

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 22 February 2017 at 10.30 am
Gate House, 1 Farringdon Street, London EC4M 7LG

Present: Sir Alan Moses, Chairman
Richard Best
Lara Fielden
Janette Harkess
David Jessel
Jill May
Neil Watts
Elisabeth Ribbans
Peter Wright
Nina Wrightson

In attendance: Charlotte Dewar, Director of Operations
Ben Gallop, Head of Complaints
Michelle Kuhler, PA to CEO and minute taker
Bianca Strohmann, Head of Complaints
Matt Tee, Chief Executive Officer

Also present: Members of the Executive:

Ciaran Cronin
Niall Duffy
Isabel Gillen-Smith
Vikki Julian
Madeline Palacz
Holly Pick
Liam Tedds
Abigail Tuit
Charlotte Urwin
Hugo Wallis

Observers: Jonathan Grun, Editors' Code of Practice Committee
Trish Haines, Independent Complaints Reviewer
Sir Hayden Philips, Chairman, IPSO Appointment Panel
Claire Singers, IPSO Board Member

1. Apologies for Absence

Apologies for absence were received from Gill Hudson and Matthew Lohn.

2. Declarations of Interest

Peter Wright declared an interest in Item 10. He left the meeting for this item.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 11 January.

4. Update by the Chairman - oral

The Chairman welcomed Sir Hayden Phillips, Trish Haines, Claire Singers and Jonathan Grun to the meeting. He also informed the Committee that Isabel Gillen-Smith would be leaving IPSO at the end of the month, and welcomed new Complaints Officer Abigail Tuitt.

External affairs

The Chairman updated the Committee on recent events, including the Manchester Roadshow and News Media event at Stationers Hall. He also updated the Committee on recent meetings with Citizens UK, Ahmed Versi of The Muslim News and Miqdaad Versi.

5. Matters Arising

There were no matters arising.

6. Complaint 08772-16 Lozza v Daily Express

The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its ruling appears in **Appendix A**.

7. Complaint 13165-16 Mason v The Sun.co.uk

The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its ruling appears in **Appendix B**.

8. Complaint 08806-16 Gatt v Ayrshire Post

The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its ruling appears in **Appendix C**.

9. Complaint 13424-16 Turnbull v Newcastle Chronicle

The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its ruling appears in **Appendix D**.

10. Complaint 09810-16 Hales v Mail Online

The Committee discussed the complaint and ruled that the complaint should be upheld. A copy of its ruling appears in **Appendix E**.

11. Complaints not adjudicated at a Complaints Committee meeting

The Committee confirmed its formal approval of the papers listed in **Appendix F**.

12. Any other business

There was none.

13. Date of Next Meeting

The date of the next meeting was confirmed as Wednesday 29 March 2017.

The meeting ended at 12.15pm

Michelle Kuhler
PA to CEO

Appendix A

Decision of the Complaints Committee 08772-16 Lozza v Daily Express

Summary of Complaint

1. Rebecca Lozza complained to the Independent Press Standards Organisation that the Daily Express breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "12,000 Asylum Seekers Vanish", published in print on 28 September 2016, and "REVEALED: Britain's immigration crisis laid bare as 12,000 asylum seekers VANISH", published online on 28 September 2016.
2. The article reported that "up to 12,000 asylum seekers are on the run". It said that, according to figures released under the Freedom of Information Act, an investigation had shown that of 77,440 asylum cases in progress, one in six skipped their meeting with the Home Office "and vanished". It quoted from a report from December 2015 in which the Independent Chief Inspector of Borders and Immigration had found that there were 10,000 asylum claims where the claimants were not in contact with the authorities, or had absconded. It also quoted a Home Office spokesman who denied that 12,000 individuals were "missing", and said that the figure included "asylum seekers who did not turn up for their first interview. Therefore the figure includes individuals who attended subsequent meetings".
3. With the exception of the headline, the article appeared online in the same form as the print version.
4. The complainant said that the headline was inaccurate, and that there was no evidence to substantiate the claim that 12,000 people had "vanished", or were "on the run". She said that an unspecified number of the 12,000 people who missed their first appointment went on to attend subsequent appointments. The complainant said that, as the Home Office had not been able to confirm to the newspaper exactly how many of the 12,000 who missed their first appointment had been traced, it did not have access to all the information and was not in a position to state as a matter of fact in the headline that 12,000 people had vanished.
5. The newspaper said that the 12,000 figure related to the number of asylum claims that were "on hold", and that this was made clear in the first line of the article. It said that it had asked the Home Office for the number of asylum seekers who had "gone missing since 2010", and the request was answered with a link to previously published data which referred to "absconders". It said that it asked the Home Office how many of these "absconders" had been traced, but it could not provide an answer. However, the article had included the Home Office's position that the figure included individuals who had failed to turn up to their first meeting, but had attended subsequently.
6. The newspaper said that the Independent Chief Inspector of Borders and Immigration had said in December 2015 that he was told there were approximately 10,000 asylum claims where the claimant and dependants were not in contact with the Home Office, and that this was reported in the article. It also highlighted a comment made by the former head of NHS Digital, who said

that 10,000 “immigrants” were unaccounted for. The newspaper noted that it had not received any complaint from the Home Office about the article.

Relevant Code Provisions

7. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

Findings of the Committee

8. The newspaper had made a FOI request to the Home Office asking how many of those seeking asylum in the UK had “gone missing since 2010”. In response, the Home Office said that the data the newspaper had requested was already accessible, and provided a link to published data which it said “shows all open asylum claims where there is an open absconder breach or the applicant has absconded prior to the first decision on their case”. This published data, from which the 12,000 figure was derived, also referred to those individuals as “absconders”. The newspaper was entitled to adopt that term in the article, particularly where the Home Office had declined to provide any detail as to the numbers it said had subsequently turned up for interview.
9. The article reported the Home Office’s position that the 12,000 figure included those who turned up to subsequent interviews, as well as the fact that it was unable to confirm precisely how many had done so. It also quoted Charlie Elphicke MP’s position that the public needed to know if the Government had lost track of these asylum seekers, and highlighted a statement from the Chief Inspector of Border and Immigration who said that there were 10,000 asylum seekers “who were not in contact and had absconded”.
10. In this context, the claim that “up to” 12,000 had “vanished” and were “on the run” was not significantly misleading. There was no breach of Clause 1.

Conclusions

11. The complaint was not upheld.

Remedial Action Required

N/A

Appendix B

Decision of the Complaints Committee 13165-16 Mason v thesun.co.uk

Summary of complaint

1. Paul Mason complained to the Independent Press Standards Organisation that thesun.co.uk breached Clause 2 (Privacy) and Clause 10 (Clandestine devices and subterfuge) of the Editors' Code of Practice in an article headlined "Working class zero: Paul Mason, Jeremy Corbyn's celeb guru, admits he wants to oust hapless leftie as he doesn't appeal to ordinary Brits", published on 13 October 2016.
2. The article reported that a "bystander" had overheard and recorded a conversation that had taken place at the Labour party conference between the complainant, described as Jeremy Corbyn's "firebrand celebrity guru", and a "confidante", in which he "revealed his true feelings" about the leader of the Labour party. The article reported a number of comments that the complainant had made during the conversation, including that Mr Corbyn didn't "appeal to the mainstream working class vote," and that "the person who [he] would replace Corbyn with eventually is this guy called Clive Lewis". The article included a recording of the conversation, and photographs of the complainant and his companion. The article reported that, when "confronted", the complainant had admitted having the conversation and had said that he was "proud to have played a part in Jeremy Corbyn's re-election as leader".
3. A separate article, about which no complaint was received, appeared in print.
4. The complainant said that a freelance reporter and photographer had deliberately chosen a table next to him in a restaurant where he was having a private conversation with a journalistic source. He said that they had used clandestine devices in order to record his conversation, and to photograph him. The complainant said that he had a reasonable expectation of privacy in relation to his conversation and to the views he expressed. He noted that, while he had advocated a vote for Jeremy Corbyn in the Labour party leadership elections, he had publicly acknowledged his political differences with Mr Corbyn, and had openly discussed potential successors to the leadership. He said that the conversation reported in the article did not contradict his previous public statements, and there was no justification for the intrusion into his privacy. The complainant said that his conversation has been recorded opportunistically by the reporter, and that no prior consideration had been given to whether his conduct was justified in the public interest. He argued that, as the newspaper had not given any consideration to this issue, it could not argue that the journalist's conduct was compliant with the terms of the Code.
5. The newspaper said that the freelance reporter and photographer were in Liverpool to cover fringe events at the Labour party conference. They had gone to the restaurant for lunch, and had been seated at a table close to the complainant. They were able to clearly hear his conversation. The reporter had heard the

complainant begin to talk about Jeremy Corbyn in a disparaging fashion, and had started to record the conversation on his mobile phone at that stage. Once the conversation had moved away from Mr Corbyn, the reporter had stopped recording. The photographer had taken photographs of the complainant, using his mobile phone, as proof that the conversation had taken place.

6. The newspaper did not accept that the terms of Clause 10 were engaged. The reporter had not sought to obtain material using clandestine devices; rather, he had recorded a conversation that was audible to anyone nearby. The recording was used as an aide memoire, and had the same status as a written note of the over-heard conversation. The reporter was keen to ensure that he was able to demonstrate that the conversation took place, and would be able to defend the accuracy of any report of it. He believed that a recording would provide a more accurate record of the conversation than a written note.
7. The newspaper did not accept that the complainant had a reasonable expectation of privacy in relation to his conversation. He had been at a public restaurant, during the Labour party conference, a time when the area was known to be particularly busy. The restaurant had not been reserved for any specific conference events, but had been open to the general public. The complainant was speaking at a level audible to bystanders, and had made no effort to conceal his conversation.
8. In any case, the newspaper argued that there was a public interest in reporting the complainant's comments. The complainant was possibly the best known polemicist from the hard left, and an unofficial advisor to Jeremy Corbyn who had a large and powerful following among left-wing activists. He had campaigned publicly for Mr Corbyn to be elected as leader of the Labour party, had appeared at rallies in support of him, and had addressed a Momentum meeting shortly before the conversation reported. There was therefore a clear public interest in reporting the discrepancy between his public support for Mr Corbyn as the future Prime Minister, and his private views. The newspaper did not consider that the reservations that the complainant had previously expressed publicly about Mr Corbyn were relevant. He had never previously stated that Mr Corbyn had no appeal to the working class, or that he would support Clive Lewis as a future leader. The newspaper noted that the complainant had written articles and given interviews in which he criticised others for disloyalty to Mr Corbyn, and had characterised support for the Labour leader in black and white terms without nuance. Given his influence, there was a strong public interest in reporting new information which could be perceived as disloyal.
9. The journalist had taken the decision to record the conversation after several minutes, once it became clear that the complainant was discussing Jeremy Corbyn in a negative light. At this stage, the reporter had considered the terms of the Code, and had decided that there was a public interest in his recording the complainant's conversation. There was not time for him to call his editor to request permission to commence recording, and so he had relied on his own assessment of the situation. Prior to publication, the newspaper's Managing Editor and legal

department had given further careful consideration to the public interest, and decided that it was sufficient to justify publishing the content of the complainant's conversation, and the recording.

Relevant Code Provisions

10. Clause 2 (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.

(iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Clause 10 (Clandestine devices and subterfuge)*

(i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held information without consent.

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

The public interest

There may be an exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:

iii. Protecting the public from being misled by an action or statement of an individual or organisation.

vi. Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.

Findings of the Committee

11. The terms of Clause 10 seek to prevent members of the press from using clandestine devices or subterfuge to *obtain* information to which they would not otherwise have had access. There was no dispute that the complainant's conversation was audible to the journalist without the use of a listening device. He had chosen to use his mobile phone to create a record of what was said, as an alternative to making a contemporaneous note. In circumstances where the conversation was audible without the use of technology, the mobile phone had not been used as a clandestine listening device to obtain information.

12. The images of the complainant were obtained by the use of a mobile phone camera. Although the complainant had not been aware that the photographs were being taken, the photographer had not used a hidden camera, or engaged in subterfuge, to obtain the material.

13. For these reasons, there was no breach of Clause 10.
14. The conversation had taken place at a restaurant in central Liverpool, close to the Labour party conference and shortly after an event nearby where the complainant had been speaking. The restaurant had bench seating, and the complainant was sitting on the same bench as, and next to, the reporter. The complainant, a political commentator, had been discussing politics with a professional contact, and had not spoken about personal or private matters. There may be circumstances in which an individual has a reasonable expectation of privacy in a restaurant. Whether privacy may reasonably be expected in a restaurant will depend on all the factors relevant to a particular case, including the nature of the conversation and the role of the speaker. Given the complainant's professional role, the nature of his conversation, its timing and its location, in the environment of the party conference, the Committee did not consider that he had a reasonable expectation of privacy in relation to that conversation at the time the recording was taken. The publication of the conversation did not represent an intrusion into the complainant's private life. The photographs were not taken, for the reasons the Committee has given, in circumstances where the complainant had a reasonable expectation of privacy. For these reasons there was no breach of Clause 2.
15. As there was no breach of the Code, it was not necessary for the Committee to consider whether there was a public interest in recording the complainant's conversation, and publishing it and the photographs, either in the context of Clause 10 or Clause 2.

Conclusions

16. The complaint was not upheld.

Appendix C

Decision of the Complaints Committee 08806-16 Gatt v Ayrshire Post

Summary of complaint

1. Philip Gatt complained to the Independent Press Standards Organisation that the Ayrshire Post breached Clause 1 (Accuracy), Clause 2 (Privacy) and Clause 3 (Harassment) of the Editors' Code of Practice in an article headlined "Mum admits having sex with schoolboy", published on 30 September 2016.
2. The article reported that the complainant's ex-wife had pleaded guilty to sexual activity with a boy aged fourteen. It said that the previous year, she had also been accused of taking inappropriate photographs of an elderly woman while she had been working as a personal carer at a care home. It said that the judge had found the case against her not proven, but her reputation had been "ripped to shreds" as she had confessed to taking photographs of her body parts and sending the images to colleagues. It said during the trial, the complainant's ex-wife had also confessed that she had dressed up her sleeping husband, the complainant, in "sexy underwear" and that she had photographed them in a "sex act" and "sent the image". It named the complainant and gave his job and place of work at the local council.
3. The article was also published online with headline "Dalrymple mum-of-two exposed as paedophile after admitting sexual activity with schoolboy aged just 14".
4. The complainant said that the newspaper had inaccurately stated that his ex-wife had "dressed" him in underwear and photographed them in a "sex act". He said his then wife had played a prank on him by placing underwear on top of him while he slept, and had then taken a Snapchat photograph of them; this was not a "sex act". He said his ex-wife had confirmed that she had not referred to the incident as a "sex act" in court.
5. The complainant said that he was entirely unconnected to the cases in which his ex-wife had been involved, and that the article had caused him embarrassment and stress at work and in his personal life. He said that by giving his name and place of work, the newspaper had identified him to a large number of people who would not have known of his relationship with his ex-wife. He said that the repetition of this information in three articles constituted harassment.

6. The newspaper said that the complainant's ex-wife had said in open court that she had no regular income and was separated from her husband, who had a job in IT at "County Buildings". The newspaper said that while the complainant's name had not been given in court, it was available on the electoral role where he was listed as living in the marital home. It said that its decision to report this information about the complainant had been a matter of editorial discretion.
7. The newspaper said that it had accurately attributed the reference to the "sex act" to the complainant's ex-wife. His ex-wife had referred to the incident when she was asked why she had asked the owner of the care home if "the issue" was about the photograph of her and her husband.
8. The newspaper provided the shorthand notes taken by the reporter in court in 2015. The transcript of the notes provided by the newspaper recorded the complainant's ex-wife having said, "I did like to dress him up. I sent picture of a sex act. It's cringeworthy, myself or my own groin". The newspaper noted that the reporter had not recorded every word spoken, but considered that given the volume of information provided during a trial, it would have been impossible for the reporter to do so. In this instance, the reporter had written his notes into a story on his return to the office.
9. The newspaper noted that while the complainant did not accept that his ex-wife had said the words "sex act" in court, he had not been present at the time. It did not consider that it was responsible for the accuracy of evidence heard in court; rather, it was responsible for accurately reporting the evidence that had been heard.
10. The newspaper noted that the reference to the "sex act" was first published in September 2015 by both the Daily Mirror and the Daily Record. The incident was also referred to as a "sex act" by the Daily Star in March 2016, and by the Daily Mirror and Daily Record in September 2016. It said that the complainant and his ex-wife had not complained about these articles at the time of their publication.
11. Although it did not accept a breach of the Code, in light of the complainant's concerns, the newspaper said it would remove the reference to him from the online article and refrain from reporting his name, job and place of work in future coverage, unless it was specifically relevant to the story.
12. The complainant said that the notes taken by the reporter made no sense, and the reference to a "sex act" had been taken out of context. His ex-wife had informed him that the prosecution may have made reference to a "sex act"; she had not said those words because a "sex act" had not taken place. He said the first time the reference was published, he had been extremely angry, and he was furious when it was published again. On the assumption that it would not be repeated, he had decided not to complain; but when it

was published a third time, given the embarrassment it had caused him, he made a complaint to IPSO.

Relevant Code provisions

13. Clause 1 (Accuracy)

- i. The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii. A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- iii. A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv. The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Clause 2 (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.
- iii. It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Clause 3 (Harassment)

- i. Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii. They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

The public interest

- The regulator will consider the extent to which material is already in the public domain or will or will become so.

Findings of the Complaints Committee

14. The Committee noted the complainant's position that the newspaper had taken the words "sex act" out of context, and that his ex-wife thought it was the prosecutor who had used those words during the trial. While the reporter's notes provided by the newspaper recorded that reference to a "sex act" had been made in relation to the complainant's ex-wife's evidence, the Committee was concerned that the quality of the notes was

such that the exact context in which the description had been given could not be established. The noted phrase "sex act" could have referred to the defendant's reference to taking a picture of herself, or to the previous phrase "I did like to dress him up". The Committee noted that all three phrases had appeared on separate lines in the reporter's notes and did not appear to be linked.

15. However, the newspaper had provided articles which demonstrated that the "sex act" reference had appeared in contemporaneous court reports a year before the article under complaint was published, and in further articles, without complaint or correction. These included a contemporaneous court report written by the same reporter immediately after he had attended court where he had noted the words "sex act". In addition, it appeared to have been accepted that the words "sex act" had been used in court by the prosecution. In the full context, the Committee did not consider that republishing the reference, which had been taken from contemporaneous court reports, represented a failure to take care over the accuracy of the article in breach of Clause 1 (i). Furthermore, the complainant had not been in court at the time the words had allegedly been spoken. He was therefore not in a position to dispute what had been said. In such circumstances, the Committee was unable to establish that the newspaper's description of the complainant's ex-wife's evidence had been significantly inaccurate such that a correction was required. There was no breach of Clause 1(ii).
16. The Committee noted the complainant's concern that the article had misleadingly reported that his ex-wife had "dressed" him in underwear and had taken a photograph. However, his ex-wife had placed underwear on top of him and taken a photograph; in these circumstances, the assertion that she had "dressed him up" was not significantly misleading. The Committee noted that the article had made clear that the complainant had been asleep at the time. There was no failure to take care over the accuracy of the article in breach of Clause 1 on this point. The complaint under Clause 1 was not upheld.
17. The Committee understood that the complainant had found the reference to him and his place of work intrusive and unnecessary given that he was unrelated to the second set of proceedings. It acknowledged his position that the article had caused him distress and embarrassment; however, while the complainant had not been identified by name in court during the first proceedings, reference had been made to his marriage to the defendant, the nature of his employment and his place of work. This was information which could legitimately be reported and which was in the public domain as a result of earlier reporting. The Committee did not consider that confirming the complainant's identity by publishing his name in the article under complaint, in referring back to the earlier proceedings, had amounted to a material intrusion into his private life in breach of Clause 2. The Committee also noted that this information had already been placed

in the public domain as a consequence of earlier contemporaneous court reports, although it emphasised that, given the limited extent of its previous publication, this on its own would not have been a sufficient defence under Clause 2. There was no breach of Clause 2.

18. The terms of Clause 3 (Harassment) generally relate to the conduct of journalists during the newsgathering process. The repetition of the references to the complainant in a report on his ex-wife's conviction did not represent harassment under the terms of Clause 3.

19. While the Committee did not establish a breach of the Code in this instance, it welcomed the newspaper's offer to refrain from republishing the references to the complainant in future coverage, unless it is specifically relevant to the story.

Conclusion

20. The complaint was not upheld.

Appendix D

Decision of the Complaints Committee 13424-16 Turnbull v Newcastle Chronicle

Summary of Complaint

12. Roisin Turnbull complained to the Independent Press Standards Organisation that the Newcastle Chronicle breached Clause 1 (Accuracy), Clause 2 (Privacy) and Clause 3 (Harassment) of the Editors' Code of Practice in an article headlined "Disgraces to the uniform", published in print on 2 November 2016, and "Disgraced Northumbria Police officer sacked for lying about the arrest of a drug dealer", published online on 1 November 2016.
13. The article reported that the complainant had been dismissed by Northumbria Police after she pleaded guilty to improperly exercising the powers and privileges of a police constable. It said that the complainant, along with another police officer, had allowed a drug user to walk free with heroin sold to him in return for information, and had tried to cover their tracks with a false intelligence report. It said that the complainant was sentenced to 120 hours of unpaid work, and had been dismissed for breaching the police code of conduct following a hearing at Forth Banks police station. The article was accompanied by a photograph of the complainant at her front door.
14. The online article was the same as the version that appeared in print; it also included the photograph of the complainant at her door.
15. The complainant said that a reporter from the newspaper called to her door at 11:30am, rang the doorbell repeatedly and then knocked on the door a number of times. She went to her door, looked through the spy hole and was unable to see anybody at the door; she did, however, see a vehicle parked opposite her house. She said that when she answered the door, the reporter, who she recognised from her court case, jumped out from the side, and said her name; however, she said she closed the door within two seconds, by which time he had not introduced himself as a journalist working for the newspaper. The complainant said that when she looked out the window, she saw the journalist laughing in the vehicle.
16. The complainant said that when she saw the photograph in the newspaper, she felt upset and disgusted by the reporter's behaviour. She said that the encounter at her door breached her privacy, and she considered that the manner in which she was "tricked" into opening the door constituted harassment. The complainant provided an account which corroborated these events from her partner, who was in the house at the time. The complainant also provided photographs of the front of her house, which she said demonstrated that there was no reason for the reporter to stand to the side of her door. She also said that the article was inaccurate because she did not attend her misconduct hearing, which took place at Houghton Le Spring Magistrates Court, and not Forth Banks police station.
17. The newspaper said that its reporter acted professionally at the complainant's house. It said that he rang the doorbell, and when there was no answer, he

knocked. He said that he did stand slightly to the side of the door, but denied that he was hiding. When the complainant opened the door, he introduced himself as working with the newspaper, at which point the complainant shut the door in his face. It said that it did not consider that the photo was taken in circumstances of harassment, or that it breached the complainant's privacy. It said that it was standard practice for newspapers to illustrate stories about those convicted of criminal offences. It also said that it was entitled to take pictures from a public place, and that in this case, the complainant was fully visible from the street when the photographer took the photograph. In any event, the newspaper said there was a clear public interest in identifying a police officer who had behaved in the manner set out in the article. It also said that the information about the complainant's misconduct hearing taking place at Forth Banks police station was based on a press release from Northumbria Police. However, it updated the online version of the article to reflect that the hearing had taken place at Houghton le Spring Magistrates' Court.

Relevant Code Provisions

18. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

Clause 2 (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.
- iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Clause 3 (Harassment)

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.
- iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

The Public Interest

The public interest includes, but is not confined to:

- Detecting or exposing crime, or the threat of crime, or serious impropriety.
- Protecting public health or safety.

- Protecting the public from being misled by an action or statement of an individual or organisation.
- Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.
- Disclosing a miscarriage of justice.
- Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.
- Disclosing concealment, or likely concealment, of any of the above.
- There is a public interest in freedom of expression itself.
- The regulator will consider the extent to which material is already in the public domain or will or will become so.
- Editors invoking the public interest will need to demonstrate that they reasonably believed publication - or journalistic activity taken with a view to publication - would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.
- An exceptional public interest would need to be demonstrated to over-ride the normally paramount interests of children under 16.

Findings of the Committee

19. The complainant expressed concern that she was "tricked" by the reporter into opening the door so that her photograph could be taken. The Committee viewed the photographs provided by the complainant, and the accounts provided by the newspaper and the complainant, in respect of this aspect of her complaint. While it noted the differences between the accounts, there was no dispute that the reporter had knocked on the complainant's door and rang the doorbell, and was present at the door when she opened it. In these circumstances, it did not consider that there had been a breach of Clause 2 on this point. However, the complainant had been unaware that she was being photographed at her door, and the Committee considered this specific matter further.
20. Clause 2 protects an individual's right to privacy and, specifically, to respect for their private and family life and home. In this instance, this right was engaged by the newspaper's approach to the complainant's home in order to photograph her as she answered the door. This had the potential to intrude into the complainant's privacy in her own home.
21. As a non-public figure, standing at the door of her own home, having opened it following the reporter's knock, and with no prior notice of the reporter's visit, the complainant had a reasonable expectation of privacy in the circumstances in which she was photographed. As Clause 2(iii) recognises, photographing an individual in such circumstances is intrusive, and the newspaper was obliged under the Code to justify its decision to photograph her. However, the Committee noted that the intrusion in this instance was limited by the fact that the complainant would have been visible in her doorway from the street, and because the photograph did not disclose any information about her which was particularly private or embarrassing.
22. The newspaper said that it was in the public interest to publish a photograph of a police officer convicted of a criminal offence. In this case, the Committee considered that it was in the public interest to identify the complainant as the

individual convicted of an abuse of her public position, and for the newspaper to illustrate the article with her photograph. Further, the limited level of intrusion in this instance was proportionate to the public interest the newspaper had identified. There was no breach of Clause 2.

23. The complainant also said that the manner in which the reporter made his approach to her at her home, including how her photograph came to be taken, constituted harassment. However, the conduct complained of, which took place in a single incident, did not constitute intimidation or harassment for the same reasons explained above in relation to Clause 2. In addition, after the complainant had closed her front door, the reporter left the property; there was no suggestion that he continued to question or pursue the complainant after this visit. There was no breach of Clause 3 on these points.

24. In circumstances where the complainant was convicted of a criminal offence, and was dismissed from her post as a police officer, any inaccuracy as to whether she attended her police misconduct hearing, or where it was held, was not significant. There was no breach of Clause 1.

Conclusions

25. The complaint was not upheld.

Remedial Action Required

N/A

Appendix E

Decision of the Complaints Committee 09810-16 Hales v MailOnline

Summary of complaint

1. Colin Hales complained to the Independent Press Standards Organisation that Mail Online breached Clause 1 (Accuracy) and Clause 2 (Privacy) of the Editors' Code of Practice in an article headlined "Pilot in DIY 14-foot plane he built in his shed is halted at Chinese border after being ruled a MILITARY THREAT during round-the-world trip", published on 25 October 2016.
2. The article reported that on the complainant's bid to fly solo around the world in an aircraft he had built himself, he had been halted by Chinese officials at the Russian border who said the he "posed a serious aerial threat to the nation". The article claimed that the complainant had been "halted by armed guards on the border with Russia". The article contained the following quotations attributed to the complainant: "I don't know what they think I am going to do but there you have it. It is very frustrating. I haven't got so much as a pea shooter on board – it would add to much weight – but my pleas have fallen on deaf ears. They take aerial security very seriously".
3. The article also reported on the background of the complainant's journey. Amongst other claims, it reported that the complainant's aircraft was the "first amateur-built aircraft to obtain permission to enter Russian airspace", that "the only equipment he has on board are spare fuel tanks and a folding bicycle", and that he "first flew solo to Australia in 2001 and his dream of flying around the world was born". It was accompanied by an image of the complainant sitting in his aircraft.
4. The complainant said that he had not made a number of the comments attributed to him as direct quotations in the article. The Chinese military had denied him authorisation to fly in China on the grounds he would pose a threat to Chinese airspace, and he had commented on this on social media. However, the complainant said that he had never made the other comments quoted in the article, and said he had not spoken to any journalists about the incident.
5. The complainant also alleged a number of other inaccuracies in the article. He said it was inaccurate to report that he had been stopped by "armed guards". He said that his aircraft was not "DIY", or "built in his shed"; in fact, he is a licensed aircraft mechanic who built the aircraft in his hangar. The complainant said that article wrongly identified the Russian town where he had landed. He said that he had sent his bicycle home when he had been in Alaska, and that he had a lot of equipment on board. He said that he had not flown solo to Australia, but had flown with his girlfriend, and that his dream of flying around the world predated

that journey. He said that his aircraft was the second, not the first homebuilt aircraft to transit Russian airspace.

6. The complainant said that the publication had breached Clause 2 (Privacy) by taking photographs and information off his website, and publishing them without his permission. The complainant said that the fabrication of his quotations represented an intrusion into his privacy.
7. The publication said that the article was supplied by a freelance journalist, and it had published it in good faith. The freelance journalist had spoken to a source in the aviation industry, and this source had been in correspondence with the complainant, from which they obtained the quotations which appeared in the article. It was unable to provide further information about its source because of their position in the aviation industry, and their relationship with the complainant.
8. The publication said that the Chinese border is patrolled by the People's Armed Police, and the journalist had believed that any person prevented from entering the country on the grounds they posed a military threat would have been halted by armed guards. The newspaper explained that other information in the article had been compiled from a variety of online sources, but was unable to specify where.
9. The complainant first complained to the publication on 26 October. The publication responded offering to remove the quotations, and amending the other alleged inaccuracies. While it offered to remove reference to "armed guards" from the headline, its proposed amendments did not include amending this in the body of the article. It later explained that this was an administrative error, rather than an editorial decision.
10. In response to his complaint to IPSO, the publication made a variety of offers of resolution, including an offer to publish the following footnote to the online article on 24 January:

An earlier version of this article said that Colin Hales was halted at the Chinese border by armed guards. We are happy to clarify that we have since been informed that Mr Hales was not halted by armed guards at any time, and apologise for any distress caused.

The publication also offered to remove the article, and to send the complainant a letter expressing regret for any distress caused by its publication.

11. On 9 February, the publication offered to publish a standalone correction and apology in its Clarifications and Corrections column, which appears on the news home page of the website:

An article published on 25 October 2016 said that pilot Colin Hales had been halted on the Chinese border by armed guards. The article included quotes attributed to Mr Hales in relation to this incident. Mr Hales denies that he was

halted on the border by armed guards and denies that he said the words attributed to him in the story. We are happy to clarify this and apologise for any distress caused.

The publication said that the article under complaint had not appeared on its homepage, or any other channel page at any time, such that it was effectively published straight to the website's archive.

Relevant Code provisions

12. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Clause 2 (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.
- iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Findings of the Committee

13. The publication had published an article supplied to it by a freelance journalist. However, in accordance with the principle of editorial responsibility, the publication was responsible for the actions of this journalist. The publication said that the article had been based on information posted on the internet, and on a source, who had supplied quotations from the complainant, having said that they had been in contact with him. However, it did not provide further details about its sources. The publication of information obtained in this manner as a series of direct quotations from the complainant, without any steps being taken to verify them, constituted a serious failure to take care over the accuracy of the article, and a breach of Clause 1 (i). The publication accepted that the claim that the complainant was stopped by armed guards was the conjecture of the journalist. However, this was presented as a factual claim, and was not clearly distinguished from conjecture, in further breach of Clause 1 (i) and a breach of Clause 1 (iv).

14. The publication did not provide information to demonstrate that the complainant had made the comments reported. The Committee determined that attributing disputed quotations to the complainant was significantly misleading, such as to require correction under the terms of Clause 1 (ii). The principal subject of the article was the complainant's difficulty in entering Chinese airspace; to claim that the complainant had been "halted by armed guards", when in fact, he had simply been denied permission to enter Chinese airspace, significantly misrepresented the nature of the incident. This was a further significant inaccuracy.
15. The publication had responded promptly to the complainant's initial contact, offering to amend the article on the points the complainant alleged were inaccurate, although it was unfortunate that the publication had offered to remove only one of the references to "armed guards", in its initial response. The subsequent offer of a standalone correction and apology on the news home page followed further correspondence with the complainant, in which the publication attempted to resolve the complaint. Taking into account the nature of the negotiations between the parties, the Committee considered that the publication had offered to correct the article with sufficient promptness. The article under complaint had not been published on the homepage, or news homepage, and in these circumstances, publication of the clarification as a footnote to an amended version of the online article was sufficiently prominent under the terms of Clause 1 (ii). Nevertheless, the Committee welcomed the publication's offer to publish the clarification on the news homepage.
16. The Committee considered that, in the context of aircraft construction, referring to the complainant's aircraft as "DIY", "amateur built", or built in a "shed", did not suggest that the aircraft had not been completed to a professional standard, but simply that the aircraft had not been built by an aircraft manufacturing company, in a factory. In this regard, the Committee noted that the article made clear that the complainant was an aircraft engineer. The name of the Russian town the complainant had reached was not a significant detail in the context of the article. The complainant was near the border with China, and the article reported his dealings with the Chinese authorities in relation to entering Chinese airspace. In circumstances where the complainant was at the point from which he was seeking to enter China from Russia, it was not significantly misleading to report that he was "on the border" with China. Whether he was the first or second "amateur-built aircraft" to obtain permission to enter Russian airspace, and the level of equipment he carried on board his aircraft, were not significant details in the context of the article.
17. It did not represent an intrusion in to the complainant's privacy to republish the image of him sitting in his aircraft, or to republish information which he had himself published on his own website. The comments reported in the article, purportedly from the complainant, related to his dealings with the Chinese authorities. They did not contain any private information, and publication of these comments was not intrusive. There was no breach of Clause 2.

Conclusions

18. The complaint was upheld.

Remedial Action Required

19. The publication had offered to publish a correction which met the requirements of Clause 1 (ii). In addition, the Committee recognised that the inaccuracies in this case were not seriously damaging to the complainant. However, the Committee was concerned by the severity of the breach of Clause 1 (i) in this instance, which was a serious failure to take care over the accuracy of the article. It considered that the publication of the offered correction would not be an appropriate remedy to this failure. Given the seriousness of the breach of Clause 1 (i), the appropriate remedy was publication of the Committee's adjudication. The Committee recognised that the article had not appeared on the publication's homepage, and had been published straight to the newspaper's archive. However, it considered that publication of the adjudication simply to the archive would not be an effective remedy to the breach of the Code. As a consequence, it required that a link to the adjudication be published on the publication's homepage.
20. The adjudication should be published on the publication's website, with a link to it (including the headline) being published on the homepage for 24 hours. It should then be archived in the usual way. The headline of the adjudication must make clear that IPSO has upheld the complaint, and refer to its subject matter; it must be agreed in advance. If the publication chooses to continue to publish to online article, it should publish the clarification offered on 9 February as a footnote to the article. The footnote should include words making clear that it has been published following an adjudication by IPSO, and be accompanied by a link the adjudication as published on the publication's website.
21. The terms of the adjudication to be published are as follows:

Following publication of an article on Mail Online on 25 October 2016, headlined "Pilot in DIY 14-foot plane he built in his shed is halted at Chinese border after being ruled a MILITARY THREAT during round-the-world trip", Colin Hales complained to the Independent Press Standards Organisation that MailOnline breached Clause 1 (Accuracy) of the Editors' Code of Practice. The complaint was upheld, and IPSO required MailOnline to publish this adjudication.

The article reported that on the complainant's bid to fly solo around the world in an aircraft he had built himself, he had been halted by Chinese officials at the Russian border who said the he "posed a serious aerial threat to the nation". The article claimed that the complainant had been "halted by armed guards on the border with Russia", and contained a number of quotations from the complainant, in which he expressed his frustration at having been stopped.

The complainant denied making the comments expressing frustration at the decision of the Chinese authorities. In addition, he said it was inaccurate to report that he had been stopped by “armed guards”.

The publication said that the article was supplied by a freelance journalist, and it had published it in good faith. It said that the article had been based on information posted on the internet, and on a source, who had supplied quotations from the complainant, having said that they had been in contact with him. However, it did not provide further details about its sources. The publication of information obtained in this manner as a series of direct quotations from the complainant, without any steps being taken to verify them, constituted a serious failure to take care over the accuracy of the article, and a breach of Clause 1 (i). The claim that the complainant was stopped by armed guards was the conjecture of the journalist. However, this was presented as a factual claim, and was not clearly distinguished from conjecture, in further breach of Clause 1 (i) and a breach of Clause 1 (iv).

Attributing the disputed quotations to the complainant was significantly misleading, such as to require correction under the terms of Clause 1 (ii). The principal subject of the article was the complainant’s difficulty in entering Chinese airspace; to claim that the complainant had been “halted by armed guards”, when in fact, he had simply been denied permission to enter Chinese airspace, significantly misrepresented the nature of the incident. This was a further significant inaccuracy.

In this case the publication had offered to publish a correction which met the requirements of Clause 1 (ii), and the inaccuracies in this case were not personally damaging to the complainant. However, the Committee was concerned by the severity of the breach of Clause 1 (i) in this instance, which represented a serious failure in the editorial process prior to publication. It considered that the publication of the offered correction would not be an appropriate remedy to this failure, and that the appropriate remedy was publication of this adjudication.

Appendix F

Complaints not adjudicated at a Complaints Committee Meeting

Paper No.	File Number	Name v Publication
858		Third party
859		Request for review
860	09933-16	Note to Committee - members Rosenkranz v Daily Mail
867	08981-16	Lustigman v The Times
878	09910-16	Versi v The Sun
879	08379-16	A man v The Belfast Telegraph
880	08902-16	Kelly v Manchester Evening News
882	08899-16	Kelly v Mail Online
883	08901-16	Kelly v express.co.uk
884	08900-16	Kelly v mirror.co.uk
886	08903-16	Kelly v Daily Record
894	13373-16	Note to Committee members – Bajaj v Mail Online
895	09612-16	Aina v Scottish Mail on Sunday
897		Third party
898		Request for review
900	07794-16	Jasper v The Daily Telegraph
901		Request for review
905		Request for review
907	13902-16	Versi v express.co.uk
908	09535-16	Cooksey v Barnsley Chronicle
912		Request for review
913		Third party

914	10140-16	Williams v North-West Evening Mail
915	09397-16	Allison v The Belfast Telegraph
916	09396-16	Allison v Sunday Life
917		Request for review
918	13659-16	Ashraf v Sunday Times
919	09489-16	Lustigman v The Times