

Dear Mr Doran

Further to our previous correspondence, the Commission has now considered the complaint from under the terms of the Code of Practice.

Its decision was that the remedial action offered by your newspaper was a sufficient response to the complaint under the Code. The full reasons for the decision are below.

We are grateful to you for your co-operation in dealing with this matter.

Yours sincerely
Rebecca Hales

**Commission's decision in the case of
Delgado v Irish News**

The complainant was concerned that the newspaper had published a series of inaccurate and intrusive articles on 17 December 2010 which related to trips he had taken while an employee of the National Health Service in Northern Ireland.

The Commission turned first to the complainant's concerns under Clause 1 (Accuracy) of the Code which could be summarised as follows: the headline "The NHS boss who travelled the world at your expense" was inaccurate as the majority of the expenses were paid for by a London-based charity and the term "NHS boss" suggested, wrongly, that he was responsible for authorising the trips; the photograph (taken from the complainant's Facebook profile) was misleading in that it conveyed a sense of holiday when the article referred to work-related travel; the reported costs for a number of trips were overstated; and it stated that he was a US resident.

The article "The NHS boss who travelled the world at your expense" stated that the complainant went on 11 trips that cost an "estimated" 32,000 to the tax-payer. The piece was accompanied by a list of the trips and their estimated costs which appeared to add up, approximately, to the 32,000 figure given. The complainant's contention was that the majority of the amount was not funded by the taxpayer but he had provided no evidence to support this position. Previous coverage of this story had made clear to readers that "some funding has also been provided by London-based Health Foundation charity" (15 November 2010) and the key point for the Commission to note was the caveat that the figures were "estimated" only. In correspondence to the Commission the newspaper had argued that the table based on information obtained from a confidential source was accurate and it provided a document entitled "Training Funded by Safety Forum". This document confirmed that significant amounts of money had been used to fund trips to the locations the complainant in an email to Seanin Graham verified that he had visited. Readers generally would have recognised that the costs presented (including those for the complainant's attendance at conferences in Sweden, Berlin and Boston) were estimates, not precise figures. Indeed, the section "The NHS boss who made 11 overseas trips in 3 years" made clear that the Trust had refused to provide invoices or

costs to the newspaper. The fact remained that taxpayers' money was used to fund a large proportion of the complainant's travel costs and the newspaper was entitled to bring this to readers' attention. With all this in mind, the Commission could not establish that a breach of Clause 1 (Accuracy) had occurred in regard to the headline or the estimated costs given.

In the Commission's view, the term "NHS boss" merely reflected the complainant's senior role as general manager, and later assistant director, of the Northern Ireland Health & Social Care Safety Forums. It was not factually incorrect and nor did it suggest that the complainant had self-authorised any of the travel. There was no breach of the Code on this point.

The complainant's concern that the piece inaccurately referred to him as a US resident did not raise a breach of the Code. The Commission noted that the coverage described him as a "Northern Ireland health manager" employed by the "HSC Safety Forum" who "now works in the US" (which was not in dispute). The articles did not state that he was a "US resident" but that he now works there and was in America when contacted by the newspaper. Given that the complainant had emailed the newspaper with the signature "Executive Director, Institute for Healthcare Improvement, 20 University Rd, Cambridge, MA", the Commission did not consider that the article was inaccurate on this point.

The Commission could not conclude that the use of the front-page image was significantly misleading to readers. The photograph a straight-forward head shot of the complainant was simply illustrative of his appearance. It did not reveal anything intrinsically private about the complainant and it was not specifically linked to any of the trips mentioned in the article (trips which were clearly identified as work-related). No breach of the Code resulted from the publication of the photograph.

While the complainant considered that the coverage contained excessive personal information, the Commission did not agree. Details of his academic and employment history related to his professional life, rather than his private life. References to his talent as a midfielder and striker for various Irish League teams where he had played games in front of fans could not be considered private. Indeed, the Commission noted the existence of a Wikipedia page dedicated to the complainant's footballing career. The coverage did not contain any especially private information the publication of which would represent a failure to respect the complainant's private life in breach of Clause 3 (Privacy).

While no breach of the Editors' Code had been established by the complaint, the Commission welcomed the newspaper's offer to publish a letter or statement from the complainant and to permanently remove his Facebook image from its website (and never republish it). Although the complainant did not wish to pen a letter, this represented a positive response to the complaint and the Commission trusted that the online image would be deleted from the newspaper's online archive.

The complainant had raised concerns about the coverage just two days after publication but the Commission noted that his file had been temporarily closed for three months while he investigated the possibility of legal action.

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