ipso. independent press standards organisation

Paper No. 2833

CONFIDENTIAL

MINUTES of the COMPLAINTS COMMITTEE MEETING
Tuesday 29th November at 10.30am
Remote via zoom conference

Present

Lord Edward Faulks
Nazir Afzal
Andy Brennan
Tristan Davies (remotely)
David Hutton
Alistair Machray
Helyn Mensah (remotely)
Asmita Naik
Mark Payton
Andrew Pettie

In attendance:

Charlotte Dewar, Chief Executive
Michelle Kuhler, PA minute taker (remotely)
Robert Morrison, Head of Complaints

Also present: Members of the Executive:

Sarah Colbey
Rosemary Douce
Alice Gould
Sebastian Harwood (remotely)
Emily Houlston-Jones
Natalie Johnson
Beth Kitson
Freddie Locock-Harrison (remotely)
Molly Richards
Martha Rowe

Observers:

Jonathan Grun, Editors Code of Practice
Sir Bill Jeffrey, External Reviewer (remotely)
Rebecca Keating, External Reviewer assistant

1. Apologies for Absence and Welcomes

Apologies were received from Allan Rennie and Miranda Winram

2. Declarations of Interest

There were no declarations of interest

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 11 October 2022.

4. Matters arising

There were no matters arising.

5. Update by the Chairman – oral

The Chairman updated the Committee on recent online safety bill progression.

6. Complaints update by the Head of Complaints – Oral

The Head of Complaints updated members on ongoing housekeeping.The team remain ontop of workloads, with a drop in numbers being seen, workloads are being well controlled.
The reconsolidating of supervision and checking cases in the team since the departure of E Cobbe consultant is on track and working well between the Senior Complaints Officers.

7. Complaint 09339-22 A women v cornwalllive.com

The Committee discussed the complaint and ruled that the complaint should be upheld clause 6 and 9. **A copy of the ruling appears in Appendix A; the final ruling was upheld under Clause 6 only, as the Committee reconsidered their decision following an upheld Independent Review.**

8. Complaint 10538-22 A woman v The Mail on Sunday

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

9. Complaint 11921-22 A man v Sunday World

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

10. Complaints not adjudicated at a Complaints Committee meeting

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

11. Any other business

There was no other business.

12. Date of next meeting

The date of the next meeting was subsequently confirmed as Tuesday 24th January 2023

APPENDIX A

Decision of the Complaints Committee – 09339-22 A woman v cornwallive.co.uk

Summary of Complaint

1. A woman complained to the Independent Press Standards Organisation that cornwalllive.co.uk breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 6 (Children), and Clause 9 (Reporting of Crime) of the Editors' Code of Practice in an article headlined "Truro homeless attack suspects have bail extended", published on 9 May 2022. The complainant also complained about two comments posted by members of the public in response to the publication sharing links to articles on social media; the comments were made in February 2022 and May 2022.

2. The article under complaint reported that "[s]ix teenagers arrested after an assault on a homeless man in Truro have had their bail extended to the end of the month. The six were due to answer bail today, but police have pushed back the bail date as they await a decision from the Crown Prosecution Service over whether or not the suspects will be charged." The article appeared online only.

3. In response to links to articles being shared by the publication on its Facebook page – one of which was the article under complaint, another of which was an earlier article about the incident and which was not subject to complaint – a member of the public posted, as a comment (hereafter "the February comment") a screenshot which claimed to name five of the six teenagers allegedly involved in the incident and which also showed still images of a video, in which teenagers were partly visible – though their faces were not.

4. The complainant said that another comment was posted in May which also identified her son by name (hereafter "the May comment"). IPSO was not able to obtain a verbatim copy of this comment, but the fact of its existence was accepted by the publication.

5. The complainant was the mother of one of the teenagers who had been arrested in relation to the alleged offence. She said that, by allowing the two comments naming her child to be posted and remain on its social media, the publication had breached Clause 6 (Children), Clause 9 (Reporting of Crime) and Clause 2 (Privacy). She said that her son had not been named by the police, and that allowing the sharing of his name put her child in danger and had had a "massive impact on him"; her son was 14 years old and still in full-time education – though he did not attend school due to safety concerns. She said that her son had been arrested on 13 February 2022 but had not – at the time of

IPSO's investigation – yet been charged, and had therefore not been named officially prior to the publication's February Facebook post; though she said that other members of the public had shared the information on social media. According to the complainant, the February comment had been posted a day or two after her son's arrest – on the 14th or 15th of February.

6. The complainant also said that the article itself breached Clause 1, Clause 2, Clause 6, and Clause 9 by disclosing that her child had had his bail extended. She said that the information was published before she had been made aware of the fact, and that it was not acceptable that she had discovered this fact via social media.

7. The complainant said that she had phoned the publication in March 2022, prior to making a complaint to IPSO, to make it aware of her concerns regarding the February comment. She said that the conversation was brief, but that she had spoken to a named journalist and requested that the February comment naming her son be removed. She said that, in her phone call, she had told the publication that she was the parent of one of the named children, and had told the publication that the comment had been made on a Facebook post on either the 14th or 15th of February. She said that the journalist had told her that the publication had posted a comment asking for the teenagers not to be named, and that he would go through the comments and remove any which named them. However, she said that she had also asked him to remove all of the comments made by members of the public, and he had refused to do so.

8. The complainant also said that she had contacted the publication directly via social media prior to contacting IPSO – and provided a screenshot showing messages she had sent to a reporter working for the publication and their responses. In the messages, the complainant did not refer to the February or May comments, but did express concerns over the article under complaint and the fact that it revealed that her child's bail had been extended. She also emailed the publication with these concerns; her emails also did not refer to the February or May comments.

9. The two comments under complaint remained online until the complaint was referred by IPSO to the publication for its attention on 1 June 2022 – on which day the publication removed the May comment. In its email informing the complainant that it had removed the comment, the publication said that it was writing "regarding [the complainant's] complaint to IPSO for the following article, specifically in regards to comments that were posted on the social post by members of the public". It then linked to the article under complaint which had been published in May – and which had prompted one of the comments under complaint (the May comment).

10. While the publication removed the May comment it did not accept that either the article or comments breached the Code and – with regards to the comments – did not accept that these were within IPSO's remit. It said that comments posted on its Facebook page were not pre-moderated, and that it had had no record of

having received a phone call from the complainant regarding the February comment in March 2022. It said that it kept no record of complaints received via phone, as complaints are generally accepted only in writing or via its online complaints form; it provided its Complaints Policy which set this out. It also said that the journalist whom the complainant said she had contacted had confirmed that the publication had been contacted several times regarding comments naming the children, and that all such comments were deleted on an individual basis as and when they were brought to the publication's attention. It did not, therefore, accept that the February comment had been brought to its attention on the phone in the manner described by the complainant - otherwise, it would have been deleted along with the other comments which named the children.

11. The publication also said that it had only understood IPSO's initial correspondence to relate to the article and the May comment and had not understood that the complaint also related to a comment posted in February, as IPSO had only identified the May article in its letter accompanying the complaint. It said that it had only been made clear in a subsequent email from IPSO, received on 17 June, that there was an additional Facebook comment under complaint. This was why it had only removed the May comment upon being initially contacted by IPSO on 1 June. However, it said it would be happy to remove the February comment, and offered to do so on 24 June 2022; it subsequently removed the comment on 6 July 2022.

12. Where the publication said it had deleted the May comment as soon as it had become aware of it, and had offered to delete the February comment once it had been made aware of its existence, it considered that the comments were not within IPSO's remit. It noted that IPSO can only consider comments which have been reviewed by the publication, and did not accept that it had had the opportunity to review the comments prior to IPSO making it aware of the complaint.

13. While the publication did not accept that the comments were within IPSO's remit, it nevertheless said that it did not consider that Clause 6 had been breached by the comments. The publication noted that it had not named the complainant's son; rather, it was members of the public who had done so. It also said that the comments could not be said to have had an intrusive effect on his time at school, as they were removed once they were brought to its attention. It did not consider, therefore, that the terms of Clause 6 were engaged.

14. With regards to Clause 9, the publication accepted that the complainant's son had been arrested and had not yet appeared in court. It did not, however, accept that unmoderated comments posted by members of the public could engage the terms of the Clause, where Clause 9 (iii) makes specific reference to "Editors" and the editor of the publication did not have any control over the comments being posted. It followed that the publication could not be said to have named the complainant's son, or to have allowed him to be named.

15. The publication also noted that the complainant's son appeared to have been identified on social media prior to the comments under complaint being posted; to support its position on this point, it provided a comment from a member of the public – posted in February 2022 – in response to a comment from the publication asking members of public not to identify the teenagers – saying "think it's a bit late for that now. Their names were posted many hours before it was reported on here". It said that this comment indicated that the names of the children were in the public domain prior to the publication of both of the comments under complaint. It also provided a further comment from a member of the public, saying "they've all been named. They have been causing issue in [town] for years. […] At least this time there's video evidence and they can be identified and charged". This comment was not dated. The publication therefore considered that the name of the complainant's son was in the public domain in relation to the offence, and further noted that it had posted a comment under the February Facebook post – some days after its initial publication, and prior to the complaint being made – saying "Please DO NOT post the names of any suspects here. They cannot be identified for legal reasons and you may risk damaging any prospect of potential prosecution."

16. Turning to the article, and concerns that the publication had released information about the complainant's son in a manner that breached the Code, it noted that that the information about the bail extension had been provided to it by the relevant police force's Media Service Office, and provided a copy of the email showing this. The email was sent on 9 May, and said that "we now await a decision from the CPS on this case, so the bail date has been extended until 30 May".

17. While the publication did not consider that that the Code had been breached and it was not therefore necessary to put forward an argument under the Public Interest provision of the Code, it said that the reporting of the incident in the article was in the public interest where it concerned a matter of public safety. It said there was also a public interest in sharing the material on Facebook and to allow comments, to make more members of the local community aware of the incident, and to enable members of the public to share their views on a matter pertaining to their local community and public safety in general.

18. Finally, the publication said that it did not consider the terms of Clause 2 to be engaged by the complainant's concerns.

19. The complainant said that whether or not her son had been named by members of the public prior to the comments under complaint was not relevant; the publication had, in her view, a duty to ensure that the name of her child was not shared on its platform and it had failed to carry out this duty.

20. After IPSO's Complaints Committee had already considered the complaint, the publication – as part of a request for an Independent Review – provided 5 social media posts, dated the 13th and 14th of February 2022 – which named the complainant's son. The social media posts read as follows:

The first post

> *"Don't forget these [sic] names*
>
> *[Five names, including the name of the complainant's son]*
>
> *You people are vile"*

The second post

> *"Names:*
>
> *[Seven names, including the complainant's son]*
>
> *Breaks my heart I was friends with 2 of them"*

The third post quoted the second post, with the following addition:

> *"A list of grade A scumbags right there"*

The fourth post

> *"[Five names, including the complainant's son] bet your families are proud of you shame on u for what you did to that poor man"*

The fifth post, which included an article headlined "Homeless man viciously beaten by youths in Truro car park"

> *"[Five names, including the complainant's son]*
>
> *Hope the rumours aren't true. Apparently he's died.* 😡😡😡
>
> *Absolutely disgusting. Some teenagers are vile these days. So glad my 2 boys are nothing like this."*

21. The publication said that these posts clearly demonstrated that the child's name had been in the public domain at the time the comment under complaint was made, it did not accept that there was breach of Clause 9 (iii) – it had demonstrated that the child's name was in the public domain. It said that it had not previously provided these social media posts because the complainant had already provided posts which showed that her child had been named on social media, and it did not want to cause her undue upset. It noted that it had not specifically been asked to provide these social media post during IPSO's investigation.

Relevant Clause 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.

Clause 2 (Privacy)

i) Everyone is entitled to respect for their private and family life, home, physical and mental 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.

Clause 6 (Children)*

i) All pupils should be free to complete their time at school without unnecessary intrusion.

Clause 9 (Reporting of Crime)*

iii) Editors should generally avoid naming children under the age of 18 after arrest for a criminal offence but before they appear in a youth court unless they can show that the individual's name is already in the public domain, or that the individual (or, if they are under 16, a custodial parent or similarly responsible adult) has given their consent. This does not restrict the right to name juveniles who appear in a crown court, or whose anonymity is lifted.

Relevant IPSO Regulations

The Remit of the Regulator

> 1. The Regulator shall regulate the following material published by Regulated Entities within the UK, the Channel Islands and the Isle of Man, subject to the exceptions in Regulation 4 below:
>
> > 1.2 editorial content on electronic services operated by Regulated Entities such as websites and apps, including text, pictures, video, audio/visual and interactive content.
>
> 4. Complaints handling by the Regulator shall be restricted to complaints about breaches of the Editors' Code which, for the avoidance of doubt, shall not include:
>
> > 4.6 complaints about 'user generated content' posted onto Regulated Entities' websites which has not been reviewed or moderated by the Regulated Entity

Findings of the Committee

22. The first question for the Committee was whether the two Facebook comments – the February and May comments – fell within IPSO's remit. IPSO's regulations make clear that content on websites operated by regulated publications falls within IPSO's remit if it has been subject to some form of editorial control. In the case of user-generated content (such as comments), this generally means that there has been some form of review or moderation on the part of the publication, which includes a decision to allow material to remain online after it is the subject of a complaint under the Editors' Code.

23. There was some dispute regarding at what point the February and May comments had been brought to the publication's attention. The complainant had said that the February comment had been reported by way of a phone call in March, while the publication did not accept that such a phone call had taken place. The Committee noted that it was not in a position to resolve this discrepancy but that – in any case – the complainant had said that she had not named her child in the phone call, nor specified the exact comment which had caused her concern. Therefore, on balance, the Committee considered that there was not enough information to demonstrate that the publication had been made aware of the February or May Facebook comments prior to the instigation of the IPSO complaints process.

24. It was not in dispute that the May comment had been brought to the publication's attention on 1 June 2022, when IPSO contacted the publication to make it aware that a complaint had been received about the May article and the

attached comments. The publication had removed the comment on the same day, as soon as it had the opportunity to review and moderate it. Where the publication had removed the May comment on the same day that it was made aware of its existence, the Committee was satisfied that the May comment was not within IPSO's remit, and it therefore made no further determination on whether the Code was breached by the May comment.

25. While the May comment had been removed promptly on 1 June 2022, the February comment remained online. The publication had argued that it had understood IPSO's initial correspondence to relate only to the May comment. However, the Committee noted that the initial correspondence had, in fact, included a copy of the February comment; it did therefore not accept that the comment had not been brought to its attention on 1 June 2022. In any case, the publication accepted that the February comment was brought to its attention in IPSO's subsequent email of 17 June, and yet it remained online until 6 July 2022. The Committee therefore considered that the publication had been given ample opportunity to review and moderate the comment, where it had been brought to its attention at least 19 days before its removal. Therefore, the Committee found that the February comment fell within IPSO's remit.

26. Where the February comment fell within IPSO's remit, the next question for the Committee was whether it breached the Editors' Code. The Editors' Code of Practice, in providing additional protections for children, acknowledges their particularly vulnerable position. This is reflected in the terms of Clause 9 (iii), which offers further protections to children under the age of 18 who are arrested than is afforded to their adult counterparts.

27. The publication had said that the terms of Clause 9 (iii) were not engaged by the comment as the Clause makes specific reference to 'Editors', and the child was identified by a member of the public in a Facebook comment. However, the Committee considered that such a narrow interpretation of the sub-Clause would serve to limit the key protections that the sub-Clause clearly sought to provide: anonymity for children accused of criminal acts in spaces where the publication exercises editorial control, which is clearly in line with the spirit of the Code – which seeks to protect the rights of children. It further noted that the phrase 'Editors' is used numerous times elsewhere in the Code to denote the individual within the publication with ultimate responsibility, rather than to limit complaints only to content which has been prepared by the publication itself.

28. The Committee was therefore satisfied that the terms of Clause 9 (iii) were engaged by the publication of the February comment naming the complainant's son; however, in deciding whether there was a breach of this sub-Clause the Committee was first obligated to consider whether the publication had demonstrated that the child's name was already in the public domain at the time the February comment became "editorial content" and fell within their remit.

29. The question for the Committee was, therefore, whether the child's name was in the public domain at the time the February comment became "editorial

content" on 17 June 2022. The Committee noted the complainant's position that the child had yet to be named in an official capacity, for example by the police in relation to the incident, and that some of the social media posts referenced the child's involvement in the incident as a "rumour". However, the publication had, albeit belatedly, provided a number of posts on social media from February 2022 which explicitly named the child as being involved in the incident. The Committee, therefore, considered that the publication had been able to demonstrate that the child's name was already in the public domain by the time the February comment became "editorial content" on 17 June 2022. In such circumstances, there was no breach of Clause 9 (iii).

30. Notwithstanding this finding, the Committee expressed concern at the late disclosure of information – where the publication did not provide the posts until after the Committee's first consideration of the complaint – and wished to stress that it would advise such information be submitted during IPSO investigations. It also wished to make clear that, should either party have concerns over the sharing of information during an IPSO investigation, this should be raised during the investigation, rather than after, so as to avoid unnecessary delays to the complaint process.

31. The Committee next considered whether the February Facebook comment breached the terms of Clause 6 (i), where the child's mother had said that his identification had led to disruption to his schooling. The publication had said that the comment could not have had an intrusive effect on his school life, as it had been removed as soon as it had been brought to its attention. However, the Committee did not accept this argument, noting that there had been a delay of at least 19 days between the comment being brought to the publication's attention and its removal. The Committee further noted that Clause 6 (i) requires the Committee to consider whether the publication of editorial content amounts to an unnecessary intrusion into pupils' freedom to complete their time at school. The Committee further noted that the terms of Clause 6 (i) apply to children who are in full-time compulsory education, regardless of the educational setting; a reading of the Clause which did not also cover children who are being schooled in a non-traditional setting, as in this case, would be contrary to the spirit of Clause 6. In this instance, the Committee found that the continued publication of a comment publicly identifying the complainant's son as one of the perpetrators of the alleged crime clearly intruded on his schooling, and that the intrusion was unnecessary. Therefore, the Committee found that publication of the February comment, once it became "editorial content" from 17 June 2022, breached the terms of Clause 6 (i).

32. Turning to the terms of Clause 2, the February comment identified the complainant's son as one of the children who was alleged to have been involved in the assault on the man in the public car park and provided no information about her son's private or family life. The Committee noted that the right of children to privacy during their time at school and to anonymity when arrested is protected by the more stringent terms of Clause 6 and Clause 9 (iii) respectively.

Notwithstanding that the terms of Clause 6 (i) had been breached for the reasons above, the Committee did not find a further breach of Clause 2.

33. The complainant also said that the May article was inaccurate in breach of Clause 1, as it had disclosed that her child had had his bail extended prior to her being made aware of the fact. While the Committee understood that the complainant was unhappy to have been informed of her son's bail extension in this manner, she did not dispute the accuracy of the reporting, or say that her son's bail had not been extended in the manner described in the article. Where the complainant did not allege that the article was inaccurate, distorted, or misleading on this point, there was no breach of Clause 1.

34. Concerns were also raised by the complainant that publishing information about her child's bail extension represented a breach of Clause 2, Clause 6, and Clause 9. Taking each alleged breach in turn, the Committee noted that the information revealed by the publication had been disclosed to it by the police, and related to the child's arrest and subsequent bail. It also noted that: the child was not named in the article; this information had been put into the public domain by the police; and the article did not include information which the complainant had said identified her child. In such circumstances, it did not consider that the publication of these details represented an intrusion into the child's private life in breach of Clause 2 or Clause 6. With regards to Clause 9, it noted that the terms of the Clause do not prevent newspapers from publishing information relating to a child's bail arrangements, provided the child is not named. There was, therefore, no breach of Clause 9.

Conclusion(s)

35. The complaint was partly upheld under Clause 6 (i).

Remedial Action Required

36. Having partly upheld the complaint under Clause 6 (i), the Committee considered the remedial action that should be required. Given the nature of the breach, the appropriate remedial action was the publication of an upheld adjudication.

37. The Committee considered the placement of this adjudication, taking into account that the breaches arose from a Facebook comment posted by a member of the public. In reaching a decision on the best placement for the remedial action, the Committee was also mindful of other factors, such as: the seriousness of the breach of the Code and the public interest in remedying the breach.

38. The Committee noted that the breach arose from the identification of a child who had been accused of a crime, and further noted that the Code offers stringent protections for children, particularly those who are alleged predators of crime. Any breach involving the identification of a vulnerable child was, by its very nature, a serious breach. It further noted that there was a clear public

interest in ensuring that the remedial action was visible to the readers of both the newspaper's website and its Facebook page, to reiterate to the publication's readers and other journalists that the identification of children accused of crime is a matter which engages the Editors' Code of Practice. In addition, the Committee noted that publishing the adjudication on an online platform under the sole control of the publication – rather than under the control of both the publication and Facebook – ensures that the wording can remain accessible for as long as the website exists, and that the publication would retain control over how it is archived.

39. Taking these factors into account, the Committee decided that the adjudication should be published on the newspaper's website, with a link to the full adjudication appearing on the top half of the homepage for 24 hours; it should then be archived in the usual way. A link to the adjudication should also be posted on the publication's Facebook page, though the publication was not required to publish the adjudication in full on its Facebook page. The headline to the adjudication should make clear that IPSO has upheld the complaint, refer to the subject matter and be agreed with IPSO in advance of publication.

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

Following a Facebook comment posted by a member of the public to cornwalllive.co.uk's Facebook page in February 2022, a woman complained to the Independent Press Standards Organisation that the publication breached Clause 6 (Children) of the Editors' Code of Practice. IPSO upheld this complaint and has required cornwalllive.co.uk to publish the decision as a remedy to the breaches.

The comment, posted by a Facebook user in response to an article, identified the complainant's son as one of several children who had been arrested following an alleged incident of violence. The complainant's son was, at the time of the comment's publication, 14 years old.

The complainant said that the terms of Clause 6 (i) had been breached, as the comment's publication had intruded into her son's school time at school, in breach of that Clause.

The Committee noted arguments put forward by the publication about the comment being outside IPSO's remit, but found that been given ample opportunity to review and moderate the comment, where it had been brought to its attention at least 19 days before its removal. Therefore, the Committee found that the comment fell within IPSO's remit.

The Committee further noted that Clause 6 (i) is intended to safeguard children's right to complete their time at school unnecessary intrusion. In this instance, the Committee found that the publication of a comment identifying the complainant's son as one of the perpetrators of the alleged crime had the clear potential to intrude on his schooling, and the intrusion was unnecessary.

Therefore, the Committee found that the continued publication of the comment breached the terms of Clause 6 (i).

IPSO found that the publication had allowed a comment which named a child to remain on its Facebook page for at least 19 days after it was brought to its attention. The publication therefore breached the terms of Clause 6.

Further complaints about an article published in May and another Facebook comment also published in May were not upheld.

Date complaint received: 12/05/2022

Date complaint concluded by IPSO: 04/05/2023

Independent Complaints Reviewer

The publication complained to the Independent Complaints Reviewer about the process followed by IPSO in handling this complaint, and – as part of its review – provided additional social media posts. The Independent Reviewer found that the IPSO process was flawed, as the Committee had not taken social media posts provided by the complainant into account when reaching its decision, and had not had sight of the additional social media posts provided by the publication. The Committee considered that, given the exceptional circumstances of the complaint – where it related to the welfare and privacy of a child, and the additional material had the potential to affect the decision – it was able to take the additional material provided by the publication into account. However, it stressed that it would only consider such additional material in exceptional circumstances. The complaint was therefore returned to the Committee to consider the complaint, and the Committee issued an amended ruling.

The publication then made a second complaint to the Independent Complaints Reviewer about the process followed by IPSO in handling this complaint. The Independent Complaints Reviewer decided that the process following the first review was not flawed and did not uphold the second request for review.

APPENDIX B

Decision of the Complaints Committee – 10538-22 A woman v The Mail on Sunday

Summary of Complaint

1. A woman complained to the Independent Press Standards Organisation that The Mail on Sunday breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 3 (Harassment), Clause 10 (Clandestine devices and subterfuge) and Clause 12 (Discrimination) of the Editors' Code of Practice in the preparation and publication of an article published in July 2022.

2. The article reported that the complainant, described as a "militant transgender rights activist", had "launched strident online attacks against those who have raised concerns about the impact of transgender activism on women". It also stated that she "once appeared to compare a feminist author to the Nazis", by stating the author had "advocat[ed] a 'final solution' for trans people" in "an apparent reference to the Holocaust". The article contained the complainant's position, which was that she "denied comparing the author's views to Nazism or Hitler's Final Solution" and also included a quote from her in which she stated that "'[i]t's her […] final solution… You just read out what she wanted to do to stop people transitioning. I meant 'her final solution'. [The author] described stopping the transition of trans people.'" The article contained quotes from the author, saying that the complainant "should be disciplined by the Tory Party".

3. The article described the complainant's relationship with the MP Penny Mordaunt who, at the time of publication, was a candidate for the Conservative leadership challenge. It described the complainant as a "key backer" and "staunch supporter" of Ms Mordaunt and said they had met at least three times to discuss trans-rights issues. The article said that the pair had "chatted for around five minutes" at a charity party. It also contained a photo of the two women standing next to each other.

4. The article also included a brief three-sentence description of the complainant's background and made reference to her life prior to her transition and included a number of biographical details relating to that period.

5. The article also appeared online in substantially the same format.

6. The complainant said that, prior to the article being published, she had been contacted by a journalist on 16 July regarding correspondence she had engaged in with Ms Mordaunt, as well as the "final solution" tweet and the allegation that this was a reference to Nazis. At the end of the phone call, the complainant gave

the reporter her email address, although she never received an email from them.

7. The complainant said that the article was in breach of Clause 12. She said that the inclusion of her pre-transition history was irrelevant in the context of either her attendance at a political event or her comments in relation to the author, and that it was irrelevant that such details were in the public domain. The complainant said that the article was also pejorative in that it included her "dead name" and misgendered her. She also said that using the terms "militant" and "strident" were prejudicial to her gender identity as a transgender person.

8. The complainant said that the article was inaccurate in breach of Clause 1. She denied that she had compared the author to "the Nazis" and noted she had never used this term; she said she had simply used the phrase "final solution" in a tweet to refer to the "solution" presented by the author who had written about reducing the number of people who had transition. The complainant noted that she had used quotation marks around the phrase "final solution" in her tweet, which she said disassociated herself from the phrase. The complainant said she had made clear that she had not made this comparison whilst on the phone to the journalist – and that her denial was included within the article itself.

9. The complainant also said it was inaccurate to describe her as a "militant trans activist" or "strident". She said she was, in fact, a trans person concerned about the author's desire to limit the number of people transitioning expressed by the author referred to in the article.

10. The complainant also said that the article mischaracterised her relationship with Ms Mordaunt. She said it was inaccurate to report that they had met on three occasions to discuss trans rights issues; while they had met three times in total, they had not discussed trans rights during the charity party they were pictured at. She also said that she had never had a specific one-on-one meeting with Ms Mordaunt, and never to specifically discuss trans matters. She also said it was inaccurate to report that witnesses had seen the pair talking for five minutes, as she considered it to have been closer to three minutes. The complainant said, additionally, that it was inaccurate to describe her as a "key backer" of Ms Mordaunt as she was not an MP, nor had she donated to her campaign. The complainant also said that the interaction between herself and the author had nothing to do with Ms Mordaunt, and that she considered the article was intended to undermine Ms Mordaunt's leadership campaign.

11. The complainant said she had not been contacted by the Conservative Party regarding a complaint made against her, and therefore it was inaccurate to report that the author had said she "should be disciplined by the Tory Party".

12. The complainant said that the questions asked by the reporter when researching the story amounted to a breach of Clause 2. She said that her correspondence with any Conservative MP was private to her and should not have been the subject of questions. She was also concerned as to where the

publication had gained her phone number from. The complainant said that the photo of her and Ms Mordaunt taken at a garden party and published without either's consent, also intruded into her privacy.

13. The complainant also considered the phone call with the reporter amounted to harassment in breach of Clause 3. She said that the phone call, which had not been pre-arranged and did not contain a caller ID, was intimidating. She said that she had asked the reporter not to write an article about her, and that she had said that the phone call needed to stop and that she was ending the call. She said that after this he had asked for her email, which she provided to have a written opportunity to object to the claims being made. She said that the journalist had not stopped asking questions until she put the phone down.

14. The complainant also had concerns that the publication may have tried to access her emails. On 18 July she shared screenshots of two alerts from her email address which were dated as having taken place 10 and 11 hours before. The alert "type" was "unusual activity detected" and the approximate location given was the United States. The complainant said that the alerts stopped after she had reported the matter to IPSO on 18 July, and that when she took her phone to be assessed by a professional, they told her that the device's email app was no longer connected to normal servers and that she should delete the app and redownload it. She said she therefore considered that the publication may have been trying to access her emails in breach of Clause 10.

15. The complainant also said that the article's use of the terms "strident" and "militant transgender rights activist" discriminated against her as a trans woman. She said that she had made the comments about the author in self-defence and that she had a right to freedom speech; this did not make her "militant" or "strident".

16. The publication did not accept a breach of the Code. It said that the article did not contain any prejudicial or pejorative references to the complainant's gender identity. It also said that the background to the complainant's transition and the name they used were in the public domain following an interview the complainant had given to a news agency in 2015, and were basic background biographical details which were not prejudicial or pejorative. It said that the previous name and pronouns used by the complainant appeared only in the section of the article which related to her life before she transitioned, and matched how she presented at that time. It said that the article had only used female pronouns when describing her after her transition. It also said that it did not consider that the terms of Clause 12 required newspapers to explain why a person's former name or pre-transition story were genuinely relevant to a story.

17. The publication also said that the claim the complainant had compared the author to Nazis had appeared in single quotation marks, which indicated that it was a claim and not a statement of fact. It also noted that the complainant's denial had been published in the article. The publication said, however, that the phrase "final solution" was inextricably associated with the Holocaust. It also

provided a copy of the original tweet and video the complainant was retweeting with the phrase "final solution" which had the caption "PLEASE: Watch this and tell me the Gender Critical movement are not Nazis. Here's [Twitter handle] and [Twitter handle] openly talking about their plans for trans people. Children and adult. Absolutely parallels with 1930s Germany". The publication said, therefore, it was not misleading on this point.

18. The publication also did not consider that it was inaccurate to describe the complainant as being "militant" or "strident". It said that the terms were clearly of opinion and perspective and that the article set out the basis for the characterisation by including tweets published by the complainant.

19. The publication also did not accept that it had mischaracterised the relationship between the complainant and Ms Mordaunt. It said that it had taken care when reporting that the two had met at least three times to discuss trans-rights issues by putting these questions to the complainant in advance of publication. It provided a transcript of the phone call between the complainant and publication in which the complainant said she had met Ms Mordaunt "three, possibly four times" and that in those discussions Ms Mordaunt "talked about the context of respecting and showing dignity to all people. That includes trans people, that includes women, and it was her job to, to do that". It said that this was the basis for the quote, and – in any case – the difference between discussing a topic with someone twice, or three times, was insignificant. The publication said it did not consider there to be a significant difference between "around five minutes" and three minutes and noted that the article accurately reported what had been told to the publication by a witness. It also said it considered the term "key backer" to be subjective and did not consider this to be an inaccurate description where the complainant had been supportive of Ms Mordaunt's campaign; for example, it said, she had dedicated her Twitter page to the campaign. It also said the basis for the description of the complainant as a "key backer" was explained in the story itself when it stated the complainant was a high profile trans activist in the Tory party.

20. The publication said that the quote from the author saying that the complainant "should be disciplined by the Tory Party" was clearly attributed to the feminist author as their opinion. It said it was irrelevant whether or not the complainant had been contacted by the Conservative Party about a potential investigation.

21. The transcript of the phone call provided by the publication showed that the reporter had asked the complainant whether she had ever communicated with Ms Mordaunt by email. The publication also said that her phone number was obtained via an online contact details database which newspapers subscribe to. It said that neither of these concerns engaged the terms of Clause 2.

22. The publication also said that the complainant's attendance at the garden party, in which the photograph was taken, was not private, and that the image in

question had been shared on Twitter publicly. It said therefore, she had no reasonable expectation of privacy over it.

23. The publication said that the complainant had only been called by the journalist once, and that a lengthy telephone conversation took place. It said that the complainant had not made any requests to desist and that, therefore, there was no breach of Clause 3.

24. The publication said that the complainant's concern that it may have attempted to access her emails was a very serious allegation which was without foundation and was denied. It noted that the screenshots provided confirmed that the activity had taken place in the US, rather than the UK where the publication was based. It also made clear that IPSO had only passed on the complaint to the publication on 2 August, sometime after the activity complained of had ceased. The chronology, therefore, did not support the complainant's position that the cessation of the activity on her account had coincided with the publication being made aware of the matter by IPSO.

25. The complainant said that she had not seen the full tweet and video she had retweeted. She said she had retweeted a tweet from a barrister, who had retweeted the video and the tweet the publication had provided, but as she had blocked the original sender, she was unable to see the comment attached to it.

26. The complainant also said she did not accept that the transcript of the call was accurate or complete. She said that she had told the journalist "that's enough now" and said "please stop/don't" when asking if the newspaper was going to write a "hit piece" on her and Ms Mordaunt. These remarks did not appear in the transcript provided by the publication.

Relevant Clause 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.

Clause 2 (Privacy)*

i) Everyone is entitled to respect for their private and family life, home, physical and mental 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.

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.

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 be justified only in the public interest and then only when the material cannot be obtained by other means.

Clause 12 (Discrimination)

i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability.

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

Findings of the Committee

27. The Committee first considered the complainant's concerns under Clause 12. The article referred to the complainant as "trans" and included a three-sentence summary of her pre-transition life and professional background. As part of this description, it used the pronoun and the title the complainant had previously used. This clearly related to her gender identity and therefore Clause 12 was engaged.

28. The Committee first considered whether the details included in the article about the complainant's gender identity were genuinely relevant to the story. The story highlighted the complainant's support of Penny Mordaunt in her bid to become Prime Minister and had presented in a critical light the complainant's comments, and in particular her suggestion that the author was seeking a "final solution" to reduce the number of people making gender transitions. The Committee noted that the complainant had established a profile as a trans activist in the Conservative party, including by disclosing some of the information included in the article. In the view of the Committee, these details of her gender identity provided relevant context for her criticism and her strength of feeling on the subject of gender transition. The Committee therefore found that the brief details relating to the complainant's gender identity were genuinely relevant to the story, and there was no breach of Clause 12(ii).

29. The Committee then considered whether the references were prejudicial or pejorative to the complainant's gender identity. Whilst the Committee appreciated that the name and pronoun previously used by the complainant and the noun used in the article did not reflect the complainant's gender identity, it noted that these had been used in one paragraph only and solely in the context of a brief description of the complainant's pre-transition history – and that her correct name and pronoun had otherwise been used throughout the article. In addition, it did not consider the terms "militant" or "strident" to be words to describe her gender identity, rather it considered these described the strength of her criticism of the author on twitter. On this basis, the Committee did not consider the article had made any prejudicial or pejorative references to the complainant's gender identity and there was no breach of Clause 12(i).

30. With regards to Clause 1, the allegations that the complainant had "'compared [a] feminist writer to the Nazis'", had either been presented within single quotation marks or preceded by the phrase "appeared to". These aspects made clear that this was a claim rather than statement of fact. In addition, the article clearly set out the basis for the claim: the complainant had used the term "final solution" when describing the author's thoughts on transgender people. The article also contained the complainant's position on this point – that she denied comparing the author to Nazis, and that she had been referring to the author's own "final solution". Where the article had made clear that it was a claim that the complainant had compared the author to Nazis, had set out the basis for this claim, and included the complainant's position, the Committee did not consider that the publication had failed to take care over this information,

nor had it failed to distinguish between comment, conjecture, and fact. There was no breach of Clause 1 on this point.

31. The complainant also considered that it was inaccurate for the article to describe her as "militant" and "strident". The Committee considered that these adjectives were not claims of fact – they were clearly the characterisation of the newspaper and intrinsically subjective terms, which was set out in the article on the basis of the complainant's tweets. There was, therefore, no breach of Clause 1.

32. In addition, where the complainant accepted that she had spoken to Ms Mordaunt on two occasions in the context of her job about the respect and dignity of all people, including women and trans women, and had met Ms Mordaunt on another occasion, it was not significantly inaccurate to report that the two had met at least three times to discuss trans rights issues. The Committee also did not consider it to be significantly inaccurate to describe the length of the meeting as five minutes, whereas the complainant thought it was closer to three – particularly where this was reported in the context of a statement by a witness. Finally, the Committee found that the term "key backer" did not have a specific meaning, and where the complainant was a prominent, well-known individual in the Conservative Party who had publicly supported Ms Mordaunt, it was not inaccurate to report that she was a "key backer" of Ms Mordaunt. There was no breach of Clause 1 on this point.

33. The complainant had also said it was inaccurate to report a quote from the author which stated that she "should be disciplined by the Tory Party". The Committee noted that the article did not state that she had been disciplined by the Party – but rather that the author had said she "should" be. Where this was clearly set out as a quote and the opinion of the feminist author as something that she wished to happen rather than something that had happened, the Committee did not consider this to be inaccurate. There was no breach of Clause 1.

34. The complainant had also raised concerns under Clause 2 about the questions asked by the reporter; the newspaper's acquisition of her phone number; and the publication of the photo, without her or Ms Mordaunt's consent. The questions asked of the complainant regarded her support of a political candidate, and what they had discussed within their respective political roles. This did not represent an intrusion into her private life. Furthermore, the complainant's phone number had been acquired in order to put questions to her ahead of the publication of an article, and her phone number was not published. The acquisition of a phone number via an online contact details database, that was not published, in order to speak to the subject of the article did not amount to an intrusion into her privacy. Finally, the photograph had been published on Twitter publicly and was already in the public domain and simply showed the complainant's likeness. She, therefore, did not have a reasonable expectation of privacy over the photograph. There was no breach of Clause 2.

35. With regards to Clause 3, the Committee noted that the complainant disputed that the transcript provided by the publication was accurate or complete. However, the further information the complainant said she could recall from the conversation that did not appear in the transcript did not amount to a request to desist. Further, neither the transcript, nor the additional details the complainant provided amounted to behaviour that was intimidation, harassment, or persistent pursuit. There was no breach of Clause 3.

36. The complainant also had concerns that the publication may have tried to access her emails, which the publication strenuously denied. The Committee made clear that IPSO had not contacted the publication about the matter until the 2 August, being several weeks after the complainant had received the alerts described in paragraph 14. It also noted that the alerts originated from the US – not the UK where the publication was based. Taking this information into account, the Committee considered that there no cogent evidence to support the allegation that the publication had attempted to access the complainant's emails. There was no breach of Clause 10.

Conclusion(s)

37. The complaint was not upheld.

Remedial action required

38. N/A

Date complaint received: 18/07/2022

Date complaint concluded by IPSO: 11/01/2023

APPENDIX C

Decision of the Complaints Committee 11921-22 A man v Sunday World

Summary of Complaint

1. A man complained to the Independent Press Standards Organisation that the Sunday World breached Clause 2 (Privacy) and Clause 4 (Intrusion into grief and shock) of the Editors' Code of Practice in an article published on 15 October 2022.

2. The article reported on the complainant's recent appearance having, in recent years, "faded from public view". In addition to describing him as "a wreck" in the headline, the article described the complainant as having "a frail figure", stated that his "ill-fitting suit [hung] loosely on his failed frame" and that he "cut a pathetic picture as he battle[d] illness". The article contained a photograph of the complainant standing in a suit labelled "sick", and a second inset photograph of his face when he was clearly younger.

3. The complainant said that the article intruded into his privacy in breach of Clause 2. He said that the article focused on his health and wellbeing, over which he considered he had a reasonable expectation of privacy. The complainant said the way the article described him intruded into this – even if it did not detail his specific illness, it disclosed that he was in ill health. He also said that the article made pejorative remarks about his health, which also intruded into his privacy – namely that he was "a wreck", had a "failed frame", and was "pathetic".

4. The complainant said that the same pejorative terms, as well as an insulting nickname, amounted to mocking him on the basis of his ill health, and was therefore also in breach of Clause 4. He said that he was in a state of grief and shock after having been very recently diagnosed with an illness, and that the publication of the article and its mocking nature compounded his grief and shock. The complainant also said that many of his family were not aware he was ill, and that the article had caused them distress and upset.

5. The publication did not accept a breach of the Code in relation to either Clause. It firstly noted that the complainant had a well-known nickname, which had related to his previous physical stature, which was why it had been included. It said that the complainant had appeared at a loyalist commemoration event, at which he would have known he would be recognised. His physical appearance had drastically altered since his previous public appearances and this had been noted by other attendees. It said that the complainant had been in public at the event and was, therefore, disclosing his physical appearance and the inevitable inferences that derived

from that. Taking this into account, the publication did not consider that the complainant had a reasonable expectation of privacy over the matter.

6. The publication added that the article did not contain any private medical information, nor did it speculate as to any illness the complainant was suffering from. It said the article only mentioned that he was suffering from an illness, which would have been the obvious inference to anybody attending the public event.

7. Additionally, the publication did not accept that Clause 4 was engaged. It stated that its sources did not suggest the complainant was in a state of grief or shock and that the article did not report on anything that occurred immediately nor on circumstances which the complainant had no time to process. Rather that he had chosen to appear at a public event and clearly possessed sufficient physical and emotional strength to be seen by the wider public at that time.

8. The publication also said that the article was in the public interest. It said that the complainant had been repeatedly linked with membership of the UVF, and with his nickname, which related to his previous physical stature. The publication said that if the complainant was suffering from ill-health this would challenge both the public's perception of him as a physical force associated with paramilitaries, as well as the previously reported reason for the complainant's reduced public appearances. It said that in this context, the deterioration of the complainant's physical appearance was a matter of public interest, with particular reference to the public being misled, raising and contributing to a matter of public debate or disclosing concealment of these aspects.

9. It said that the decision about the amount of information to publish was reached through discussions between the journalist who wrote the article and the editorial team, which decided not to publish any of the complainant's private medical information. The publication said that the extent of information that they published was limited to that necessary to challenge the previous public perception of the complainant.

10. The complainant said that the article was not in the public interest. He said that, whilst he denied all allegations of involvement with paramilitaries, and to the extent that such connections were alleged, the publication had in any case previously published stories some years prior stating that any such alleged associations had ended some years ago. Even by the publication's own argument, reporting his current physical appearance, years later, was therefore not in the public interest. In addition to this, the complainant said that, if the publication's argument was based on his physical appearance alone, it could have reported this without making reference to his illness. He said that claiming, as fact, he was ill went further than the publication was claiming to be necessary.

11. Relevant Clause Provisions

Clause 2 (Privacy)*

i) Everyone is entitled to respect for their private and family life, home, physical and mental 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.

Clause 4 (Intrusion into grief or shock)

In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. These provisions should not restrict the right to report legal proceedings.

The Public Interest

There may be 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:

- 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.

2. There is a public interest in freedom of expression itself.

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

4. 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.

5. An exceptional public interest would need to be demonstrated to over-ride the normally paramount interests of children under 16.

Findings of the Committee

12. The article had stated as a fact that the complainant was suffering from an illness: it had described him as cutting "a pathetic picture as he battles illness" and reported that "his health had deteriorated dramatically in recent years". Whilst the article had not gone so far as to name the specific illness from which the complainant was suffering, the Committee noted that Clause 2 specifically makes clear that everyone is entitled to respect for their private life and physical health. It therefore found that Clause 2 was engaged.

13. The publication had said that it was justified in publishing that the complainant was suffering from an illness as it considered he had made this disclosure himself by appearing at a public event in a clearly physically altered state. However, the Committee considered that there were many reasons why the complainant might now look different; it did not follow that his changed appearance automatically amounted to a public disclosure that he was in ill health. The Committee found, therefore, that reporting that he was currently suffering from an illness revealed more private information about the complainant than was disclosed by the photograph showing the complainant's weight-loss. The Committee did not consider that the disclosure of the information about the complainant's illness was justified – as required by the terms of Clause 2 - or that it was in the public domain.

14. The next question for the Committee was whether the public interest in revealing the complainant's illness was sufficient to outweigh the complainant's reasonable expectation of privacy regarding this information. The publication had said that, prior to publication, discussions had been held between the reporter who wrote the story and the newspaper's editorial team regarding whether the information included in the article about the

complainant's physical health was in the public interest. It said that part of this discussion had revolved around what information was proportionate to include – with the publication ultimately deciding not to publish what it would have considered to be the complainant's private medical information, and instead referring to his illness in general terms. It had argued that some information about his ill-health was justified by the public interest because it would change public perceptions about someone who was understood to have previously been a physically dominant person in the UVF. However, the Committee considered that it was not necessary to include the fact that the complainant had a problem with his physical health in order to demonstrate that his physical strength had deteriorated; as the publication itself acknowledged, the photograph alone appeared to show this. On this basis, it did not consider that the publication had demonstrated that there was a proportionate public interest served by revealing that the complainant was ill, and there was a breach of Clause 2.

15. The complainant had also said that the mocking nature of the article, which described his illness, amounted to an intrusion into his grief and shock in breach of Clause 4. Whilst the Committee expressed sympathy with the complainant for his health and the fact that he had found the publication of the article distressing, it did not consider that his circumstances amounted to a state of grief or shock into which the publication of the article had intruded. There was no breach of Clause 4.

Conclusion(s)

16. The complaint was upheld under Clause 2.

Remedial action required

17. Having upheld the complaint under Clause 2, the Committee consider the remedial action that should be required. Given the nature of the breach, the appropriate remedial action was the publication of an upheld adjudication.

18. The Committee considered the placement of this adjudication. The original article had been published on page 13 of the newspaper, and the adjudication should be published on the same page, or further forward.

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

20. A man complained to the Independent Press Standards Organisation that the Sunday World breached Clause 2 (Privacy) and Clause 4 (Intrusion into grief and shock) of the Editors' Code of Practice in an article published on 15 October 2022.

21. The complaint was upheld, and IPSO required the Sunday World to publish this adjudication to remedy the breach of the Code.

22. The article reported on the complainant's recent appearance commenting that he was ill. It using disparaging language and contained a photograph of the complainant standing in a suit labelled "sick", and a second inset photograph of his face when he was clearly younger.

23. The complainant said that the article intruded into his privacy in breach of Clause 2. He said that the article focused on his health and wellbeing, over which he considered he had a reasonable expectation of privacy. The complainant said the way the article described him intruded into this even if it did not detail his specific illness, it disclosed that he was in ill-health. He also said that the article made pejorative remarks about his health, which also intruded into his privacy.

24. The publication had said that it was justified in publishing that the complainant was suffering from an illness as it considered he had made this disclosure himself by appearing at a public event in a clearly physically altered state. However, IPSO considered that there were many reasons why the complainant might now look different; it did not follow that his changed appearance automatically amounted to a public disclosure that he was in ill health. IPSO found, therefore, that reporting that he was currently suffering from an illness revealed more private information about the complainant than was disclosed by the photograph showing the complainant's weight-loss. IPSO did not consider that the disclosure of the information about the complainant's illness was justified – as required by the terms of Clause 2 – or that it was in the public domain. Furthermore, IPSO did not consider that publishing the information was in the public interest. There was a breach of Clause 2.

Date complaint received: 13/10/2022

Date decision issued: 23/12/2022

APPENDIX D

Paper no.	File number	Name v publication
2501	00513-22	Walker v Daily Star Sunday
2517	01909-22	Walker v Daily Mail
2510	01863-22	Francesco v walesonline.co.uk
2525	09957-22	Various v thescottishsun.co.uk
2507	13329-21	Nightingale House Hospice v Daily Post
2504	02464-22	Phillips v Daily Mail
2516	09483-22	Various v Daily Mail
2523	06726-22	Singh v mirror.co.uk
2543	10309-22	Various v The Times
2506	01447-22	Rahman v The Jewish Chronicle
2533	01443-22	Risk Management Authority v Scottish Daily Mail
2542	10126-22	Devlin v The Times Scotland
2553	07734-22	Gleeson v Mail Online
2493	01139-22	Mehson v Mail Online
2554	10382-22	Mitchell v The Sentinel (Stoke)
2499	02200-22	Taffurelli v The Sun
2570	10512-22	Bavister v cornwalllive.com
2574	02093-22	Boreland v Sunday Life
2579	10784-22	Various v Telegraph.co.uk
2546	02303-22	A woman v gloucestershirelive.co.uk
2575	10346-22	Greco v somersetlive.co.uk
2545	09984-22	Percy v The Daily Telegraph
2577	10329-22/10578-22	Gomersall v mirror.co.uk/leeds-live.co.uk
2602	11461-22	Walter-Frayling v herefordtimes.com
2592	11074-22	Knight v The Times
2601	11269-22	Alba Party v The Times Scotland
2571	10067-22	Warner Eddleston & Eddleston v Mail Online
2595	10070-22	Warner, Eddleston & Eddleston v mirror.co.uk
2606	11145-22	Aithal v expressandstar.com
2520	06556-22	Crossman v thetimes.co.uk
2585	09505-22	Hunter v Daily Mail
2589	10492-22	Portes v Sunday Express
2596	09504-22	Hunter v Mail Online