

**Press Complaints Commission**

It is probably fair to say that 2003 was one of the more eventful years in the Commission's history. A combination of external and internal issues ensured an unprecedented level of scrutiny of the Commission's work and fresh challenges to its continuing success. Externally, there was the penetrating Select Committee inquiry into privacy and the PCC; the threatened amendments to the Communications Bill suggesting that the PCC come under the umbrella of Ofcom; the dangerous plans of Irish legislators to introduce a statutory press council there; and the continuing negotiations with European officials to protect the special position of self-regulation in the UK.

Internally, there was the conception and implementation of an ambitious programme of reform; a raft of complicated and high-profile adjudications relating to privacy and to payments to witnesses and criminals; and the departure of key personnel throughout the self-regulatory structure. For not only was there, in me, a new Chairman of the PCC, it was also announced that there was to be a new Chairman and a new secretary of Pressbof, and a new secretary of the Code Committee. And in November Guy Black announced that he would be leaving the Commission after seven and a half years as director.

It is also important warmly to thank Bob Pinker, who as Acting Chairman kept a firm hand on the tiller for the 15 months before I joined the Commission. He took over from John Wakeham at short notice and in turbulent circumstances, but thanks to his wisdom and experience he steered the PCC through some choppy waters with admirable composure.

On arrival in Salisbury Square in March, I was struck by how completely at odds the Commission's work is with how it is perceived in some quarters. Let it not be said, for instance, that the Commission is not a 'proactive' body: PCC staff are engaged in countless initiatives, detailed on pages 13 and 14 of this report, aimed at educating people before things go wrong about how the Code of Practice can help them. And it is a myth that the Commission has to wait for a complaint before acting in all cases where there may be a breach of the Code. There are three areas of the Code – the so-called 'victimless' clauses relating to financial journalism and payments to witnesses and criminals – where it has long been Commission policy to investigate a matter of concern without the benefit of a complaint. This was made clear in the 2002 annual report in relation to payments to witnesses in the trial of Amy Gehring.

own interests and in those of the ordinary members of the public who complain to us in their thousands. It would be both complacent and wrong to assert that all the criticisms levelled at the Commission in the past have been baseless. Yet the PCC need not be afraid of embracing change in order to take account of legitimate and constructive criticism. That is why I outlined, in my first speech as Chairman, an eight-point plan of reform with a clear purpose: to make the Commission as transparent, well-known and user-friendly as possible. We are well on the way to achieving that – and details of how are outlined on page 11.

**The story of self-regulation is far more complicated than many imagine.**

There is one final point to make about the nature of self-regulation that is sometimes overlooked, but is absolutely crucial to its success. It is this: that the PCC is designed to help ordinary members of the public from across the whole of the United Kingdom. We are as much the Scottish, Welsh and Northern Irish PCC as anything else, interested in dealing with complaints about all publications whatever their size and wherever they are published. That is a message that has

Report of the Chairman of the Commission	1-2
Statistics and Analysis	3-5
Review of the Year	6-8
Commission Members	9-10
Permanent Evolution	11
Our Service in Action	12
Raising Awareness	13-14
International Report	15-16
Report of the Chairman of the Code of Practice Committee	17
Code of Practice	18

# Report of the Chairman of the Commission



Sir Christopher Meyer at the PCC's open day in Manchester

It is right here to record our debt to Guy for his years of outstanding service. The organisation that he left at the end of 2003 looked very different to the one that he joined in August 1996. It is thanks largely to him that the PCC is an institution with authority and renewed credibility, and one which boasts high standards of customer service – which are outlined in detail elsewhere in this report. Since 1996 he has helped protect self-regulation from the threats posed by numerous pieces of legislation including the Human Rights, Data Protection and Youth Justice Acts. And by making the PCC the efficient and effective body that it is today, Guy can rightly claim credit for the generally benevolent political attitude towards self-regulation that we currently enjoy. It is no coincidence that the Select Committee report, published in the summer of 2003, was the first of its type to endorse the principles of self-regulation and to accept that the PCC has been responsible for overseeing an improvement in journalistic standards over the last ten years. We all wish Guy well for the future.

Another fallacy holds that the Commission's work is chiefly concerned with national newspapers – and tabloid ones at that. I quickly learnt that the truth is rather different. Of those complaints that fell for investigation under the Code of Practice last year, less than half related to national newspapers, broadsheet or tabloid. And when there was a possible breach of the Code, much less than half – 42% – related to these papers. The story of self-regulation is far more complicated than many imagine, which is why we have set out in some length – on pages 3, 4 and 5 of this report – statistics and analysis that explain it in greater detail.

But I believe that it is essential for the long term health of the PCC that it evolves constantly – not for the sake of it, but in its

sometimes been lost in the fog of debate about high-profile incidents involving national newspapers, but it is something that I wish to reinforce constantly while I am Chairman of the Commission.

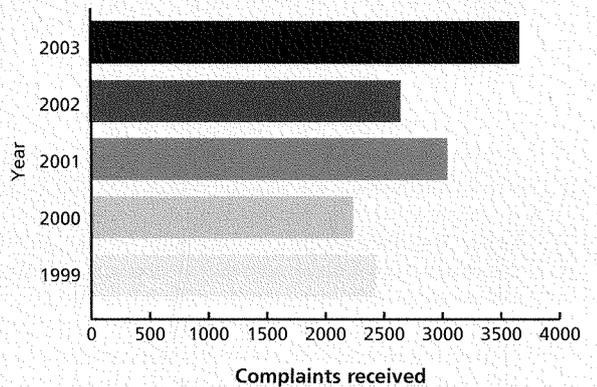
Sir Christopher Meyer, KCMG  
Chairman



# Statistics and Analysis

## Complaints

In 2003 the Commission received a record 3649 complaints. This was some 39% higher than the previous year. However, behind this impressive headline figure lies a more complicated picture – with a much smaller rise of 7% in the number of possible breaches of the Code. This supports the Commission’s belief that the substantial increase in complaints reflects the Commission’s higher profile and the lengths to which it has gone to make complaining as easy as possible. It is welcome that the sharp increase in overall numbers has not been matched by a similar increase in breaches of the Code. Indeed, there has been a decline in the number of breaches of the Code as a proportion of overall complaints.



## Complaints and the Code

It is important to remember that not all complaints that are made to the Commission concern matters that fall under the Code – some are about advertisements, matters of taste and decency and so on. Many are made by people who wish to register their general concern about a particular piece of reporting that does not affect them personally. Despite the considerable administrative burden, however, the Commission is happy to fulfil an important function in acting as a conduit through which the views of readers can be transmitted to editors.

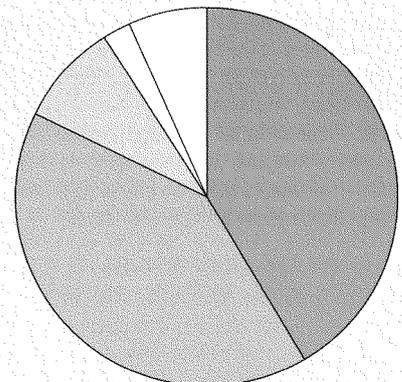
But the Commission’s main job is to consider complaints from ordinary members of the public who for some reason are caught up in the media spotlight – or to investigate other matters such as complaints about general points of accuracy, or payments to criminals or witnesses. Complaints upon which the Commission could make a ruling under the Code represented about a third of the overall total. The table on the right shows under which clauses these complaints were made. The proportion about accuracy, intrusion and discrimination was very similar to last year – at 56%, 25% and 17% respectively.

## Rulings under the Code by Clause

Clause 1	(Accuracy)	53.3%
Clause 2	(Opportunity to reply)	2.4%
Clause 3	(Privacy)	11.4%
Clause 4	(Harassment)	2.9%
Clause 5	(Intrusion into grief or shock)	5.7%
Clause 6	(Children)	2.8%
Clause 7	(Children in sex cases)	0.1%
Clause 8	(Listening devices)	0.1%
Clause 9	(Hospitals)	0.1%
Clause 10	(Reporting of crime)	1.6%
Clause 11	(Misrepresentation)	1.4%
Clause 12	(Victims of sexual assault)	0.3%
Clause 13	(Discrimination)	17.2%
Clause 14	(Financial journalism)	0
Clause 15	(Confidential sources)	0.1%
Clause 16	(Witness payments in criminal trials)	0.1%
Clause 17	(Payment to criminals)	0.3%

## Investigated complaints

Not all complaints which can be ruled on are found to raise a breach of the Code. Nonetheless, formal investigations are necessary in hundreds of cases each year where it appears that there are issues to consider under the Code. It is here that the main burden of the Commission’s work falls. Interestingly, the proportion of investigated complaints against the national and regional press is exactly the same at around 41%, while 8.7% of investigations were into the Scottish press, 2.4% into the publications of Northern Ireland and 6.7% into magazines.



Investigated complaints by type of publication

- Nationals 41.4%
- Regionals 40.8%
- Scottish 8.7%
- Northern Ireland 2.4%
- Magazine 6.7%

## Statistics and Analysis

### Time taken to deal with complaints

The overall time taken to deal with all complaints – whether or not they fell under the Code – was just 17 days last year. However, the Commission's preferred measure is to consider the number of days it took to handle complaints upon which it could make a ruling. This was 34 days in 2003 – well within the Commission's self-imposed target of 40 days and in line with the figures for recent years.

### Lawyers and delay

It is worth noting, however, that rulings on complaints that were made through solicitors took on average 50% longer to be made. The Commission believes that it is important for potential complainants to bear this in mind when considering how they wish to make a complaint. The Commission sets great store by being 'fast, free and fair'. When lawyers become involved in the process it ceases to be particularly fast – and it is certainly not free. It should be noted that having legal representation will not improve a complainant's chances of success. The Commission's ability to resolve complaints is based on whether or not there has been a breach of the Code, not on whether or not the complainant is represented by a third party.

### Discrimination complaints – a complicated situation

The Commission again received a relatively high number of discrimination complaints in 2003 – 586, or 19.8% of the total. While this represents a small overall increase proportionally, it is important to put these statistics into context. Clause 13 – which is designed to protect individuals from prejudiced remarks in articles about them – attracts a very high number of complaints from people who simply wish to register their disapproval of a news item that does not personally affect them. For instance, a cartoon of the Israeli Prime Minister published in one national newspaper attracted 90 complaints, while 128 people contacted the Commission to complain about a reference in a tabloid newspaper to a well-known sportsman who had been unwell.

In such instances, the Commission will always find out whether the person concerned wishes to make a complaint – but it must be a matter for them to decide whether to take things forward.

Once these sorts of multiple complaints about the same article are taken into account, the number of discrete issues complained about under Clause 13 falls to just 6% of the total. Moreover, this figure also includes a large number of complaints about general issues to do with a newspaper's editorial stance on controversial subjects such as immigration. Such subjects may arouse strongly divergent views, but, providing they are presented in accordance with the Code's provisions on accuracy, do not normally involve a breach of the Code.

The number of complaints about discrimination against named individuals that the Commission had to investigate under Clause 13 was low – just 24.

### Customer satisfaction

Throughout 2003, the Commission continued to survey the views of people whose complaints it had investigated. 414 people returned the anonymous form. The figures showed a steady improvement in customer satisfaction, with:

- 96% of people who had complained about a possible breach of the Code saying that they were satisfied or very satisfied with the way that their complaint had been handled;
- 78% of respondents saying that the time taken to deal with their complaint was about right – up from 73% in 2002;
- 85% of complainants finding that the PCC's staff were either helpful or very helpful; and
- 62% overall considering that their complaint had been handled satisfactorily or very satisfactorily. This is up from 59% in 2002, and includes those cases where the Commission found no breach of the Code.

While the Commission will always look for ways to improve, it is pleased that this survey reveals that its customers' experience is generally positive.

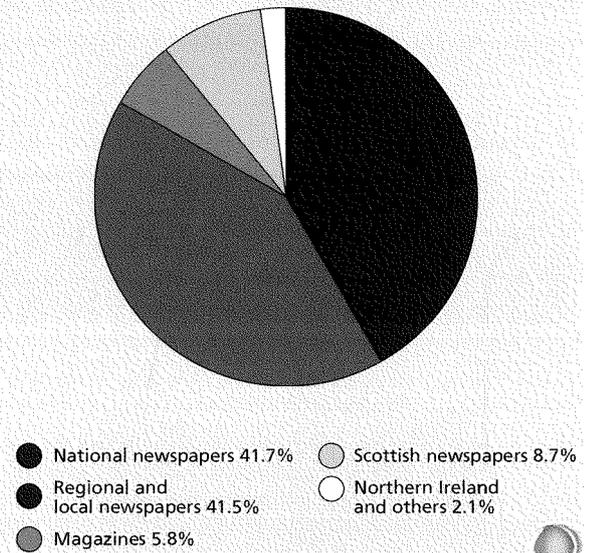


# Statistics and Analysis

## Conciliated complaints

Much is rightly made of the Commission's success in resolving disputes. The Commission recognises that there will be some cases where only an adjudication is appropriate, but on the whole it believes that its role is to negotiate amicable settlements to cases where possible. This also reflects the modern approach to litigation. It is therefore satisfying to report that while there was a 7% rise in the number of possible breaches of the Code, there was a much larger jump of 20% in the number of cases that were successfully resolved by the Commission's team of complaints officers. Moreover, editors offered to resolve 96% of cases where there was a likely breach of the Code. This is more than just a strong tribute to their commitment to self-regulation – it also underlines that the critical adjudication is a powerful sanction which focuses minds on the need to conciliate matters swiftly.

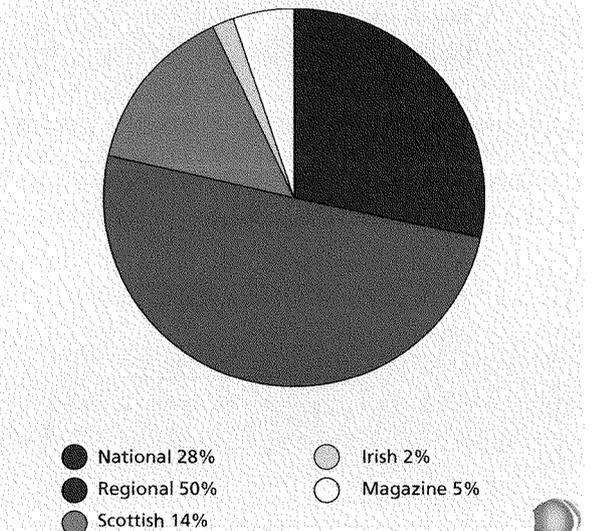
**Possible breaches of the Code by publication**



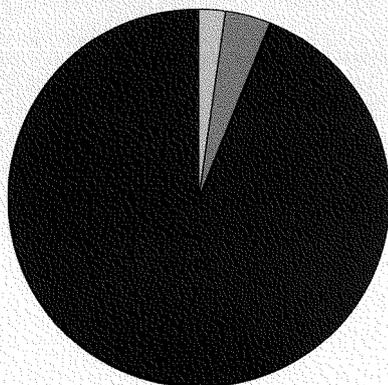
## Privacy complaints

The Commission made 271 rulings on complaints made under the 8 different privacy clauses last year. Analysis of these complaints explodes the myth that privacy solely concerns famous people complaining about tabloid newspapers. 50% of the privacy rulings related to the regional press last year, with a further 14% relating to Scottish newspapers and 5% for magazines. 2% were about Northern Irish publications. Just 28% concerned national newspapers of all types. The Commission believes that this reflects in part the special position of regional newspapers, which frequently have the highest circulations of any newspaper in their local communities. The impact of a perceived intrusion may therefore feel greater in such cases.

**Privacy rulings by type of publication**

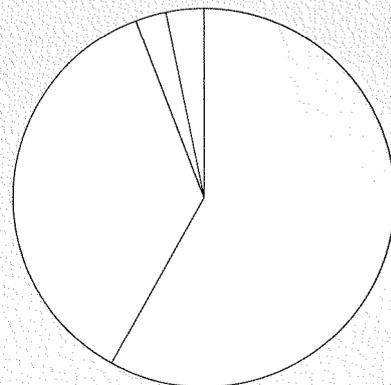


## Identity of complaints



- People in the national public eye 2%
- Organisations and public bodies 4%
- Ordinary people 94%

## Investigated complaints by Clause



- Accuracy and opportunity to reply 58%
- Private lives 36.1%
- Discrimination 2.6%
- Newsgathering 3.2%

# Review of the Year

## Select Committee

The first half of 2003 was dominated by the inquiry by the Culture, Media and Sport Select Committee into privacy and media intrusion.

This was the first such inquiry since the National Heritage Committee report in 1993, which called for the introduction of a statutory ombudsman and a privacy law. On this occasion, however, the outcome was rather different. The challenge for the PCC was to prove, among other things, that the Commission had effectively raised standards in journalism over the previous ten years; that there was no general culture of intrusion into privacy by the press; that the Code of Practice has become absorbed into the culture of newsrooms; that editors routinely resolve almost every complaint where there has been a possible breach of the Code; and that the PCC undertakes a huge amount of proactive work designed to increase its profile and also to help educate members of the public about how to complain.

The Commission's submission – a 250 page report which was researched and assembled in just 5 weeks by its staff – was supported by a large number of helpful letters from editors throughout the United Kingdom, which outlined to the Committee their own experiences of dealing with the

***"As far as I am concerned the PCC is accessible and gives quick and reliable advice, which in turn has prevented the Code from being breached on a number of occasions"***

Commission as well as explaining the philosophical and practical objections to alternative forms of regulation.

Encouragingly, the Select Committee's published evidence also revealed that it received a considerable number of supportive letters from people who had actually complained to the Commission. These were people who had no

conceivable vested interest in portraying the Commission in a good light – and their favourable testimony was accordingly very gratifying. Such people included:

- A media relations manager who frequently uses the PCC on behalf of her clients. In praising the Commission for giving practical advice about the Code of Practice she said that "I am quite sure that as a result of our contact with the Commission, many intrusive stories that would have otherwise appeared have not done so".
- A publicist, who claimed that "I can assure you that the Code of Practice has been an invaluable tool in persuading journalists not to pursue lines of enquiry that we regard as intrusive".
- An educationalist who advises schools about dealing with the media. He said that on those occasions that he had approached the PCC on behalf of a client, he had "found that the Commission has armed the school with sufficient information about its Code of Practice to enable it to deal with enquiries confidently and, consequently, to provide a basis for the protection of the privacy of the pupils affected by a particular story". He added that "as far as I am concerned the PCC is accessible and gives quick and reliable advice, which in turn has prevented the Code from being breached on a number of occasions".

***"Nothing but praise for the Commission, they dealt with my complaint with efficiency and great compassion"***

- A solicitor who said that after one of his clients had received no satisfaction from a national newspaper they complained to the Commission, after which point "the complaint was resolved ... amicably and swiftly. The alternative, which I would in the past have been more likely to pursue, would have been to bring libel proceedings. If that had been the case, I am in no doubt that the parties' positions would have become entrenched and a huge amount of time and money would have been expended, possibly only to arrive at the same results".
- A member of the public told the Committee that she had complained to the Commission about her local paper, and that she had "nothing but praise for the Commission, they dealt with my complaint with efficiency and great compassion".
- The president of a society that supports transsexuals said that "the Press Complaints Commission is our only recourse to fair treatment with the press and media; to take that away or severely restrict its independence would allow certain papers to return to false allegations [about] members of the public".

Following a number of sessions at which the Committee took oral evidence – including two with representatives of the PCC – the Select Committee's conclusions were published in June 2003. Its measured findings proposed improvements to the Commission within the context of self-regulation. But, crucially, it acknowledged that:

- "Overall, standards of press behaviour, the Code and the performance of the Press Complaints Commission have improved over the last decade";
- "the PCC [has] the confidence of the industry... the evidence we received from editors and journalists of national, regional and local newspapers and magazines was, to a great extent, extremely positive and complimentary about the impact that the Code and the PCC were having on press standards";
- Among complainants, "there was a great deal of praise for the staff of the Commission in assisting [them] through the process";
- PCC jurisprudence on privacy was "more developed than that of any other regulator"; and that
- The "Commission showed it resolved the vast bulk of the valid complaints presented to it without having to resort to formal adjudication and that it did so with great speed".

In publishing its response to the Select Committee, the Commission made clear that it was grateful for the constructive manner in which the Committee approached the inquiry, and indicated that while it could not take forward all its suggestions, there were a number of useful points that it would consider. The Commission's full response to the Select Committee can be read on its website at <http://www.pcc.org.uk/press/detail.asp?id=131>



## Review of the Year

### Payments to criminals

A major issue for the Commission last year concerned payments to criminals. The Commission has long been clear that it may launch an investigation into this contentious issue either as a result of a complaint from a member of the public or of its own volition, if it believes it to be in the public interest to do so. Last year, two such own volition complaints were adjudicated – after The Guardian paid a man who was in the same prison as Jeffrey Archer, and the Daily Mirror paid the farmer Tony Martin on his release from jail – although the Commission made numerous preliminary inquiries of other newspapers to establish whether or not payments had been made. Another prominent adjudication concerned a payment by the Daily Record to a man who had a conviction in relation to a murder case. The father of the murdered woman complained.

As a result of the unusually high number of prominent cases involving payments to criminals, the Commission published a paper which outlined its approach to dealing with such complaints. It made clear that:

- The Commission has always taken a liberal view of the serialisation of books;
- The Commission is unlikely to censure a publication when there is no direct payment to the criminal or their associate: for instance, when a payment is made to charity in order to secure the material;
- Newspapers are most unlikely to be criticised if they can demonstrate that the material concerned was published in the public interest;
- The Commission will take into account the extent to which the article made new information available to the public;
- It will bear in mind whether or not the article glorified crime – there is no example of the Commission rejecting a complaint about an article that did so.

Occasions on which the Commission is likely to censure a newspaper are generally confined to those where a newspaper or magazine paid for stories about romance or sex, irrelevant gossip which might intrude into the privacy of others, and the glorification of crime.

### Payments to witnesses

The annual review for 2002 was published as the Commission and the Code Committee were involved in negotiations with the Lord Chancellor's Department about how self-regulation might best deal with concerns that had arisen as a result of payments to witnesses in the trials of schoolteacher Amy Gehring in 2002 and the pop star Gary Glitter in 1999. The Code was successfully amended as the Chairman of the Code Committee reports on page 17 of this review.

The Commission investigated one major issue of its own volition about payments to witnesses in 2003. This related to the payment to a man who was a potential witness in the trial of men accused of plotting to kidnap Victoria Beckham. While the Commission could find no breach of the Code as it stood in November 2002, it warned that the new clause is far tighter and indicated that – as the payment was issued to the potential witness after arrests had been made – there would have been a breach of the new Code.

### Expanding privacy case law

A number of important privacy adjudications were made in 2003, which underlined that everyone – whether a member of the public or a notorious public figure – is entitled to protection from the Code. In upholding a complaint from Peter Foster that private telephone conversations had been intercepted and published by a national newspaper, the Commission made clear that:

***The strong protection afforded by the privacy provisions of the Code extend as much to members of the public as anyone else.***

*“eavesdropping into private telephone conversations – and then publishing transcripts of them – is one of the most serious forms of physical intrusion into privacy... The Commission expects a very strong public interest justification [in such cases] – and the newspaper's defence did not meet it”.*

The strong protection afforded by the privacy provisions of the Code extend as much to members of the public as anyone else. This was exemplified when the Commission upheld a complaint about an article in a local newspaper that named a man whose baby had died just a couple of years after a previous similar tragedy. The Commission, which considers the protection of such vulnerable people to be at the heart of its work, concluded that:

*“the piece could have served the public interest just as well without naming the male complainant and [his] daughter. In upholding the complaint the Commission wished to make clear that it regretted that the complainants had been caused gratuitous distress at such a difficult time”.*

### Legal developments

2003 was a year of steady but unremarkable development in the manner in which the Human Rights Act is being applied to the media. Catherine Zeta-Jones and Michael Douglas's modest damages against Hello! Magazine were restricted to compensation for breach of confidence rather than any offence under the Human Rights Act. Other cases have shown that judges appear reluctant to extend Article 8 of the Act, which protects privacy, to the media. The Commission believes that while editors continue to show respect to the Code of Practice, to which the Act refers, and while the Commission continues to adjudicate consistently and robustly on privacy complaints, this situation can be maintained.



# Review of the Year

## Data Protection Act

Last year the Commission heard a number of alarming stories from editors about the restrictive manner in which the Data Protection Act has been interpreted by local authorities, the police, schools and so on. It understands that this has caused considerable difficulties for some journalists – particularly on local and regional newspapers – and it welcomes attempts to clarify the scope of the Act in relation to information that can be released to newspapers.

However, it also became apparent that there has been confusion in some quarters about how the Act might affect journalists and news organisations, particularly regarding some newsgathering methods. The Commission is therefore consulting with the industry about the production of a guidance note on the subject. A further report will be made in next year's annual review.

## Protecting the public from physical intrusion

In addition to the out of hours pager service – launched in January 2003 to enable members of the public to contact an experienced case officer for advice at any time – the PCC has also been co-operating with other media to find ways of dealing with what has been referred to as 'collective harassment'. This might occur when an individual is at the centre of a major story that is of interest to journalists from television and radio as well as newspapers. Means of communicating messages from those at the centre of such stories asking journalists to cease contacting them are being examined.

There were around 40 out of hours calls last year to the Commission's duty officer – although not all related to potential harassment complaints. The number is 07659 152656.

## Changes to the membership of the Commission

There have been numerous changes to the composition of the PCC since the publication of the last annual review.

Arzina Bhanji, Neil Wallis, and David Pollington have all retired from the Commission. The PCC is most grateful for everything that they have done for self-regulation.

In their place, the Commission welcomed:

- Dianne Thompson, the chief executive of Camelot;
- Peter Hill, editor of the Daily Express;
- Charles McGhee, editor of the Glasgow Evening Times.
- Jane Ennis, the editor of Now magazine, filled the editorial position that was vacant when the 2002 review was published.

It was also announced that Eve Salomon, a solicitor and former Director of Legal Services at the Radio Authority, would be appointed from the 1st January 2004 as the 10th public member of the Commission – and the first to be selected as a result of the open recruitment process announced as part of Sir Christopher's 8-point plan for reform of the PCC.

## Appointments Commission

All appointments to the Commission and Code Committee are ratified by an independent Appointments Commission – which adds a further layer of accountability to appointments to both bodies. The Commission is chaired by Sir Christopher Meyer and, apart from Philip Graf, the chairman of Pressbof, is made up of three other individuals who have no connection with the industry. They are:

- Lord Mayhew of Twysden QC (former Secretary of State for Northern Ireland);
- Sir David Clementi, (Chairman, Prudential plc);
- Baroness Smith of Gilmorehill (Chairman, Edinburgh Festival Fringe).

## Pressbof and the Code Committee

There were major changes of personnel at Pressbof and the Editors' Code of Practice Committee in 2003. Grahame Thompson was replaced as secretary of Pressbof by Jim Raeburn, the Director of the Scottish Print Employers Federation, and as secretary of the Code Committee by Ian Beales, who has served the committee as a member or consultant since its inception in 1991.

Sir Harry Roche retired as chairman of Pressbof in 2003 – having been its founding chairman 13 years previously. His contribution to the successful establishment of the Press Complaints Commission was enormous, and the Commission is hugely grateful to him for all the hard work that he has put in over so many years to ensure that it continues to be funded generously by the industry. He has been replaced by Philip Graf CBE, the former Chief Executive of Trinity Mirror.

## Financial report

The PCC is free to use – and operates at no cost to the taxpayer either. The entire cost of its operation is met by the newspaper and magazine publishing industry. They pay a registration fee to the Press Standards Board of Finance (Pressbof) which in turn funds the Commission. This buttresses the Commission's independence by ensuring that the PCC is not directly funded by the industry. These are extracts from the audited accounts for 2002, which were not available when the last annual review was published.

	£
Wages, salaries and related costs: (including Commissioners)	917,727
legal and professional fees:	180,425
travel, entertainment and PR:	155,681
rent, rates and maintenance:	96,949
telephone, stationery, insurance, utilities, publications, printing and related office costs:	80,672
depreciation:	30,301
bank charges:	2,779
sundry expenses:	88,859
Total:	1,553,393

(Auditors: Deloitte and Touche)





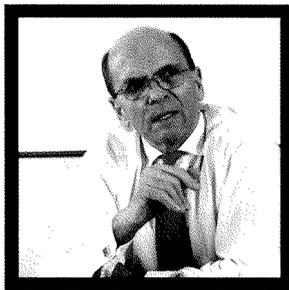
**Matti Alderson**  
Member of the Better  
Regulation Task Force  
Director General of the  
Advertising Standards  
Authority 1990-2000



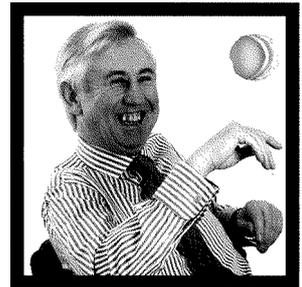
**Professor the Lord Chan**  
Visiting Professor in Ethnic  
Health, University of Liverpool  
Former member, Commission  
for Racial Equality



**Peter Hill**  
Editor, Daily Express

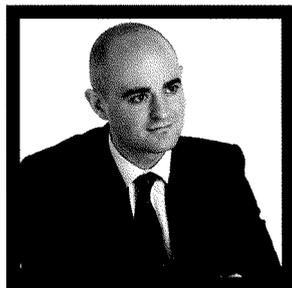


**Roger Alton**  
Editor, The Observer



**Edmund Curran**  
Editor, Belfast Telegraph

# Commission Members



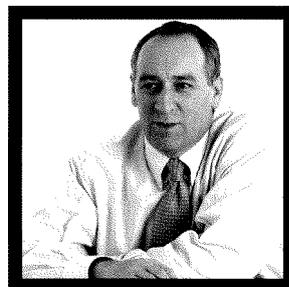
**Tim Toulmin**  
Director



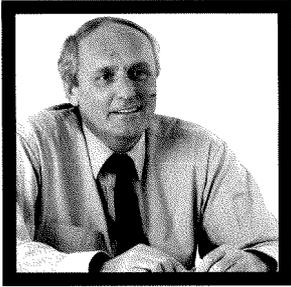
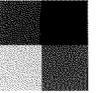
**Charles McGhee**  
Editor, Glasgow  
Evening Times



**Vivien Hepworth**  
Former Chairman of  
Surrey and Sussex  
Healthcare NHS Trust



**Paul Horrocks**  
Editor, Manchester  
Evening News



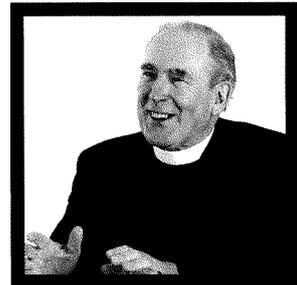
**Paul Dacre**  
Editor-in-Chief, Daily Mail



**Mary Francis**  
Director General of the  
Association of British Insurers



**Jane Ennis**  
Editor, NOW Magazine



**The Rt Rev John Waine**  
KCVO  
Chairman of the University of Essex  
Foundation  
Bishop of Chelmsford, 1986-1996  
Clerk of the Closet to The Queen  
1986-1996



**Sir Christopher Meyer,**  
KCMG  
Chairman

## Press Complaints Commission



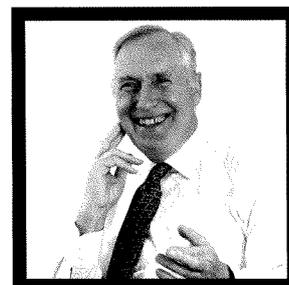
**Eve Salomon**  
Solicitor  
Former Director of Legal  
Services, Radio Authority



**Dianne Thompson**  
Chief Executive,  
Camelot Group plc



**Professor Robert Pinker**  
Professor of Social  
Administration, London  
School of Economics



**Dr Arthur Hearnden OBE**  
Former General Secretary of  
Independent Schools Joint  
Council



## Permanent Evolution

**The Commission's response must be constantly to seek ways of improving its service and anticipating what future challenges might be.**

In his first major speech as Chairman of the Commission, Sir Christopher Meyer told the Newspaper Society in May that the PCC was part of a constantly changing landscape, and that its natural state was turbulence amid the "ceaseless dialectic between the public and private interests, between the right to free expression and the obligation to responsibility".

The Commission's response must be constantly to seek ways of improving its service and anticipating what future challenges might be: by embracing not "permanent revolution, but permanent evolution".

He acknowledged that while many criticisms of the PCC were unjust, some had an element of truth to them, and outlined an 8 point plan to bolster confidence in the Commission's independence and to improve its service and authority. This is an update of how those proposals have been put into effect.

### Extra lay Commissioner and transparent recruitment procedures

**Proposal:** To reinforce the Commission's independence by increasing the majority of lay members over press members of the Commission to 10:7 in light of accusations that the majority was too slight.

**Outcome:** As of 1st January 2004 an extra public member was appointed to the Commission, a palpable sign of the PCC's independence from the industry that it regulates.

**Proposal:** To appoint lay, or public, members of the Commission only as a result of an entirely transparent recruitment procedure.

**Outcome:** No longer can it be claimed that the membership of the Commission is a 'cosy club': a new lay member was appointed following open advertisement in newspapers across the whole of the United Kingdom which attracted just over 1,000 applications. These were scrutinised by an independent panel before interviews were conducted by Sir Christopher and Baroness Smith of Gilmorehill. As has been reported elsewhere, Eve Salomon was appointed following this process.

### External scrutiny of the Commission's procedures

**Proposal:** To improve accountability by establishing a panel of people to scrutinise all aspects of the Commission's handling of complaints, and to report once a year to the board on how customer service might be improved.

**Outcome:** The PCC already operates under the terms of a customer service charter. A new "Charter Compliance Panel" was therefore appointed as of January 1st 2004. Members of the panel are: Sir Brian Cubbon, former member of the Commission and former Permanent Secretary of the Home Office; Dame Ruth Runciman, Chair of the National Aids Trust and former Commissioner; and Charles Wilson, former editor of The Times. The panel has the authority to review as many files as it wishes, at random, before publishing its recommendations in a report.

**Proposal:** To provide disgruntled complainants with the opportunity to have the Commission's handling of their complaint reviewed by an independent "Charter Commissioner" who would operate a sort of internal system of judicial review.

**Outcome:** Sir Brian Cubbon was appointed to this post from 1st January 2004. He is entirely independent of both the Commission and its staff and can make recommendations directly to the Commission.

### Keeping the Code relevant and making it widely understood

**Proposal:** To take account of changing technology and to highlight the fact that the Code is a constantly-evolving, organic document, there should be a formal 'audit' of the Code's provisions on an annual basis.

**Outcome:** The Code Committee has responded positively to this suggestion and launched a wide-ranging public and industry consultation on possible changes to the Code. A new Code will be published during 2004.

**Proposal:** A "User's handbook" should be produced to assist journalists in understanding the Code's provisions and the Commission's case law.

**Outcome:** The secretary of the Code Committee has been overseeing the production of such a document, which should be ready for publication by the middle of 2004.

### Improving the Commission's profile

**Proposal:** Critical adjudications by the Commission should be clearly branded when published in newspapers and magazines.

**Outcome:** It is expected that the new Code of Practice will refer to an editor's obligation to identify any critical adjudication as a decision of the Commission.

**Proposal:** To hold regular 'town meetings' around the United Kingdom to talk about the PCC and to answer questions about its work from members of the public.

**Outcome:** The first such meeting took place in Manchester in November 2003. Just over 100 people turned up to quiz a panel comprising the chairman and some members of the Commission. A small drinks reception, to which all those who came to the meeting were invited, was held afterwards. Further meetings are currently being planned for Edinburgh, Cardiff and Bristol.

## Our Service in Action

At its heart, the PCC is an effective dispute resolution service – a fast, free and fair means for members of the public to obtain appropriate redress against newspapers and magazines. The virtues of this process contrast with the inescapable features of the legal system: it is personal, not faceless; free, not hugely expensive; efficient, not cumbersome; and – importantly – conciliatory not adversarial.

Once a complaint that raises a possible issue under the Code has been received, the dedicated team of complaints officers will mediate between complainant and newspaper in order to negotiate suitable remedial action – a correction, explanation or apology, for example – to resolve the complaint to the satisfaction of the complainant.

It is fair to say that the PCC has been instrumental in establishing a culture of conciliation across the industry – so that nowadays the general reaction of editors to complaints is to offer to put things right as quickly as possible. In 2003, a record 20% more complaints than the previous year were resolved following the Commission's intervention. Examples of our service in action are set out below:

***It is fair to say that the PCC has been instrumental in establishing a culture of conciliation across the industry – so that nowadays the general reaction of editors to complaints is to offer to put things right as quickly as possible.***

**A** local newspaper twice reported that a woman had pleaded guilty to charges of aggravated racial harassment. In fact, she had denied the charge before it was formally dismissed. Her local councillor complained and the newspaper published a full correction and apology, alongside a nominated photograph of the woman to ensure prominence.

**A** well-known entertainer complained that he was being persistently questioned by newspaper reporters outside his home regarding a matter with which he had no connection. Following communication from the PCC, which had been notified on the 24-hour emergency pager, the relevant editors confirmed that their reporters had withdrawn from the scene.

**A** local newspaper reported an inquest into the death of a woman, who had died following an argument with her partner. A relative complained that the article should not have referred to the sexuality of the people involved; the newspaper accepted that the reference was inappropriate, undertook to review its procedures in such cases and apologised sincerely to the complainant.

**A** national newspaper contained a brief, but apparently inaccurate, report of an inquest into a road accident. The complainant, a woman whose son had been involved, received a personal letter of apology and explanation from the editor.

**A** couple who had spoken to their local newspaper about their daughter – who had a rare heart disease – complained when a national newspaper summarised the interview in a way that created a misleading impression about the disease. The editor of the national newspaper undertook to publish a follow-up article about the disease, including an address, to which donations might be sent, for a relevant charity.

**A** local newspaper published the name of a fifteen-year-old victim of crime. The editor – in response to the complaint – wrote to the child's father with a letter of apology and explanation. He also undertook to ensure that the news agency responsible for the story was made aware of the concerns raised by the complainant and the important issues inherent in the case.

These examples represent just a fraction of the many, varied complaints formally handled by the PCC in 2003. Members of the PCC staff are always available to give informal advice to members of the public so that they can obtain redress without the need to formalise a complaint. For example, the PCC runs a 24-hour emergency pager to give advice to those who may be the focus of unwanted attention from journalists, as well as handling thousands of requests for advice each year during normal office hours. This may mean either providing information and contact details for a particular publication, or giving callers more formal advice about how best to use the Code to argue their case.

A full list of resolved complaints can be found on the PCC's website at [www.pcc.org.uk/reports/resolvedsummaries.asp](http://www.pcc.org.uk/reports/resolvedsummaries.asp).



## Raising Awareness

The success of the PCC is ultimately dependent on its accessibility to members of the public. A crucial aim of the Commission is, therefore, to make its services well known and to empower potential complainants with practical information about their rights under the Code of Practice.

### Talks and conferences

As the chairman makes clear in the introduction to this report, the PCC is a national body and it has a duty to engage with members of the public and their representatives across the whole country. To that end, PCC staff attended a diverse range of events, from conferences to speaking engagements. These included:

- Meetings with local authorities, and attending the Local Government Associations annual conference;
- Meetings with representatives from NHS Trusts, and attending the NHS Trust annual conference;
- Liaising with police forces in England and Scotland;
- Attending the National Social Services Conference;
- Attending party political conferences;
- Public debates in Liverpool, Birmingham and Kent on the subject of the reporting of asylum seeking;
- Discussions with local Citizens Advice Bureaux.

The Commission believes that this proactive programme of raising awareness accounts, in part, for the 39% increase in complaints in 2003 compared to 2002.

### Developing the PCC brand

In keeping with increased public awareness of its services, the Commission introduced a new logo (pictured below) in 2003 to improve public recognition of the PCC. The logo enshrines the three essential commitments of the PCC - to be fast, free and fair - and now appears on all promotional material and the home page of the website.

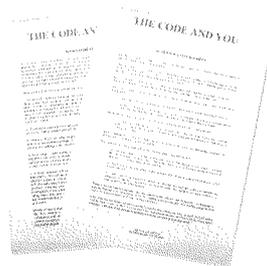


### Helping the vulnerable

Since its establishment, the Commission has sought specifically to protect those that are most vulnerable in society. Indeed, such protection is at the heart of the Code of Practice – with clauses relating specifically to children, patients in hospital, victims of crime and victims of discrimination among others.

However, those that are most vulnerable are often the least well-equipped to make a complaint. It is therefore essential that they are provided with the information and advice needed to pursue their concerns. In 2003, PCC staff sought to fulfil this aim, visiting a number of groups and organisations, which included the following: Broadmoor and Ashworth hospitals, MIND, Refugee Action, the Muslim Council of Britain, the Commission for Racial Equality, the transgender campaigning organisation Press for Change and Victim Support.

In addition, the Commission has taken up a number of invitations to write articles outlining the provisions of the Code of Practice and the process of making a complaint. Such pieces have appeared in a diverse range of publications, including Stonewall magazine, the Travellers' Times and the magazine of the Secondary School Headteachers' Association.



A number of leaflets – each entitled The Code and You have been produced to provide specific information on elements of the Code of Practice. Consequently, targeted advice on issues such as harassment, discrimination and intrusion into grief is now instantly accessible for those in need of immediate assistance – another example of the PCC's efforts to empower potential complainants.

During the last few years the Commission has sometimes had occasion to issue guidance notes that tackle specific issues in relation to the Code of Practice. In 2003, following discussions with several refugee interest groups, a note was published to provide guidance to editors and journalists on the appropriate terminology to use when reporting issues involving asylum seekers and refugees. Since the number of complaints on such issues has risen in the last two years, the Commission was keen to take steps towards resolving misconceptions that may have grown up through the inaccurate use of particular terms.

**A crucial aim of the Commission is, therefore, to make its services well known and to empower potential complainants with practical information about their rights under the Code of Practice.**

# Raising Awareness

## Training journalists

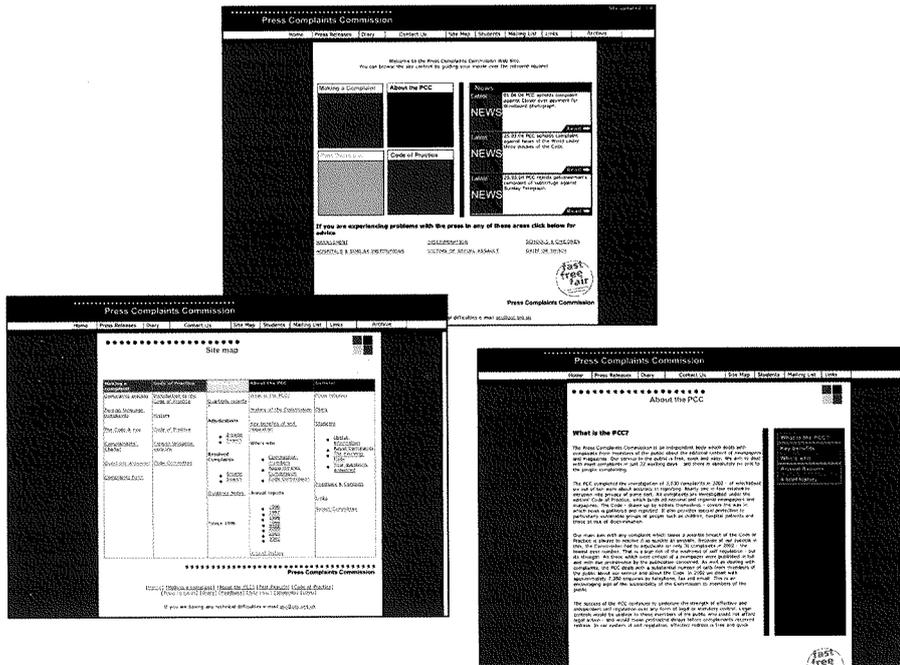
No system of self-regulation can be successful if journalists are ignorant of its role and about the practical impact that the Code of Practice will have on their professional duties. A significant part of the Commission's external work is therefore concerned with training journalism students around the country. This involves a series of lectures and seminars devised and presented by a number of PCC representatives. In 2003, PCC staff undertook over 40 such presentations, which were given at journalism colleges in Chester, Lambeth, East Surrey, Darlington, St Leonards, Cornwall and at numerous other institutions. More established journalists have also received talks on the work of the Commission and the ongoing evolution of the Code – another sign of the PCC's commitment to ensuring that those in the industry are kept up to date with information about their self-regulatory system.

## PCC online and on call

An important aspect to the PCC's accessibility is its website (www.pcc.org.uk) which was visited over 150,000 times in 2003, or over 400 times per day – a sure sign of its usefulness and a rise of over 70% compared to 2002. As well as providing a vital resource for those interested in the structure and history of the Commission, the site serves two discrete purposes in

particular: acting as a public record of PCC decisions and policy; and providing immediate support and assistance for members of the public. The site contains all PCC adjudications and resolved complaints since 1996, and forms a database of consistent PCC case law invaluable to editors making decisions in the newsroom or readers assessing what protection they can expect from the PCC. Perhaps even more importantly, the site is specifically tailored to meet the needs of potential complainants during times of difficulty: giving advice at the touch of a button about dealing with journalists or responding to articles; and providing the means of lodging a complaint via email.

This online guidance is supplemented by the PCC's telephone helplines to ensure that help is never far away. The PCC operates a 24-hour emergency number, on which complainants – particularly those who feel they are being harassed – can get in touch with a member of the complaints department for advice and assistance around the clock. The PCC can also of course be contacted during office hours, and members of staff gave advice to around 4500 callers in 2003 alone. Complainants in Scotland and Wales can telephone designated helpline numbers so that assistance is on hand at merely the cost of a local call.



## International Report

Over the last few years the PCC has undertaken to build closer links with similar self-regulatory bodies around the world – and particularly in Europe. This undertaking

**“The PCC’s role in finding an adequate balance between free speech and the rights of the public – such as the right of privacy – is commendable”.**

has served a dual purpose. Firstly, it has sought to combat possible threats to create trans-border regulation that would have failed to take account of cultural differences between countries. Secondly, it has provided the basis for creating an increasingly active forum

for debate and discussion among those involved in the self-regulatory field – both through the Alliance of Independent Press Councils of Europe (AIPCE) and the website for Independent Press Councils ([www.presscouncils.org](http://www.presscouncils.org)).

### International support for the PCC

The success of the Commission’s international programme was demonstrated last year during the course of the select committee inquiry into privacy and the press. The Committee received a large number of positive submissions from both long-established and nascent press councils from across the world. The Commission was most grateful to its counterparts for the warm messages of support. They included a submission from Phil Maselli from the self-regulatory wing of the Italian Order of Journalists. He said that:

*“As Press Councils become active in new countries...their members invariably seek the suggestions and support of the most authoritative journalists’ institutions, and undoubtedly the PCC ranks at the top of the list because of its high profile, reliability and willingness to provide assistance and advice.”*

The President of the Swiss Press Council, Peter Studer, added:

*“The almost total absence of media laws in Great Britain probably can be explained by the strong presence of the PCC and its predecessors. I hope this situation continues. Self regulation is more practical, more informed and more conducive to media independence than an abundance of laws.”*

Flip Voets, the Secretary General of the Flemish press council said:

*“Britain has a long tradition of self-regulation of the press. We in Belgium are impressed by the history and the experiences of the PCC. Its role in finding an adequate balance between free speech and the rights of the public – such as the right of privacy – is commendable. The PCC plays a key role in an informal network of European bodies for self-regulation of the press, where it shares its experiences with younger organisations like ours.”*

In total, the Select Committee received thirteen such positive submissions from international organisations and counterpart bodies.

### A backward step – proposals for a statutory press council in Ireland

There is no doubt that mutual support has bolstered the position of the PCC and its partners in AIPCE and elsewhere. Indeed, the network that has been created continues to expand. Against this backdrop and against a seemingly overwhelming tide it was surprising, therefore, to learn of the Irish Government’s proposals to establish a statutory press council there. Such a move caused concern and disappointment throughout the self-regulatory community. When meeting for its annual conference in September, the members of AIPCE issued a statement responding ‘with alarm’ to the proposals of the Irish Government:

*“This proposed system would not only go against the trend in Europe, and much of the world - it would also diminish press freedom and undermine the independence of Irish newspapers.*

*We therefore call on the Irish Government to work with the NNI [National Newspapers of Ireland] towards the establishment of a press council free of State control and involving the public – in the best interests of the Irish people.”*

### AIPCE annual conference

The AIPCE gathering in Stockholm was perhaps the most successful in its five-year history, with delegates from seventeen organisations present to exchange experiences and ideas. For the first time representatives took part in mock adjudications of real complaints from countries other than their own – the outcome of which clearly demonstrated the folly of those who push for pan-European regulation of the press. The debates on each different case illustrated that different standards apply in different cultures; that what is considered an intrusion in the UK might not necessarily be elsewhere. This was demonstrated by the PCC delegates’ presentation of the infamous ‘butterscotch tart’ case, when a complaint was upheld from a man who was surreptitiously photographed eating a tart in a quiet café.

AIPCE meetings can be particularly important for newly established councils or for those that are under threat. Unfortunately, however, the cost of attending the annual conference can be prohibitive for some - which is why delegates in Stockholm resolved to set up a fund which might be used for less well off counterparts to cover their expenses in future. The PCC has already taken steps towards finding suitable donors and it is hoped that sufficient funds will emerge in time for the 2004 AIPCE conference in Cyprus.



The Chairman of the Norwegian Press Complaints Commission addresses AIPCE delegates in Stockholm

# International Report

## The Bosnian Press Council

As a further sign of the PCC's commitment to press self-regulation beyond the borders of the UK, Professor Pinker has continued in his role as International Chairman of the Bosnian Press Council – and has been asked to remain at the head of the organisation for a further year. Establishing a self-regulatory system from scratch is never an easy task and particularly so in a country that remains economically and politically unstable. Nevertheless, great strides have been taken in 2003 and the Council is now on a sounder footing than ever before, helping members of the public and encouraging editors to follow the Code of Practice.

## International visitors and visits

In October the Commission was pleased to welcome the director and complaints officer of the Bosnian Press Council to its offices in order to gain an insight into the day-to-day workings of the PCC. A delegation from the Journalistic Ethics Commission of Ukraine also visited Salisbury Square at that time and enjoyed a meeting with PCC staff and former Commission member Baroness Smith.

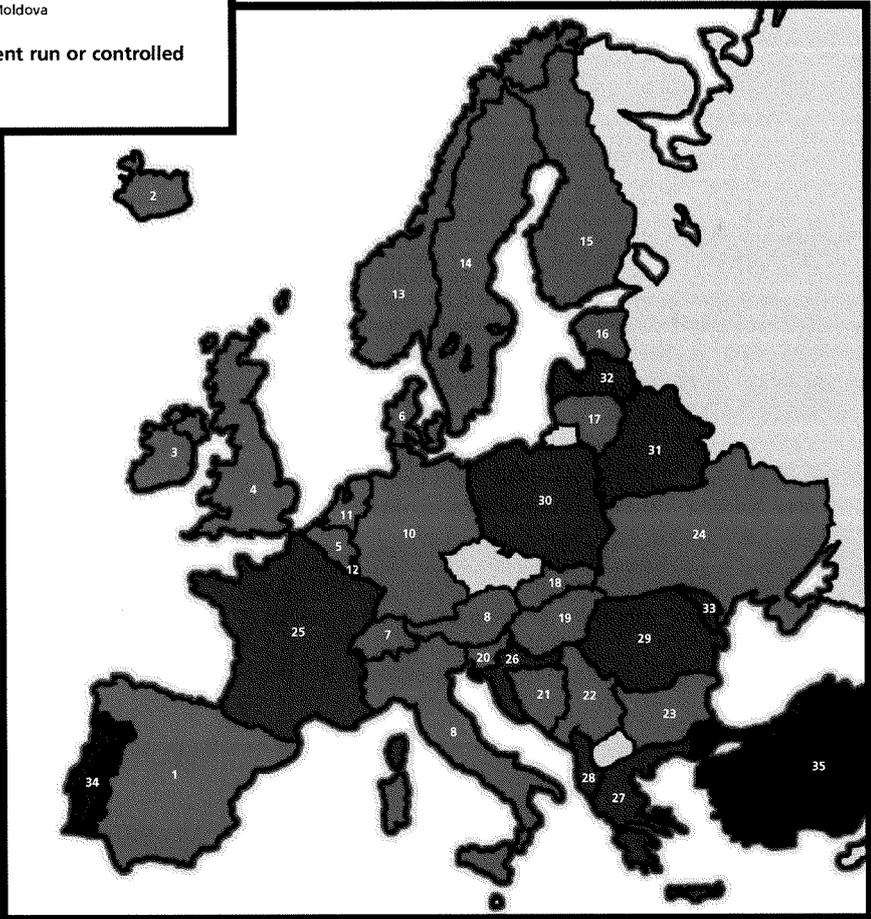
Lady Smith is currently seeking to establish a programme for UK journalists to gain a greater understanding of the former Soviet state - and its media in particular. The PCC has been delighted to offer advice and support - and hopes that the programme will encourage comparisons of the similar self-regulatory mechanisms in those two countries.

Other bilateral meetings have been held in London with the secretary-general of the Norwegian Press Council and representatives of the Luxembourg and Catalonia self-regulatory bodies, while discussions have taken place overseas with media regulators in Holland and Estonia. Numerous other international representatives visited the Commission's offices during the course of the year in order to be briefed on the work of the PCC and on the precepts of self-regulation in general. Many of these briefings were arranged in conjunction with the Foreign & Commonwealth Office.

We have also continued to work in partnership with the Commonwealth Press Union, which has been building on the success of its 2002 conference series to promote press freedom and self-regulation - a series with which the Commission was closely involved.

Ultimately, the success of press self-regulation is demonstrated by the fact that press councils are continuing to proliferate throughout the world. It is in the Commission's own interests that they should be encouraged – something that was amply demonstrated by the international submissions to the Select Committee. The PCC will therefore continue to offer support and advice to all those who request it.

- **Countries with self-regulatory press council or similar body or are seeking to establish one**  
 1 Spain, 2 Iceland, 3 Ireland, 4 UK, 5 Belgium, 6 Holland, 7 Switzerland, 8 Italy, 9 Austria, 10 Germany, 11 Denmark, 12 Luxembourg, 13 Norway, 14 Sweden, 15 Finland, 16 Estonia, 17 Lithuania, 18 Slovakia, 19 Hungary, 20 Slovenia, 21 Bosnia, 22 Yugoslavia, 23 Bulgaria, 24 Ukraine
- **Countries with no press council of any description**  
 25 France, 26 Croatia, 27 Greece, 28 Albania, 29 Romania, 30 Poland, 31 Belarus, 32 Latvia, 33 Moldova
- **Countries with a government run or controlled press council**  
 34 Portugal, 35 Turkey



# Report of the Chairman of the Code of Practice Committee

The success of the Code in raising journalistic standards is something that many within the publishing industry have acknowledged in recent years. At the same time, it is a claim dismissed in some quarters as wishful thinking. The Code Committee was, therefore, particularly gratified that one of the main findings of the Culture, Media and Sport Select Committee's recent inquiry was that the Code had been responsible for the general improvement in standards of press behaviour. This view was an independent verification of what many of us had long believed.

It also chimed with a more general political willingness to leave the regulation of editorial standards to the Code and the PCC. I reported last year that the Committee was determined to find a practical solution to the then Lord Chancellor's concerns about the practice of paying witnesses in criminal trials – something that was already strictly regulated by the Code. I am pleased to say that following fruitful negotiations with the Lord Chancellor's Department, the Committee was able to amend the Code so that:

- In no circumstances can payments to witnesses – or people who may reasonably be expected to be called as witnesses – be made once someone has been arrested. This prohibition lasts until the suspect has been freed without charge or bail or the proceedings are otherwise discontinued, or has entered a guilty plea or until the court has announced its verdict;
- payments in cases where proceedings are not active but are 'likely and foreseeable' are only permissible in strictly limited circumstances, and only when there is an overriding need to make the payment in the public interest;
- there is an absolute ban on offering payments that are conditional on the outcome of a trial.

As a result of this change to the Code, there are now no plans to bring forward legislation.

I can also report that we have had an ongoing and co-operative dialogue with HM Treasury over the implementation of the EU Market Abuse Directive, which will affect financial journalists. The government has repeatedly indicated that it will allow self-regulation to match the standards that are required by the Directive, and that there will be no need for legislation. I envisage that we will be able to do this by rewriting the Financial Journalism Best Practice Note and amending the Code of Practice slightly. This should take place towards the end of this year or early in 2005.

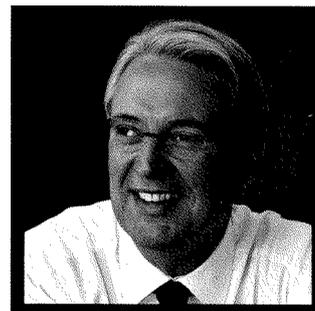
The Committee also liaised with the Home Office over the issue of how newspapers report allegations of crime before charges have been brought. There had been some suggestion that legislation was needed in order to give people accused of certain crimes anonymity in these circumstances – but I am glad to report that the Home Office was not persuaded by this view and instead asked the Code Committee and the PCC to consider whether self-regulation could address the concerns that had been raised. Consideration is currently being given to this and I shall report in more detail on what progress has been made in next year's annual review.

Sir Christopher Meyer's 'permanent evolution' plans contained two suggestions that directly affect the Code Committee: the annual 'audit' of the Code to ensure that it is as relevant as possible, and the production of a journalists' handbook to explain how the Commission interprets the Code in practice and information about its Guidance Notes. The Committee is very grateful to Ian Beales – who took over from Grahame Thomson as its secretary at the end of 2003 – for overseeing both enterprises. The handbook will be a significant piece of work and a major step forward in ensuring that the Code and the PCC case law are as widely understood by editors and journalists as possible. The review of the Code will be the most extensive since it was rewritten after the death of Diana, Princess of Wales, and will come after an intense period of public and industry-wide consultation.

There have been three changes to the membership of the Code Committee since last year. Following Charles Moore's retirement as editor of the Daily Telegraph, I am pleased to say that Alan Rusbridger, editor of The Guardian, has agreed to serve, while Peter Wright, editor of the Mail on Sunday, replaced departing Daily Express editor Chris Williams. Anita Syvret resigned as a member and was replaced by Neil Benson, the Editorial Director of Trinity Mirror. We are grateful to Charles, Anita and Chris for everything that they have done for the Committee.

**There is a general political willingness to leave the regulation of editorial standards to the Code and the PCC.**

Executive Chairman of News International plc, Les Hinton has been Chairman of the editors' Code Committee since 1998.



*Les Hinton*

**Les Hinton**  
Chairman of the Code Committee

# Code of Practice

The Press Complaints Commission is charged with enforcing the following Code of Practice which was framed by the newspaper and periodical industry and ratified by the Press Complaints Commission, 5th March 2003.

All members of the press have a duty to maintain the highest professional and ethical standards. This Code sets the benchmark for those standards. It both protects the rights of the individual and upholds the public's right to know.

The Code is the cornerstone of the system of self-regulation to which the industry has made a binding commitment. Editors and publishers must ensure that the Code is observed rigorously not only by their staff but also by anyone who contributes to their publications.

It is essential to the workings of an agreed code that it be honoured not only to the letter but in the full spirit. The Code should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it prevents publication in the public interest.

It is the responsibility of editors to co-operate with the PCC as swiftly as possible in the resolution of complaints.

Any publication which is criticised by the PCC under one of the following clauses must print the adjudication which follows in full and with due prominence.

## 1 Accuracy

- i) Newspapers and periodicals must take care not to publish inaccurate, misleading or distorted material including pictures.
- ii) Whenever it is recognised that a significant inaccuracy, misleading statement or distorted report has been published, it must be corrected promptly and with due prominence.
- iii) An apology must be published whenever appropriate.
- iv) Newspapers, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.
- v) A newspaper or periodical must report fairly and accurately the outcome of an action for defamation to which it has been a party.

## 2 Opportunity to reply

A fair opportunity to reply to inaccuracies must be given to individuals or organisations when reasonably called for.

## 3 Privacy\*

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence. A publication will be expected to justify intrusions into any individual's private life without consent.
- ii) The use of long lens photography to take pictures of people in private places without their consent is unacceptable.

Note - Private places are public or private property where there is a reasonable expectation of privacy.

## 4 Harassment\*

- i) Journalists and photographers must neither obtain nor seek to obtain information or pictures through intimidation, harassment or persistent pursuit.
- ii) They must not photograph individuals in private places (as defined by the note to clause 3) without their consent; must not persist in telephoning, questioning, pursuing or photographing individuals after having been asked to desist; must not remain on their property after having been asked to leave and must not follow them.
- iii) Editors must ensure that those working for them comply with these requirements and must not publish material from other sources which does not meet these requirements.

## 5 Intrusion into grief or shock

In cases involving personal grief or shock, enquiries must be carried out and approaches made with sympathy and discretion. Publication must be handled sensitively at such times but this should not be interpreted as restricting the right to report judicial proceedings.

## 6 Children\*

- i) Young people should be free to complete their time at school without unnecessary intrusion.
- ii) Journalists must not interview or photograph children under the age of 16 on subjects involving the welfare of the child or any other child, in the absence of or without the consent of a parent or other adult who is responsible for the children.
- iii) Pupils must not be approached or photographed while at school without the permission of the school authorities.
- iv) There must be no payment to minors for material involving the welfare of children nor payments to parents or guardians for material about their children or wards unless it is demonstrably in the child's interest.
- v) Where material about the private life of a child is published, there must be justification for publication other than the fame, notoriety or position of his or her parents or guardian.

## 7 Children in sex cases\*

- i) The press must not, even where the law does not prohibit it, identify children under the age of 16 who are involved in cases concerning sexual offences, whether as victims or as witnesses.
- ii) In any press report of a case involving a sexual offence against a child -
  - a) The child must not be identified.
  - b) The adult may be identified.
  - c) The word "incest" must not be used where a child victim might be identified.
  - d) Care must be taken that nothing in the report implies the relationship between the accused and the child.

## 8 Listening Devices\*

Journalists must not obtain or publish material obtained by using clandestine listening devices or by intercepting private telephone conversations.

## 9 Hospitals\*

- i) Journalists or photographers making enquiries at hospitals or similar institutions must identify themselves to a responsible executive and obtain permission before entering non-public areas.
- ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

## 10 Reporting of crime\*

- (i) The press must avoid identifying relatives or friends of persons convicted or accused of crime without their consent.
- (ii) Particular regard should be paid to the potentially vulnerable position of children who are witnesses to, or victims of, crime. This should not be interpreted as restricting the right to report judicial proceedings.

## 11 Misrepresentation\*

- i) Journalists must not generally obtain or seek to obtain information or pictures through misrepresentation or subterfuge.
- ii) Documents or photographs should be removed only with the consent of the owner.
- iii) Subterfuge can be justified only in the public interest and only when material cannot be obtained by any other means.

## 12 Victims of sexual assault

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and, by law, they are free to do so.

## 13 Discrimination

- i) The press must avoid prejudicial or pejorative reference to a person's race, colour, religion, sex or sexual orientation or to any physical or mental illness or disability.
- ii) It must avoid publishing details of a person's race, colour, religion, sexual orientation, physical or mental illness or disability unless these are directly relevant to the story.

## 14 Financial journalism

- i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.
- ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest, without disclosing the interest to the editor or financial editor.
- iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

## 15 Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

## 16 Witness payments in criminal trials

- i) No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.

This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.

\*ii) Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.

\*iii) Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

## 17 Payment to criminals\*

Payment or offers of payment for stories, pictures or information, must not be made directly or through agents to convicted or confessed criminals or to their associates - who may include family, friends and colleagues - except where the material concerned ought to be published in the public interest and payment is necessary for this to be done.

### The public interest

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

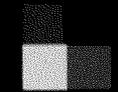
#### 1. The public interest includes:

- i) Detecting or exposing crime or a serious misdemeanour.
- ii) Protecting public health and safety.
- iii) Preventing the public from being misled by some statement or action of an individual or organisation.

2. In any case where the public interest is invoked, the Press Complaints Commission will require a full explanation by the editor demonstrating how the public interest was served.

3. There is a public interest in freedom of expression itself. The Commission will therefore have regard to the extent to which material has, or is about to, become available to the public.

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



**Press Complaints Commission**

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**Facsimile** 020 7353 8355

**Textphone** 020 7583 2264 (for deaf or hard of hearing people)

**Helpline** 020 7353 3732

**Scottish Helpline** 0131 220 6652

**Welsh Helpline** 029 2039 5570

**24 Hour Press Office** 07669 195539

**24 Hour Advice Line** 07659 152656

(Leave a message and we will return your call)

*This is for use in emergencies only*

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