
MINUTES of the COMPLAINTS COMMITTEE MEETING
Tuesday 26th January at 10.30am
Via Video Conference Call

Present

- Lord Edward Faulks (Chairman)
- Richard Best
- Andrew Brennan
- David Hutton
- Janette Harkess
- Asmita Naik
- Miranda Winram
- Mark Payton
- Andrew Pettie
- Peter Wright

In attendance:

- Charlotte Dewar, Chief Executive
- Michelle Kuhler, PA and minute taker
- Lauren Sloan, Head of Complaints

Also present: Members of the Executive:

- Katrina Bell
- Elizabeth Cobbe
- Rosemary Douce
- Alice Gould
- Sebastian Harwood
- Emily Houlston-Jones
- Natalie Johnson
- Martha Rowe
- Sean Sutherland
- Todd Stammers

Observers:

- Jonathan Grun, Editors' Code of Practice Committee
- Edward Gray, IPSO Board member
- Claire Singers, IPSO Board member

1. Apologies for Absence and Welcomes

Apologies were received from Helyn Mensah and Nazir Afzal. The Chairman welcomed, Jonathan Grun, Eddie Gray and Claire Singers to the meeting.

2. Declarations of Interest

There were declarations of interest from Peter Wright for item 7 he left the meeting for the item.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 15 December.

4. Matters arising

There were no matters arising.

5. Update by the Chairman – oral

The Chairman noted that Richard Best was attending his last meeting as IPSO Committee member and thanked Richard for his service to IPSO since its founding. He welcomed Jane Debois, Head of Standards and Regulation and Martha Rowe, anew Complaints Officer. He also welcomed as observers Jonathan Grun, Eddie Gray and Claire Singers.

At the Chairman's invitation, the Chief Executive gave the Committee an update on the outcome of an application for judicial review of an IPSO decision.

6. Complaints update by Head of Complaints - oral

The Head of Complaints informed the Committee that there was no complaints update paper for the Committee as there had been no Board meeting as yet in 2021. She gave a brief overview of complaints likely to come to the Committee soon, and noted that many related to Covid.

7. Complaint 28580-20 Portes v Metro

The Committee discussed the complaint and ruled that the complaint should be upheld. (Adjudication-front page) **A copy of the ruling appears in Appendix A.**

8. Complaint 11343-20 / 11344-20 A Man v mirror.co.uk/express.co.uk

The Committee discussed these complaints and agreed a decision to be confirmed in correspondence.

9. Complaint 28280-20 A Man v Isle of Wight County Press

The Committee discussed these complaints and agreed a decision to be confirmed in correspondence.

10. Complaint 11743-20 / 11817-20 Sharp v dailyrecord.co.uk/mirror.co.uk

The Committee discussed these complaints and ruled that the complaint should be upheld. **Copies of the rulings appear in Appendix B & C.**

11. Complaint 28672-20 deafscotland v Edinburgh Evening News

The Committee discussed the complaint. It was agreed that the Executive would gather further information before the Committee came to a view.

12. Complaints not adjudicated at a Complaints Committee meeting

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

13. Any other business

There were no other business.

14. Date of next meeting

The date of the next meeting was confirmed as 2nd March 2021.

The meeting ended 14.05pm

Appendix A

Decision of the Complaints Committee 28580-20 Portes v Metro

Summary of complaint

1. Jonathan Portes complained to the Independent Press Standards Organisation that Metro breached Clause 1 of the Editors' Code of Practice in an article headlined "DEATH TOLLS SOAR ... NOT FROM COVID", published on 20 October 2020.

2. The frontpage headline was followed by a standfirst detailing the percentage increases in the number of deaths from various diseases in the last six months: "DIABETES VICTIMS UP 86% IN JUST SIX MONTHS; PROSTATE CANCER UP 53%; PARKINSON'S UP 79%; BREAST CANCER UP 47%; BOWL CANCER UP 46%". The opening paragraph reported that "the number of people dying at home from illnesses other than Covid-19 has rocketed since lockdown". It stated that figures published by the Office for National Statistics (ONS) for March to September 2020 revealed that almost 1000 deaths were being recorded every week, an increase of 26,000 on the same period in the previous year. The article continued from the front page on to page six of the newspaper, where the following comment from a statistician was included: "Most of these deaths would normally have occurred in hospital, and people have either been reluctant to go, discouraged from attending or the services have been disrupted".

3. The complainant said the headline and standfirst were significantly misleading as they gave the false impression that non-Covid deaths from a variety of diseases had risen very sharply. In fact, the ONS figures on which the article was based did not show there were extra deaths from these causes. The statistics cited in the standfirst related only to deaths at home, and the article failed to mention that deaths in other settings, such as hospitals, had fallen sharply. The complainant said that deaths had, in effect, moved from hospitals to homes, resulting in no overall excess deaths from these causes. While he acknowledged the opening paragraph did refer to the increase in the number of people "dying at home", in the absence of information about the corresponding decrease in deaths in other settings, readers would be left with the impression that overall deaths from these causes had increased.

4. The complainant also said that the claim that deaths were "up 26,000 on the same period last year" was inaccurate. The increase cited was against the five-year average, not figures from the preceding year.

5. The publication did not accept that the article breached the Editors' Code. It did not consider the headline to be significantly misleading, as it said it was supported and clarified by the text of the article, which made clear that the headline referred to deaths "at home", rather than overall deaths. It said this was further supported by the comments included in the article, such as those of the statistician which appeared on page 6, which referred to the displacement of deaths from hospitals to homes. The publication accepted that the data published by the ONS showed that deaths at home were up 26,000 against the five-year average, rather than the previous year's figures. Whilst the publication accepted that this represented an inaccuracy, it did not consider this was significant as the number of excess home deaths were "broadly the same" whether compared with last

year's figures or the five-year average. Further analysis by the publication during IPSO's investigation estimated that deaths at home in England alone from April to December 2020 had increased by 23,544 on the same period in 2019. Notwithstanding this, the newspaper offered to publish a correction addressing this particular point when it first corresponded with the complainant. At the start of IPSO's investigation, the newspaper proposed to publish the following correction, in their Corrections and Clarification column on page 2:

"A front-page article on October 20 ('Death Tolls Soar... not from Covid') about the increase in the number of deaths that had taken place at home rather than in hospital from March to September this year as a result of the pandemic said that, according to the Office for National Statistics, home deaths were up 26,000 'on the same period last year'. In fact, the statistics showed that deaths at home were up 26,000 on the five-year average. We apologise for the error."

6. The publication said its established Corrections and Clarification column was the most appropriate location for a correction to appear as its location was familiar to its readership and as such was suitably prominent. It noted the requirement of the Code for due prominence, rather than equal prominence. Given this, and the relatively "insignificance of the error", it argued that a front-page correction, as requested by the complainant, was inappropriate.

7. The complainant said that the publication's offer was inadequate, as it failed to acknowledge and address the main point of his complaint: that the headline and article would mislead readers into understanding that there had been a significant overall increase in the number of deaths from the identified causes compared to previous years. Any correction would need to be published on the front-page, given the prominence of the misleading headline and significance of the subject.

Relevant Code Provisions

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.

Findings of the Committee

8. During the Covid-19 pandemic, the accurate reporting and presentation of statistics is vital to keeping the public well-informed.

9. The article started on the newspaper's front page, on which the headline, standfirst and opening text of the article reported dramatic claims that the "death toll" from illnesses other than Covid had "soared" during lockdown and that "the number of people dying at home from illnesses other than Covid-19 ha[d] rocketed"; the standfirst quoted figures for a number of illnesses. A comment quoted on the front page said that "Covid-19 kills...but so does lockdown". This gave the strong impression that overall deaths had increased dramatically, which was inaccurate; it was accepted by both parties that the ONS data showed that there had not been a dramatic increase in overall deaths, but that the deaths had been redistributed between locations.

10. Whilst the front-page article included the phrase "deaths at home", it was not until the continuation on page 6 that the article made reference to the displacement of deaths from hospital settings to home by quoting a statistician. In such circumstances, the Committee considered that the way in which the figures were presented gave the impression that there had been an increase in overall deaths; the comment from the statistician, on an inside page, was not sufficient to correct the misimpression created by the headline and standfirst. As such, the Committee considered that the newspaper had failed to take care not to publish misleading information under Clause 1 (i). Given the nature of the subject matter and the potential for concern caused to readers, this was significant and as such required correction under the terms of Clause 1 (ii).

11. The Committee also found that the article had incorrectly reported home deaths were up 26,000 "on the same period last year", with the newspaper accepting that this was, in fact, based on the five-year average. This represented a further failure to take care not to publish inaccurate information in breach of Clause 1 (i). This was significant. It misrepresented the number of deaths at home during a specific time period, information that was publicly available and accessible at the time of publication. As such, it required correction under the terms of Clause 1 (ii).

12. Though the newspaper had promptly offered to publish a partial correction, the proposed wording focused solely on the statistical error and did not acknowledge the significantly misleading impression given by the headline and the article as a whole, or adequately correct it. The Committee therefore found a further breach of Clause 1 (ii).

Conclusion

13. The complaint was upheld.

Remedial Action Required

14. Having upheld the complaint, the Committee considered what remedial action should be required.

15. The Committee considered that there was a serious breach of Clause 1 (i). The article was misleading on a matter of great significance during a global public health emergency. In light of the newspaper's failure to take care over the article's accuracy, and its failure to

correct the highly misleading headline in line with its obligations under Clause 1(ii), the Committee concluded that an adjudication was the appropriate remedy.

16. Given the prominence of the original article, and the nature of the breach, a reference to the upheld ruling should be published on the front page of newspaper. The headline of this must make clear that IPSO has upheld the complaint, refer to the subject matter and be agreed with IPSO in advance of publication. This should direct readers to page two, where the adjudication should be published in full, and be clearly distinguished from other editorial content.

17. The terms of the adjudication for publication are as follows:

Jonathan Portes complained to the Independent Press Standards Organisation that Metro breached Clause 1 of the Editors' Code of Practice in an article headlined "DEATH TOLLS SOAR ... NOT FROM COVID", published on 20 October 2020.

IPSO upheld the complaint and has ordered the Metro to publish its decision as a remedy.

The frontpage headline was followed by a standfirst detailing the percentage increases in the number of deaths from various diseases in the last six months.

The complainant said the headline and standfirst gave the false impression that non-Covid deaths had risen very sharply. In fact, the ONS figures, on which the article was based, did not show there were extra deaths from these causes but that there had, in effect, been a displacement of deaths from hospital settings to home as a likely consequence of lockdown.

The newspaper said that readers would have known the article referred to deaths at home as it is in the very first line of the article. It also pointed out that the article contained a long quote from an academic who says quite clearly that most of these deaths would normally have occurred in hospital. But it accepted that the data published by the ONS showed that deaths at home were up 26,000 against the five-year average, rather than the previous year's figures as initially reported.

In IPSO's view, the need for reliable, accurate journalism during the Covid-19 pandemic is paramount. The accurate reporting and presentation of statistics, particularly those relating to deaths, is vital to keeping the public well-informed. In this instance, it found the article made eye-catching categorical claims without qualification of sufficient prominence and gave the highly misleading impression that deaths had soared. As such, the headline was not supported by the text of the article, providing a significantly misleading impression on a matter of great significance and represented a clear failure to take care not to publish inaccurate, misleading, or distorted information in breach of Clause 1 (i).

Though the publication had promptly offered to publish a correction, this focused solely on the statistical error and did not acknowledge the significantly misleading impression

given by the headline and the article as a whole or adequately correct it. The Committee therefore found a further breach of Clause 1 (ii).

The complaint under Clause 1 was upheld.

Date complaint received: 20/10/2020

Date complaint concluded by IPSO: 10/03/2021

Decision of the Complaints Committee 11743-20 Sharp v dailyrecord.co.uk

Summary of complaint

1. Christine Sharp complained to the Independent Press Standards Organisation that dailyrecord.co.uk breached Clause 2 (Privacy), Clause 3 (Harassment) and Clause 9 (Reporting of crime).

- “Serial fantasist who stalked and terrorised ex pal caged for three-year hate campaign” 17 July 2019
- “Airdrie stalker weeps in dock after being jailed for three year hate campaign” 23 July 2019
- “Stalker Jill Sharp opens Airdrie market stall flogging Rangers and Celtic gear” 24 October 2019

2. The first two articles reported on the sentencing of the complainant’s daughter, who had been convicted of a criminal offence. The third article reported on the daughter’s release from prison and included details of her conviction. All three articles included a photograph which was captioned “[the complainant’s daughter] is led away by police after being arrested in 2017”. In the photograph the complainant was visible in the background, standing and looking out of a doorway of a house. The house was the home of the complainant, where her daughter was living at the time of her arrest. The photograph also showed part of a plaque on the exterior wall of the house, which included the name of the road and the family’s name, although the name of the road was partly obscured. The text of the articles did not name the complainant although the third article noted that the photograph was taken as the complainant’s daughter was “being arrested at her home in Airdrie”.

3. The complainant said the articles breached Clause 9 as the photograph identified her as a relative of a person accused and convicted of crime, namely her daughter. Whilst she was not named in the articles or photograph caption, the complainant considered that readers would assume her identity as a relative given that her and her daughter were both pictured at the entrance to the family home. The complainant also said the articles breached Clause 2 as they contained a photograph of her likeness and address plaque. The plaque was partially obscured but showed the family name: ‘Sharp’. The complainant said that the photograph had been taken without her knowledge and consent whilst her daughter was being arrested. She said she had come to the front door in order to comfort her daughter but remained within the house. She had been distressed by the situation, the policemen searching her home and the large crowd gathered on the street. Only later did the complainant realise there was a photographer outside the property. The complainant said that the publication of the articles breached Clause 3 and had led to harassment from members of the public.

4. The publication did not accept it had breached the Code. In respect of the complaint under Clause 9, it accepted that the complainant was not genuinely relevant to the story, but it pointed to the fact that the complainant was not identified by name in the articles. It also pointed out that the complainant had identified herself as a relative of her daughter by sharing her daughter’s Facebook post about a previous IPSO ruling on her own public Facebook page in May 2020. It also said it understood that the complainant visited the court on two occasions during her daughter’s trial and waited for her in the court café.

5. The publication denied any breach of Clause 2. It noted that the address plaque was obscured in the photograph. In any event, it said that an address is not generally private information and, in this case, was already in the public domain as the registered address of the complainant's daughter's company. It stated that the photograph had first been published in March 2019, albeit with the complainant cropped out; and first published with the complainant visible in a print article of 17 July 2019. Further, it stated that the delay in the complaint being made indicated that there was limited intrusion within the meaning of Clause 2. Finally, the publication emphasised that the complainant could have been viewed by any passer-by such as those in the crowd which had gathered outside the property at the time of the arrest and maintained that no private information was disclosed in the photograph as it only revealed the complainant's likeness. The newspaper pixelated the complainant's face and the address plaque upon receipt of the complaint. The publication said that Clause 3 was not engaged, as the complainant's concern did not relate to approaches from journalists, which the Clause covers.

6. In response, the complainant said that she had posted publicly on Facebook about a previous IPSO ruling relating to her daughter only after that ruling was in the public domain, and 7-10 months after the articles under complaint were published. In addition, whilst she accepted that she had visited the court café once at the time her daughter's trial and waited for her daughter, she said she did not enter the courtroom itself, did not arrive with her daughter and had initially visited the court building in relation to other business.

Relevant Code Provisions

7. 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. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.

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

8. 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.

9. Clause 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.

Findings of the Committee

10. The first consideration under Clause 9 is whether the complainant was identified as the friend or relative of someone accused or convicted of crime. The Committee considered that readers of the articles would have inferred that the arrest was taking place at the home of the person being arrested due to her surname being visible on the address plaque and the residential nature of the property. The third article made this point expressly by stating she had been “arrested at her home” It was likely that readers would have assumed that the complainant was also a resident at the property given that she was not wearing outdoor clothing and was standing inside the house at the time the photograph was taken. Readers would have also assumed that she was likely to be a relative on the person being arrested, given that a house with an address plaque saying ‘Sharp’ might usually be occupied by others with the same surname. Whilst the complainant had not been named in the articles, the Committee concluded that the information contained in the photograph itself, taken together with the information reported in the text of the articles, identified the complainant as a relative or friend of the individual who was being arrested and who had later been convicted of a crime, as reported in the articles.

11. The Committee noted that the publication had accepted that the complainant was not genuinely relevant to the story. Further, the complainant’s public comments about an IPSO ruling relating to her daughter were made subsequently and therefore did not provide a basis for a finding that she was genuinely relevant to the story at the time of publication. There was a breach of Clause 9.

12. The Committee next considered whether the photograph related to the complainant’s private life such that its publication engaged the terms of Clause 2. The complainant was standing inside the doorway of her home when the photograph was taken and, in these circumstances, Clause 2 was engaged. The Committee then turned to the question of whether the complainant had a reasonable expectation of privacy in relation to the information contained in the photograph. The published photograph had revealed the complainant’s likeness, and this was information which could be seen by the members of the public who had gathered outside the property at the time the photograph was taken. The Committee noted that the photograph, in conjunction with the text of the articles, had identified the complainant as a relative or friend of the subject of the articles. However, a familial connection or friendship is not generally information in respect of which an individual has a reasonable expectation of privacy. In these circumstances, the Committee found that the complainant did not have a reasonable expectation of privacy in respect of the information about her which was contained in the photograph and there was no intrusion into the complainant’s private life by its publication. There was no breach of Clause 2.

13. The complainant said that the publication of the photograph had also breached Clause 2 by revealing her address. The Committee noted that someone’s address is not generally private information. Moreover, the complainant’s full address was not visible in the image as it was obscured. There was no breach of Clause 2 on this point.

14. The complainant was concerned that the articles had led to harassment from members of the public. Clause 3 generally relates to the way journalists behave when researching

a news story and is meant to protect people from being repeatedly approached by the press against their wishes. Where the complainant did not argue that the alleged approaches were made by people working for the newspaper, and where there was no evidence of this having occurred, the terms of Clause 3 were not engaged.

Conclusions

15. The complaint was upheld under Clause 9.

Remedial Action Required

16. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the newspaper had breached Clause 9, the publication of an adjudication was appropriate.

17. The complaint related to material published in three online articles. Therefore, the adjudication should also be published on the publication's website, with a link to the full adjudication (including the headline) appearing in the top 50% of stories on the publication's website for 24 hours; it should then be archived in the usual way. If the newspaper intends to continue to publish the online articles without amendment to remove the breach identified by the Committee, the full text of the adjudication should also be published on the articles, beneath the headlines. If amended to remove the breach, a link to the adjudication should be published with the articles, explaining that it was the subject of an IPSO adjudication, and explaining the amendments that have been made. The publication should contact IPSO to confirm the amendments it now intends to make to the online material to avoid the continued publication of material in breach of the Editors' Code of Practice. The headline to the adjudication should make clear that IPSO has upheld the complaint, give the title of the publication and refer to the complainant's subject matter. The headline must be agreed with IPSO in advance. The terms of the adjudication for publication are as follows:

Christine Sharp complained to the Independent Press Standards Organisation that dailyrecord.co.uk breached Clause 2 (Privacy), Clause 3 (Harassment) and Clause 9 (Reporting of crime) in three articles published:

- "Serial fantasist who stalked and terrorised ex pal caged for three-year hate campaign" 17 July 2019
- "Airdrie stalker weeps in dock after being jailed for three year hate campaign" 23 July 2019
- "Stalker Jill Sharp opens Airdrie market stall flogging Rangers and Celtic gear" 24 October 2019

All three articles reported on the sentencing and subsequent release of the complainant's daughter after her conviction for a criminal offence. All three articles included a photograph which was captioned "[the complainant's daughter] is led away by police after being arrested in 2017". In the photograph the complainant was visible in the background, standing and looking out of a doorway of a house as the arrest was taking place.

The complainant said that the articles breached Clause 9 as she was identified as a relative of someone convicted of crime in the published photograph in circumstances

where she was not genuinely relevant to the story. She said readers would assume her identity as a relative given that her and her daughter were both pictured at the entrance to the family home. The publication maintained that the complainant was not identified as the friend or relative of someone accused or convicted of crime as she was not named in the articles and her relationship to her daughter was not explicitly mentioned.

IPSO considered that readers of the articles would have inferred that the arrest was taking place at the home of the person being arrested and it was likely that readers would have assumed that the complainant was also a resident at the address. It also concluded that readers would have assumed that the complainant was likely to be a relative on the person being arrested, given that a house with an address plaque saying 'Sharp' might usually be occupied by others with the same surname. Whilst the complainant had not been named in the articles, the Committee concluded that the information contained in the photograph itself, taken together with the information reported in the text of the articles, identified the complainant as a relative or friend of the individual who was being arrested and who had later been convicted of a crime, as reported in the articles.

Where there was no basis for a finding that the complainant was genuinely relevant to the story at the time of publication, there was a breach of Clause 9.

Date complaint received: 3/7/2020

Date decision concluded by IPSO: 3/3/2021

Appendix C

Decision of the Complaints Committee – 11817-20 Sharp v mirror.co.uk

Summary of Complaint

1. Christine Sharp complained to the Independent Press Standards Organisation that mirror.co.uk breached Clause 2 (Privacy), Clause 3 (Harassment) and Clause 9 (Reporting of crime) in an article headlined "Serial stalker who boasted about fictional 'wild sex life' ruined couple's lives" published 18 July 2019.

2. The article reported on the sentencing of the complainant's daughter, who had been convicted of a criminal offence. It noted that the complainant's daughter "lives with her mum and dad in Airdrie". The article also included a photograph which was captioned "[the complainant's daughter] is led away by police after being arrested in 2017". In the photograph the complainant was visible in the background, standing and looking out of a doorway of a house. The house was the home of the complainant, where her daughter was living at the time of her arrest. The photograph also showed part of a plaque on the exterior wall of the house, which included the name of the road and the family's name, although the name of the road was partly obscured. The text of the article did not name the complainant.

3. The complainant said the article breached Clause 9 as the photograph identified her as a relative of a person accused and convicted of crime, namely her daughter. Whilst she was not named in the article or photograph caption, the complainant considered that readers would assume her identity as a relative given that her and her daughter were both pictured at the entrance to the family home. The complainant also said the article breached Clause 2 as it contained a photograph of her likeness and address plaque. The plaque was partially obscured but showed the family name: 'Sharp'. The complainant said that the photograph had been taken without her knowledge and consent whilst her daughter was being arrested. She said she had come to the front door in order to comfort her daughter but remained within the house. She had been distressed by the situation, the policemen searching her home and the large crowd gathered on the street. Only later did the complainant realise there was a photographer outside the property. The complainant said that the publication of the article breached Clause 3 and had led to harassment from members of the public.

4. The publication did not accept it had breached the Code. In respect of the complaint under Clause 9, it accepted that the complainant was not genuinely relevant to the story, but it pointed to the fact that the complainant was not identified by name in the article. It also pointed out that the complainant had identified herself as a relative of her daughter by sharing her daughter's Facebook post about a previous IPSO ruling on her own public Facebook page in May 2020. It also said it understood that the complainant visited the court on two occasions during her daughter's trial and waited for her in the court café.

5. The publication denied any breach of Clause 2. It noted that the address plaque was obscured in the photograph. In any event, it said that an address is not generally private information and, in this case, was already in the public domain as the registered address of the complainant's daughter's company. It stated that the photograph had first been published in March 2019, albeit with the complainant cropped out; and first published

with the complainant visible in a print article of 17 July 2019. Further, it stated that the delay in the complaint being made indicated that there was limited intrusion within the meaning of Clause 2. Finally, the publication emphasised that the complainant could have been viewed by any passer-by such as those in the crowd which had gathered outside the property at the time of the arrest and maintained that no private information was disclosed in the photograph as it only revealed the complainant's likeness. The newspaper pixelated the complainant's face and the address plaque upon receipt of the complaint. The publication said that Clause 3 was not engaged, as the complainant's concern did not relate to approaches from journalists, which the Clause covers.

6. In response, the complainant said that she had posted publicly on Facebook about a previous IPSO ruling relating to her daughter only after that ruling was in the public domain, and 10 months after the article under complaint was published. In addition, whilst she accepted that she had visited the court café once at the time her daughter's trial and waited for her daughter, she said she did not enter the courtroom itself, did not arrive with her daughter and had initially visited the court building in relation to other business.

Relevant Code Provisions

7. 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. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.

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

8. 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.

9. Clause 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.

Findings of the Committee

10. The first consideration under Clause 9 is whether the complainant was identified as the friend or relative of someone accused or convicted of crime. The Committee considered that readers of the article would have inferred that the arrest was taking place at the home of the person being arrested due to her surname being visible on the address plaque and the residential nature of the property. It was likely that readers would have assumed that the complainant was also a resident at the property given that she was not wearing outdoor clothing and was standing inside the house at the time the photograph was taken. The Committee noted that the article reported that the person being arrested “lives with her mum and dad in Airdrie” and thus readers would have inferred that the complainant was likely the “mum” of the person arrested. Whilst the complainant had not been named in the article, the Committee concluded that the information contained in the photograph itself, taken together with the information reported in the text of the article, identified the complainant as a relative or friend of the individual who was being arrested and who had later been convicted of a crime, as reported in the article.

11. The Committee noted that the publication had accepted that the complainant was not genuinely relevant to the story. Further, the complainant’s public comments about an IPSO ruling relating to her daughter were made subsequently and therefore did not provide a basis for a finding that she was genuinely relevant to the story at the time of publication. There was a breach of Clause 9.

12. The Committee next considered whether the photograph related to the complainant’s private life such that its publication engaged the terms of Clause 2. The complainant was standing inside the doorway of her home when the photograph was taken and, in these circumstances, Clause 2 was engaged. The Committee then turned to the question of whether the complainant had a reasonable expectation of privacy in relation to the information contained in the photograph. The published photograph had revealed the complainant’s likeness, and this was information which could be seen by the members of the public who had gathered outside the property at the time the photograph was taken. The Committee noted that the photograph, in conjunction with the text of the article, had identified the complainant as a relative or friend of the subject of the article. However, a familial connection or friendship is not generally information in respect of which an individual has a reasonable expectation of privacy. In these circumstances, the Committee found that the complainant did not have a reasonable expectation of privacy in respect of the information about her which was contained in the photograph and there was no intrusion into the complainant’s private life by its publication. There was no breach of Clause 2.

13. The complainant said that the publication of the photograph had also breached Clause 2 by revealing her address. The Committee noted that someone’s address is not generally private information. Moreover, the complainant’s full address was not visible in the image as it was obscured. There was no breach of Clause 2 on this point.

14. The complainant was concerned that the article had led to harassment from members of the public. Clause 3 generally relates to the way journalists behave when researching a news story and is meant to protect people from being repeatedly approached by the press against their wishes. Where the complainant did not argue that the alleged approaches were made by people working for the newspaper, and where there was no evidence of this having occurred, the terms of Clause 3 were not engaged.

Conclusions

15. The complaint was upheld under Clause 9.

Remedial Action Required

16. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the newspaper had breached Clause 9, the publication of an adjudication was appropriate.

17. The complaint related to material published in an online article. Therefore, the adjudication should also be published on the publication's website, with a link to the full adjudication (including the headline) appearing in the top 50% of stories on the publication's website for 24 hours; it should then be archived in the usual way. If the newspaper intends to continue to publish the online article without amendment to remove the breach identified by the Committee, the full text of the adjudication should also be published on the article, beneath the headline. If amended to remove the breach, a link to the adjudication should be published with the article, explaining that it was the subject of an IPSO adjudication, and explaining the amendments that have been made. The publication should contact IPSO to confirm the amendments it now intends to make to the online material to avoid the continued publication of material in breach of the Editors' Code of Practice. The headline to the adjudication should make clear that IPSO has upheld the complaint, give the title of the publication and refer to the complaint's subject matter. The headline must be agreed with IPSO in advance. The terms of the adjudication for publication are as follows:

Christine Sharp complained to the Independent Press Standards Organisation that mirror.co.uk breached Clause 2 (Privacy), Clause 3 (Harassment) and Clause 9 (Reporting of crime) in an article headlined "Serial stalker who boasted about fictional 'wild sex life' ruined couple's lives" published 18 July 2019.

The article reported on the sentencing of the complainant's daughter after her conviction for a criminal offence. The article included a photograph which was captioned "[the complainant's daughter] is led away by police after being arrested in 2017". In the photograph the complainant was visible in the background, standing and looking out of a doorway of a house as the arrest was taking place.

The complainant said that the article breached Clause 9 as she was identified as a relative of someone convicted of crime in the published photograph in circumstances where she was not genuinely relevant to the story. She said readers would assume her identity as a relative given that her and her daughter were both pictured at the entrance to the family home. The publication maintained that the complainant was not identified as the friend or relative of someone accused or convicted of crime as she was not named in the article and her relationship to her daughter was not explicitly mentioned.

IPSO considered that readers of the article would have inferred that the arrest was taking place at the home of the person being arrested and it was likely that readers would have assumed that the complainant was also a resident at the address. It also concluded that readers would have assumed that the complainant was likely to be a relative of the person being arrested, given that the article noted that the person being arrested "lives with her mum and dad in Airdrie". Whilst the complainant had not been named in the article, the Committee concluded that the information contained in the photograph itself, taken together with the information reported in the text of the article, identified the complainant

as a relative or friend of the individual who was being arrested and who had later been convicted of a crime, as reported in the article.

Where there was no basis for a finding that the complainant was genuinely relevant to the story at the time of publication, there was a breach of Clause 9.

Date complaint received: 3/7/2020

Date complaint concluded by IPSO: 3/3/2021

Appendix D

Paper No.	File Number	Name v Publication
1989	09479-20	Nulty v Daily Express
1984	11372-20	Various v Telegraph.co.uk
1993	00996-20	Gibson v thesun.co.uk
2006		Request for review
2016		Request for review
2028	11860-20	Bunglawala v express.co.uk
2019	04851-20	Taylor v Sunday Life
2062	12355-20	Coleman v The Spectator
2078	12114-20	British Fur Trade Association v Daily Mirror
2082	28442-20	Glenwright v dailyrecord.co.uk
2090		Request for review
1973	01721-20	Waine v Galloway News
2041	09166-20	MacGregor v The Scotsma
2080	28341-20	Carroll v The Times
2085	28194 - 20/28 470- 20/28 471- 20	Alfa Travel v walesonline.co.uk/South Wales Echo/Western Mail
2091	22642-20	Talbot v The Sunday Telegraph
2093		Request for review
2060	15682-20	Bride v Milton Keynes Citizen
2064	11845-20	Whitehead v Telegraph.co.uk

2086	27701 -20	Singh v Birmingham Mail
2089	28437 -20	Wimborne-Idrissi v thejc.com
2094	25169 -20	Mote Medical Practice v kentonline.co.uk
2098		Request for review
2111		Request for review
2056	11011 -20	Raja v thesun.co.uk
2088	28014 -20	Findlay v The Scottish Sun
2100	27885 -20	Sutherland v Daily Record
2108	28636 -20	Enright v The Times
2116		Request for review