reveal who the sources were, contrary to

Clause 14 of the Editors' Code, which states that "Journalists have a moral obligation to protect confidential sources of information". It is also in the nature of story-gathering, especially at Westminster, that such contacts between journalists and contacts are not always recorded.

28. The Editor believed that the credibility of the original source justified the investigation. She had discussed with the newspaper's Political Editor Mr Newmark's position as a cabinet minister and a co-founder of Women2Win, a campaigning group that aims to increase the number of Conservative women in Parliament. She had been satisfied that his behaviour had warranted investigation in the public interest, and that the allegations made to the journalist by the source were "credible and more than just repeated gossip". The journalist had spoken directly to some women making allegations about their own experiences in relation to Mr Newmark and other MPs, and had spoken to a regular source who was "relaying the concerns of several other women".
29. The Editor said that she had satisfied herself that there had been no alternative means by which the story could be obtained. The source was not prepared to go on the record and had the journalist approached MPs openly about the allegations, they would have been denied. She felt that the subterfuge at each stage was a justifiable and proportionate development in the investigation.
30. The Sunday Mirror noted that following publication, other newspapers had published claims about Mr Newmark sending a series of explicit images to a woman via social media and allegations that he had had an affair with a woman he met on Facebook. The newspaper further asserts that Mr Newmark had accepted publicly that he had been involved in "a series of flirtations in response to approaches from women on social media" and that the exchange with the journalist was only "one of these episodes". He had stood down as an MP. This supported the original source's claim that Mr Newmark had engaged in a pattern of behaviour.

### *Conclusion*

31. It is important to underline the responsibilities of the Editor when approached by Guido Fawkes and Mr Wickham with their story. By then the whole investigation had been completed. It was not the newspaper's investigation, but the Sunday Mirror Editor was as responsible for ensuring that the investigation complied with the requirements of Clause 10 as if she had initiated it herself. The Editor rightly accepts this obligation.
32. There is always a danger that a newspaper relying on confidential sources will not convince the regulator that it had sufficient grounds for the investigation it conducted. In this case, however, IPSO found that the description of the exchanges between the journalist and his contacts was credible and the processes the Editor used to confirm the credibility of the sources were those IPSO would have expected.

## **IPSO's view of the Editor's judgement**

33. In cases involving subterfuge, IPSO will have regard to the strength of any evidence which would justify deploying this tactic in the first place; evidence that escalation of the deception was justified at every stage by the actions and reactions of the subject of the investigation; and evidence that at the outset and at all key stages of the subterfuge the newspaper, or its agents, reviewed and gave heed to whether or not it was reasonable to continue the subterfuge.
34. The investigation cannot be justified by its outcome. Clause 10 deals with journalistic practices and prohibits the use of clandestine methods save in the circumstances identified. For those reasons, the mere fact that the investigation leads to a story the publication of which is in the public interest does not provide justification after the event. The events following Mr Newmark's resignation and events after publication are not material to the question of whether the investigation was justified and cannot be relied upon by the Editor.
35. The matter of whether the evidence could not be obtained by means other than the subterfuge used in this investigation is not just for the judgement of the Editor; after the fact, it is for IPSO to judge whether the process was consistent with Clause 10. Any existing or aspirant worker in the political field would be highly unlikely to jeopardise their future careers by disclosure. IPSO is satisfied that the Editor was correct in her judgment that this information could not be obtained openly.
36. The public interest is a separate question. Again, the matter is not merely for the Editor, even if she demonstrates that she reasonably believed the investigation and publication to be in the public interest. These are also matters, after the fact, for the judgement of IPSO. IPSO accepts that the Editor had given proper consideration to the requirements of the Code in deciding to proceed with publication of the story. The material obtained showed that a Government Minister who had made public his commitment to promoting a positive role for women in politics and was subject to a duty to uphold the highest standards in public life had engaged in an exchange of messages of a sexual nature with a woman he believed to be a junior party activist. IPSO is satisfied that both the investigation and publication were in the public interest.

## **Conclusion**

The use of subterfuge in the investigation was justified at each stage, and the investigation and article were in the public interest.

Subterfuge was found to be justified as:

- there was sufficiently credible evidence of a story in the public interest,
- there were no alternative means of pursuing the story,
- it was proportionate to the initial evidence and then to the escalating behaviour of Mr Newmark,
- it was compliant with the obligations placed on editors.



Publication was found to be justified by the public interest in the material obtained under:

- public interest test i) exposing serious impropriety by an MP
- public interest test iii) preventing the public from being misled by:
- Mr Newmark's purported commitment to the "highest" standards of behaviour for a Minister;
- Mr Newmark's purported commitment to promoting, at a very senior level, an environment in which Conservative women can be appropriately encouraged and supported in achieving political success.

37. There was no breach of the Editors' Code.

## Appendix E

### Decision of the Complaints Committee 01780-14 Turner v The Sun on Sunday

#### Summary of complaint

1. Richard Turner complained to the Independent Press Standards Organisation that The Sun on Sunday had breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Milly killer tormented Sarah's dad", published on 2 November 2014.
2. The complainant is the brother of convicted multiple murderer Levi Bellfield. The article reported that, before his crimes had been exposed, Mr Bellfield had been a neighbour of Michael Payne, the father of murdered schoolgirl Sarah Payne, and had deliberately befriended him. It said that Mr Bellfield had "targeted" Mr Payne during weekly drinking sessions in their local pub, and that Mr Payne had been "devastated" and "tormented" when Mr Bellfield was arrested, and he realised by whom he had been befriended. It was accompanied by a short article written by former Detective Chief Inspector Colin Sutton, the police officer who led the investigation which ultimately led to Mr Bellfield's convictions. He stated that police had found newspaper cuttings about Sarah Payne's murder in Mr Bellfield's house.
3. The complainant said that his brother had never met, socialised with or been a neighbour of Mr Payne; it followed that he had not "targeted" or "stalked" him, as the article claimed. While both men had at one time lived in Collingwood Place in Walton, his brother had left in March 2002, and Mr Payne had not moved in until 2004. The complainant provided an article published in The Sun, the newspaper's sister publication, in 2008, which had stated that Mr Bellfield had left his flat in Collingwood Place in 2002 "and never returned". Further, his brother had not drunk in the pub where the meetings had allegedly taken place. The newspaper had reported that the pair had met in 2003, but neither man was living in the street at that time.
4. The complainant said that no newspaper cuttings about Sarah Payne had been found in his brother's flat in Collingwood Place or in the house to which he subsequently moved, where he had been living at the time of his arrest. His brother had moved out of Collingwood Place years before it was searched by police, and no personal effects had been found there. The complainant provided a witness statement from a police officer which said that there was only one newspaper cutting, which related to Amelie Delagrangue. This was contradicted, however, by another part of the witness statement: a list of items which had been taken as evidence, which included two newspaper cuttings. The complainant

stated that the additional cutting related to car clamping. His brother had not been questioned about cuttings relating to Sarah Payne during the police interview with Det Ch Insp Sutton, and there had been no mention of them during the trial.

5. The newspaper said that its report was based on the recollections by Keith Payne, the late Mr Payne's brother, and Cynthia Payne, his mother; they had been quoted at length. While it accepted that the dates of the two men's residencies in Collingwood Place had been incorrect, it maintained that the two men had been drinking companions, and noted that the complainant had provided no evidence to prove otherwise. Both men had lived in Collingwood Place; if it was not at the same time, this was not a significant error. Mr Bellfield's new residence was less than 15 miles away, and it was not impossible that he had continued to drink at the pub. It noted that it had published a report in 2009 claiming that Mr Bellfield had said that he would attack Sarah Payne's killer because he knew the family; it had received no complaint about that article.
6. The newspaper provided an email from Det Ch Insp Sutton, in which he had confirmed that at least one cutting or newspaper relating to Sarah Payne was found at a property to which Mr Bellfield had had access. He did not recall if the cutting had been retained by the police, as it had little evidential value.
7. Nonetheless, in light of the complainant's position that Mr Bellfield and Mr Payne had not lived in the block of flats at the same time, the newspaper offered to publish the following correction on page 2 of a forthcoming edition:

*In a story "Milly killer tormented Sarah's dad", 2 November 2014, we stated that the late Michael Payne, father of Sarah Payne, drank in the same pub and "lived next door" to serial killer Levi Bellfield. Mr Bellfield's family, who dispute that Bellfield and Michael Payne knew each other, would like us to clarify that the two men did not live in the same block of flats at the same time."*

8. The complainant said that the proposed correction only addressed a small part of the complaint. He considered that its placement on page 2 was insufficient to remedy a factually inaccurate front-page article.

### **Relevant Code provisions**

9. Clause 1 (Accuracy)
  - (i) The press must take care not to publish inaccurate, misleading or distorted information, including pictures.
  - (ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.

## Findings of the Committee

10. The article's central claim rested heavily on the assertion that Michael Payne and Mr Bellfield had been neighbours in Collingwood Place. The newspaper's sister publication had reported in 2008 that Mr Bellfield had left Collingwood Place in 2002, and it was aware – and had reported in the article under complaint – that Mr Payne had not arrived until 2004. In these circumstances, the newspaper's prominent report that the two men "lived next door" to one another and were "neighbours" – a central part of its account of how the two men had met – constituted a failure to take care not to publish inaccurate information.
11. The Committee did not agree with the complainant's position, however, that the inaccuracy on this point effectively disproved the account of events set out by the Payne family, and in particular, Keith Payne. Keith Payne had confirmed, on the record, that Mr Payne and Mr Bellfield had drunk together in the pub, and that he was later "tormented" to learn of Mr Bellfield's crimes. The newspaper had been entitled to rely on his recollections of his conversations with the late Mr Payne, and to include his comments on those events. The complainant could not show that the two men had not drunk together or known one another. The Committee did not establish a significant inaccuracy in this regard, such that a correction was required under the terms of Clause 1 (ii).
12. While it appeared to be accepted that a newspaper cutting relating to Sarah Payne had not been found at Mr Bellfield's former flat in Collingwood Place, Det Ch Insp Sutton was confident that cuttings had been found at a premises where Mr Bellfield lived. The newspaper had been entitled to rely on his evidence, and the witness statement provided by the complainant had not contradicted Det Ch Insp Sutton's account. There was no failure to take care over the accuracy of this element of the article, and the Committee found that any misattribution of the location at which these cuttings had been found would in any case not be a significant inaccuracy in the context of the article as a whole.

## Conclusions

13. The complaint was upheld in part.

## Remedial action required

14. Having upheld the complaint under Clause 1 (i), the Committee considered what remedial action should be required. The Committee has the power to require the publication of a correction and/or adjudication, the nature, extent and placement of which is to be determined by IPSO. It may also inform the publication that further remedial action is required to ensure that the requirements of the Editors' Code are met.

15. The newspaper had offered to publish an appropriate correction, which made clear that Michael Payne and Mr Bellfield had not lived in the same block of flats at the same time, and further acknowledged the complainant's denial that they had known each other. In light of the Committee's decision, this correction should now be published both in print and online.

## Appendix F

### Decision of the Complaints Committee 02167-14 McAllister v The Daily Record

#### Summary of Complaint

1. Billy McAllister complained to the Independent Press Standards Organisation that the Daily Record breached Clause 1 (Accuracy) and Clause 12 (Discrimination) of the Editors' Code of Practice in an article headlined "Anti-gay row Nat is suspended", published on 25 October 2014.
2. The article, sub-headlined "Councillor who abused disabled man is accused of rant against black rival", reported that the complainant, a Glasgow City Councillor, had been suspended from the Scottish National Party following an alleged "anti-gay outburst" directed at Graham Campbell, a political consultant. It noted that "another man has also been reported for an alleged assault", and quoted a police spokesman: "we can confirm that a 47 year-old man was reported to the procurator fiscal for an alleged assault and a sixty-year-old man for an alleged homophobic breach of the peace during an incident in Maryhill Road on August 26". It also reported that the complainant had previously pleaded guilty to acting in a threatening and abusive manner towards John Park, a member of the Solidarity Party, and quoted a Labour councillor who referred to Mr Park as disabled.
3. The complainant explained that he had been victim of this alleged assault, and that the allegation was against Mr Campbell. He said that the omission of this information suggested to readers that he was the protagonist during the incident; in reality he had been a victim of violence. Further, the complainant said that the use of the word "disabled" to describe Mr Park was inaccurate; it was wrong to use the word "disabled" simply because an individual considered themselves to be disabled.
4. The complainant said that the reference to Mr Campbell's skin colour in the sub-headline breached Clause 12 because there was no racial element to the incident, and it was therefore not genuinely relevant to the story.
5. The newspaper said that at the time of publication, it was not aware that there had been an allegation that Mr Campbell had assaulted the complainant; the Police Scotland Press Office had declined to identify the accused assailant when asked by its reporter. A journalist from the newspaper had emailed the complainant at 5pm on the day before publication to ask if he would like to comment on a story being run the next day. The newspaper said that the

journalist had also tried to call the complainant. The complainant had responded to the email at 8:30pm with a short account of the incident, in which he alleged that Mr Campbell had assaulted him. The journalist had by that time finished his shift, and only received the email the next morning. The newspaper offered to resolve the complaint by updating the online article to make clear that proceedings against the complainant and Mr Campbell were not being pursued.

## Relevant Code Provisions

### 6. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.
- iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

### Clause 12 (Discrimination)

- ii) Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

## Findings of the Committee

7. The complainant contended that by referring to the alleged assault without identifying the individuals concerned as himself and Mr Campbell, the article was not an accurate or fair report of the incident. The focus of the article was the complainant's action and his subsequent suspension from the SNP, based on information provided to the newspaper by the police. It was not suggested that Mr Campbell's actions had provoked or provided justification for the behaviour which led to the complainant's being reported to the procurator fiscal. In these circumstances, the omission of the allegation against Mr Campbell did not distort or misrepresent the nature of the complainant's actions. Whilst the Committee expressed concern about the extent of the newspaper's attempts to contact the complainant prior to publication, the article was not significantly misleading, and there was no breach of Clause 1 on this point.
8. The Committee considered that the term "disabled" has a broad meaning and that its application was therefore open to interpretation. The article described Mr

Park's physical impairment by stating that "Park, 48, walks with the aid of a stick as he has metal plates in his legs", and by doing so, it made clear the basis on which Mr Park had been described as "disabled". In these circumstances, the article was not significantly misleading, and there was no breach of Clause 1 on this point.

9. The complainant had not raised a concern that the article had discriminated against Mr Campbell; rather, he was concerned that the reference to a "black rival" suggested that there was a racial motive to his actions. This did not raise a breach of Clause 12.

10. Although the complaint was framed under Clause 12, the Committee considered the question of whether the reference to Mr Campbell's skin colour was misleading and inaccurate, contrary to Clause 1. The article stated that the allegations against the complainant related to homophobia, and not to racism. In this context, the reference to Mr Campbell's skin colour was not significantly misleading in the manner contended by the complainant.

## **Conclusions**

11. The complaint was not upheld.



## APPENDIX G

Paper No.	File Number	Name v Publication
142	02071-14	A woman v Bridlington Free Press
143	01765-14	Wishart v Daily Express
146	00260-15	Holmes v Mail Online
147		IPSO Complaints - Third party
148	0210.14	Ward v The Mail on Sunday
149	02077-14	Harley v Daily Mirror
150	02298-14	Harley v Mail Online
151	02297-14	Harley v Wales Online
152	01573-15	Elzenga v The Sun
153	141020	A woman v Sunday Mirror
154	01933-14	Kiely v Daily Mail
156	02185-14	Byrne v Mail Online
157	01566-14	Hall v Sunday Post
160		IPSO Complaints – Request for review
161		IPSO Complaints – Third party
169	03108-14	Aston v Belfast Telegraph
176	03105-14	Allen v Worcester News
177		IPSO Complaints – Request for review
178		PCC Complaint – No breach
180	01207-14	A woman v Cornish Guardian
181	01733-14	Sattar v The Sunday Telegraph
182	01840-14	Sattar v The Daily Telegraph
184	00884-14 / 00777-15	Wheeler v Daily Mail / Mail Online
196	02471-14	Baird v Motherwell Times & Bellshill Speaker
197		IPSO Complaints – Third party