

**Press Complaints Commission**

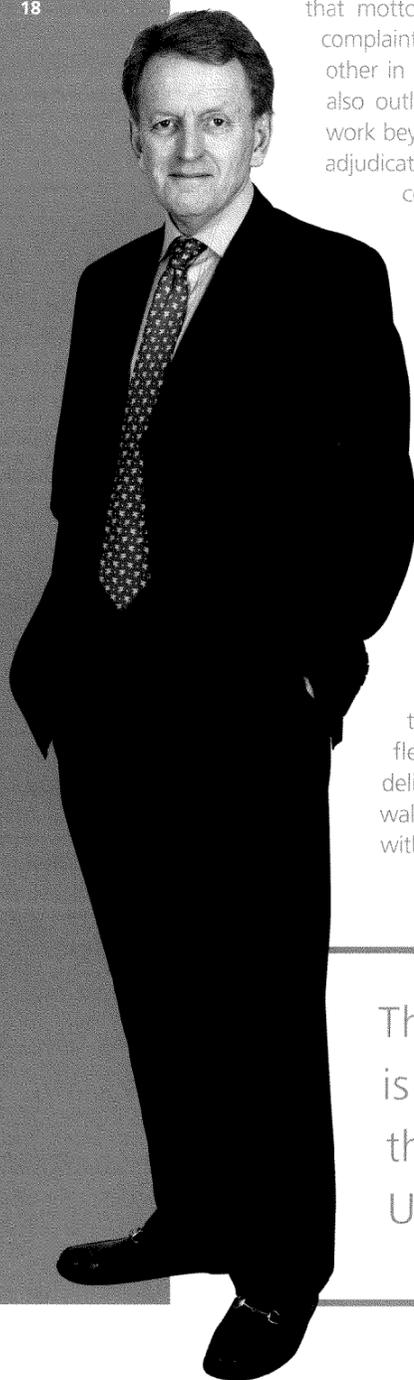
Annual Review 2004





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# Report of the Chairman of the Commission



The PCC's claim, emblazoned across the front of this report, is that we are 'fast, free and fair'. Within these pages are details of how we worked to live up to that motto in 2004, the year in which more complaints were amicably resolved than in any other in the Commission's history. The report also outlines the scope of the Commission's work beyond the investigation, resolution and adjudication of complaints against the editorial content of British newspapers and magazines. It shows what the Commission does to raise its profile, to promote the use of the Code of Practice, and to advise potentially vulnerable groups of people. It identifies areas where the Commission has sought to raise editorial standards further, such as through the publication of Guidance notes. It underlines how the Commission is a body for the whole of the United Kingdom, and not just concerned with publications from one particular country within the UK or with one particular sector of the industry. It demonstrates how its flexibility and accountability has delivered results for people from all walks of life who have had a problem with a newspaper or magazine.

The Commission  
is a body for  
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United Kingdom

This report also paints a fascinating picture about the nature of privacy. Despite the wilder prophecies of some commentators, there has still been no rush to the courts to test the extending law of confidence and the application of the Human Rights Act. Of course, the long-running action by Naomi Campbell against the Daily Mirror finally came to an end last May – although this related to a story that was by then 3 years old. But the Commission remains the favoured forum for the resolution of privacy complaints. While lawyers picked over rulings in a tiny number of legal cases – one of the most significant of which, the Princess Caroline case, did not even concern the UK press – the Commission concluded 218 investigations into privacy complaints. Just over half of these – 127 – involved possible breaches of the Code. Those complaining ranged from the rich and famous on the one hand, to ordinary members of the public who were thrust into the media spotlight on the other. This broad range of complaints about privacy enabled the Commission to consolidate the experience it has built up over the years, and ensure that it continues to produce consistent and common-sensical rulings that add to its case law. More details about the Commission's approach to privacy are set out on page 6 of this report.

Investigating accuracy complaints under Clauses 1 and 2 of the Code continues to provide the Commission with the bulk of its work. Of the 713 that the Commission received last year, 333 were found to raise a possible breach of the Code of Practice. The Commission's team of five complaints officers negotiated offers to resolve 327 of these. The remaining six were upheld at adjudication. These figures are a clear riposte to those who believe that there should be a legally-enforceable right of reply. There is simply no need for one.

They are also a tribute to the quality and hard work of the Commission's full time staff. It is still not well known that these people are not journalists. The Commission treasures its independence and as such does not employ people who have been professional journalists. Indeed, the industry has no hand in administering the PCC beyond indirectly funding it. What is more, following the reforms that I announced upon my appointment as Chairman in 2003, 60% of the board of the Commission are

now independent of the industry. The presence of the 7 editors on the Commission – the sole representation that the industry has within it – is absolutely vital if we are to continue to issue sensible adjudications that command respect within the industry that we are regulating and beyond. But the Commission is dominated by people from outside the industry. Few of those people can claim to have contributed so much to its success as Professor Robert Pinker. He retired from the Commission in 2004. He had been a founding member of the Commission, and had served on it for thirteen and a half years, including 15 months as Acting Chairman. One of the great tributes to the PCC is the extent to which it is copied around the world – and Bob Pinker has been at the forefront of spreading the gospel of self-regulation in all four corners of the globe. He was rightly honoured in the 2005 New Year's Honours List with the CBE for services to the Commission.

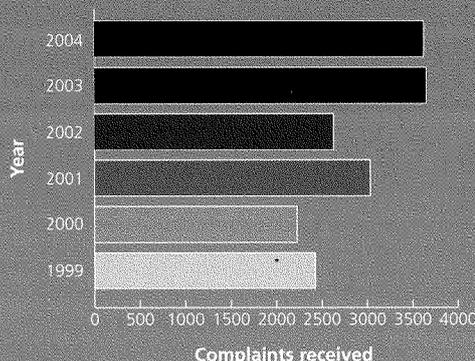
The success of self-regulation of the press and the Code of Practice is in some ways invisible, and cannot be recorded here. It is to be found in the true but intrusive stories that are not published, in the harassment that is stopped and in the problems that are settled directly with complainants. Credit for all of that goes to editors and journalists themselves. And it is their willingness to put things right when mistakes have been made that accounts for the record number of complaints that we are able to resolve. The Code of Practice is the industry's own set of rules – and I am pleased to record that, on the whole, it seems determined to make them work.

**Sir Christopher Meyer KCMG,**  
Chairman

# Statistics

## Total complaints received

In 2004, the Commission received a total of 3618 complaints, which was very similar to the figure for 2003 (3649). This represented a 40% increase on 2002 levels and demonstrated that the PCC's accessibility to complainants remained very high.



The simple complaints total inevitably conceals a more complex picture. The PCC receives many complaints that do not fall within its remit – relating, say, to advertisements, legal matters or issues of taste and decency – or represent general concerns on the part of complainants, that do not fall within the terms of the Code. In those cases, the PCC seeks to assist complainants in an appropriate manner, by referring them to other relevant bodies or passing on their views to the editor concerned.

In all, the Commission had to make 900 rulings under the Code in 2004, which represented a drop of around 14% from 2003. The complaints that raised a possible breach of the Code also fell by 7%. This means that, despite overall complaints levels remaining the same, there was a noticeable drop in substantive concerns about the newspaper and magazine industry.

Against that background, however, the PCC was busier than ever. It conducted 10% more investigations than in 2003, and achieved the highest number of resolved complaints in its 13-year history. In 98% of cases raising a possible breach of the Code, the Commission was able to negotiate appropriate remedial action on behalf of a complainant; in only 2% of possible breaches was no appropriate offer made. These complaints were all upheld.

The average time taken to deal with all complaints remained exactly the same as last year: 17 days. However, there was a slight increase in the time taken for the Commission to complete its investigations. This is probably explained by the extra lengths to

which PCC staff have gone in 2004 to negotiate settlements to complaints as outlined above. However, the process remained undoubtedly fast: it took the PCC 37 days on average to reach a ruling on a complaint, just three days more than 2003, and within the self-imposed target of 40 days.

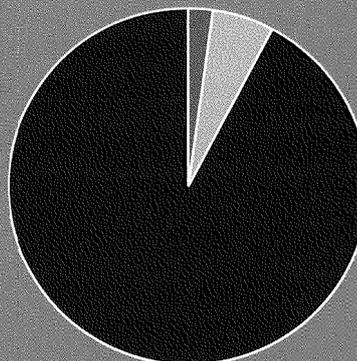
This year the PCC resolved the highest number of complaints in its 13 year history

While the Commission again handled complaints from high profile figures – especially regarding the issue of privacy and pictures (see page 6) – in 2004, it also fulfilled its primary objective of offering assistance to ordinary members of the public: over 90% of all complainants have not previously been in the public eye. And the majority of the Commission's workload was not devoted to national newspapers (either broadsheet or tabloid): 49% of its investigated complaints related to regional, Scottish or Northern Irish titles, compared with 44% which related to nationals. In all privacy cases, more substantive complaints were again raised about regional newspapers than nationals in 2004.



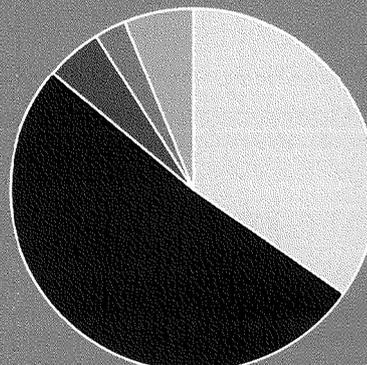
### All complaints – by type of complainant

- People in the national or public eye: 2.3%
- Organisations and public bodies: 5.5%
- Ordinary people: 92.2%



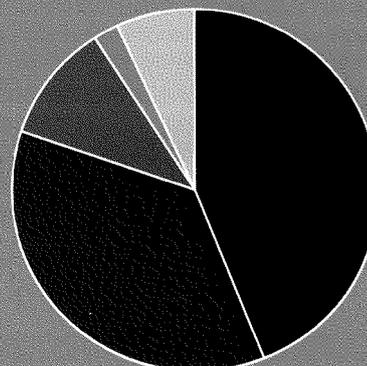
### Privacy - rulings

- National: 34.6%
- Regional: 51%
- Scottish: 4.9%
- Northern Irish: 2.9%
- Magazine: 5.9%



### Investigations

- National: 44%
- Regional: 36.5%
- Scottish: 10.4%
- Northern Irish: 2.4%
- Magazine: 6.7%



# Statistics

## Complaints ruled upon - by clause

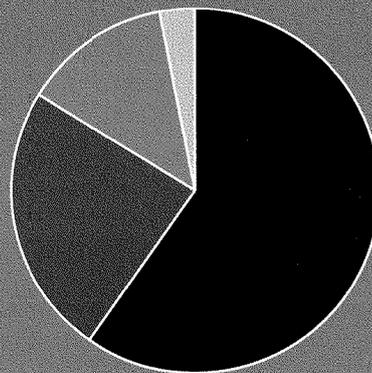
As in previous years, the majority of all complaints related to issues of accuracy. Nearly 60% of PCC rulings were made under Clauses 1 (Accuracy) or 2 (Opportunity to reply) of the Code. Privacy cases represented almost a quarter of all rulings and discrimination complaints exactly 13% (down from 17% in 2003). It is worth noting that fewer than 3% of all discrimination complaints raised possible breaches of the Code, in regard to all of which the PCC negotiated appropriate action from the editors involved.

## Rulings under the Code by Clause

Clause 1	Accuracy	56.2%
Clause 2	Opportunity to reply	3.5%
Clause 3	Privacy	11.4%
Clause 4	Harassment	2.6%
Clause 5	Intrusion into grief or shock	4.6%
Clause 6	Children	2.8%
Clause 7	Children in sex cases	0.4%
Clause 8	Clandestine devices and subterfuge	2.5%
Clause 9	Hospitals	0.2%
Clause 10	Reporting of crime	2.2%
Clause 11	Misrepresentation	1.4%
Clause 12	Victims of sexual assault	0.1%
Clause 13	Discrimination	13%
Clause 14	Financial journalism	0.2%
Clause 15	Confidential sources	0.4%
Clause 16	Witness payments in criminal trials	0.2%
Clause 17	Payment to criminals	0.4%

## Investigated complaints by type

- Accuracy and opportunity to reply: 59.7%
- Private lives: 24.3%
- Discrimination: 13%
- Newsgathering: 2.9%



## Customer feedback

Each year the Commission surveys the views of hundreds of people who use its service. In 2004, 305 complainants returned the anonymous feedback form. The results were as follows:

- 94% of people whose complaints were either upheld or resolved were satisfied or very satisfied with the way in which their case had been handled;
- 79% of respondents considered that the time taken to deal with their complaint had been about right;
- 94% of complainants found the Commission's literature to be clear or very clear, while 87% found the PCC's staff to be helpful or very helpful; and
- 60% overall concluded that their complaint had been handled satisfactorily or very satisfactorily. This was in line with previous years and includes those cases where the Commission found no breach of the Code.



# Review of the Year

## Privacy

The protection of individuals' privacy is at the heart of the Commission's work. Nine clauses of the Code relate to privacy, and in 2004 the Commission concluded 218 investigations into complaints that these clauses had been breached. Just over half of those cases – 127 – involved a possible breach of the Code of Practice. In all but two, the Commission's staff negotiated proportionate and appropriate offers from the newspaper to resolve the matter. These complaints included objections to all manner of things: publication of addresses or photographs of houses; identification of innocent relatives of criminals; the use of information contained in private e-mails or confidential documents; the revelation of private health matters; the publication of photographs taken as a result of harassment, or taken at times of mourning; stories about anti-social children; the insensitive handling of stories at times of grief and so on.

Yet the broader public debate which surrounded privacy in 2004 tended to concern the far narrower topic of photographs. This was the result of two legal rulings, one concerning photographs of Caroline von Hannover – which appeared in the German press in the early 1990s – and one a picture of the model Naomi Campbell which was published three years previously. The complainant won in both cases. Of course, the Commission has regard to the view of the courts where the matter concerns issues of privacy. It is important to put the number of such rulings into context, however. Legal actions against newspapers regarding the publication of photographs – which tend to cite the law of confidence and Human Rights Act – are rare. They are a fraction of the number of similar cases with which the PCC deals.

There has been some speculation about whether these two cases would alter the manner in which the PCC handles complaints about photographs. Its general approach has been – and will continue to be – to apply a simple geographical test when considering complaints

that the publication of photographs is intrusive. In the absence of any harassment, the chief issue for the Commission to consider is whether the complainant had a reasonable expectation of privacy in the place that they were photographed. The Commission has previously found that publicly accessible places such as restaurants, churches, offices – even the jungle – are places where someone would have a reasonable expectation of privacy. However, it has made clear that public highways, petrol station forecourts, public beaches, car parks and so on are not such places.

However, following the Naomi Campbell ruling, the Commission thought it right to outline that there might be a small category of photograph – taken in a public place and in the absence of any harassment – that nonetheless may breach the Code. While rejecting a complaint from the publisher Kimberley Fortier about the taking and publication of a photograph of her while walking along a street in Los Angeles, the Commission took the opportunity to make clear that it:

*“does not generally consider that the publication of photographs of people in public places breach the Code. Exceptions might be made if there are particular security concerns, for instance, or in rare circumstances when a photograph reveals something about an individual's health that is not in the public interest”*

This approach was tested shortly afterwards in a complaint from Allegra Versace about photographs in a celebrity magazine which illustrated something about the state of her health. As a result of the clear indication in the Fortier ruling that such cases might breach the Code, the magazine resolved the complaint by publishing a prominent apology which accepted that it had erred, and gave undertakings not to repeat the material in the article and not to use the photographs again.

Such an outcome underlines the commonsensical manner in which the Commission can resolve complaints. The process is confidential, quick and free – all of which is in contrast with the law, where hearings are conducted in public view and frequently take years to resolve. While newspapers and magazines continue to co-operate swiftly with the Commission in the resolution of complaints, the Commission will continue to be the most appropriate and attractive forum for dealing with privacy complaints.

## New Code

The first annual audit of the Code took place in 2004 by the Code Committee. The annual audit was proposed by Sir Christopher Meyer as part of his programme of 'permanent evolution' for the PCC. Submissions to the Code Committee were received from within the newspaper industry, from the general public and from the Commission itself. The Commission ratified the new Code in April 2004. More details about the new Code, and about the Code Committee's work, are on page 17 of this report.

# Review of the Year

## Advice 24 hours a day

One of the most important and useful services that the PCC provides is its 24-hour emergency pager. Members of the public can contact one of the Commission's complaints officers at any time of night or day – normally to get advice about how to deal with unwanted approaches from journalists. In appropriate cases the Commission can contact editors to ask them to ensure that their reporters or photographers are acting within the terms of the Code. This, in turn, means that issues under Clause 4 (Harassment) are frequently resolved without the need to make a formal complaint.

In 2004, the Commission agreed that it would liaise with broadcasters in cases involving 'media scrums' which involve television and print journalists. Those worried about the presence of a number of journalists from any media can now simply contact the PCC with their concerns, and the Commission will ensure that their wishes are passed on to the relevant broadcasters. Such flexibility is only possible because the Commission is a non-statutory body.

Calls to the pager almost doubled in 2004 to just under 80. Its number is 07659 152656.

## Charter Commissioner

In response to one of Sir Christopher's proposals for Permanent Evolution, the office of the Charter Commissioner was established on 1st January 2004. The first Charter Commissioner, Sir Brian Cubbon, has already published his first annual report which can be accessed at [www.pcc.org.uk](http://www.pcc.org.uk).

The Charter Commissioner's role is to assess concerns over the handling of complaints. He cannot review the substance of Commission decisions. He serves, in that sense, as an internal 'judicial review' mechanism, allowing complainants the opportunity to query and challenge the manner in which their complaints were handled by the PCC.

Sir Brian received 59 complaints in 2004, which represents a little under 2% of all the cases handled by the PCC. As a result, he made a number of recommendations regarding both specific cases and more general procedural points. All of the recommendations were accepted by the Commission.

## Charter Compliance Panel

The Charter Compliance Panel was appointed from January 1st 2004 to audit the standard of service given to complainants by the Commission. Its members are Sir Brian Cubbon, Dame Ruth Runciman and Charles Wilson. Its creation was part of Sir Christopher Meyer's plan for 'permanent evolution' of the Press Complaints Commission. It ensures that there is scrutiny of the Commission's procedures. Last year it examined over 200 files, chosen at random.

The Panel publishes a separate annual report. Its report for 2004, which included a number of recommendations about how the Commission could improve its standard of service further, is available online at [www.pccpapers.org.uk](http://www.pccpapers.org.uk)

## Guidance notes

From time to time, the Commission publishes guidance notes which are designed to explain its approach to a particular issue under the Code, for instance by giving examples of inaccurate terminology. Last year it revised guidance – originally published in 1995 – on the subject of lottery winners, making clear the protection afforded by the Code to winners who opt for anonymity or publicity.

The Commission also published a note on the reporting of people accused of crime, following an approach from the Home Office, which was concerned about the position of people accused of – but not charged with – crime. Responding to these concerns, the Commission drew together the relevant provisions of the Code in a new Guidance Note. The notes can be accessed at [www.pcc.org.uk](http://www.pcc.org.uk)

These Guidance Notes were notified to the Editors' Code of Practice Committee.

At the end of 2004, the PCC announced that it would ask its press cuttings agency to scan the British press for the phrase 'illegal asylum seeker'. A guidance note published in 2003 specifically stated that this phrase was likely to raise issues under Clause 1 (Accuracy) of the Code. The Commission was alerted to research that suggested that, while incidences of the term had declined, they had not been eradicated. The Chairman undertook to bring any future examples to the attention of the editor concerned.



## Commission changes

As the chairman has recorded in his report, Professor Robert Pinker retired during 2004 after 13 and a half years on the Commission. However, he will continue to be involved with the PCC's training work and international activities.

He was replaced as a public member on the Commission by Adam Phillips, a market research Consultant, who has extensive experience of regulation of the market research industry. He is currently the Chair of the ESOMAR Professional Standards Committee. (ESOMAR is the world association of market research professionals.)

Mr Phillips was the second lay member appointed as a result of the open recruitment process announced as Sir Christopher's 8-point plan for PCC reform, which was announced in 2003.

## Appointments Commission

Members of the Commission, the Code of Practice Committee, and the Charter Compliance Panel are appointed by an independent Appointments Commission, as is the Charter Commissioner.

The Appointments Commission is chaired by Sir Christopher Meyer and is dominated by individuals who have no connection to the newspaper and magazine industry. The only representative of the industry is Philip Graf CBE, the chairman of Pressbof. The other members of the Commission 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).

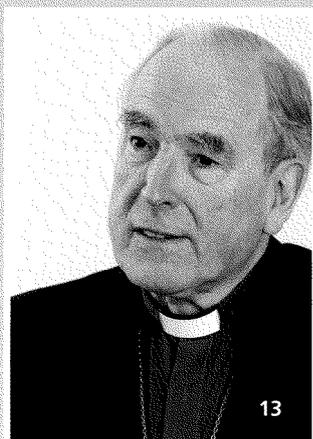
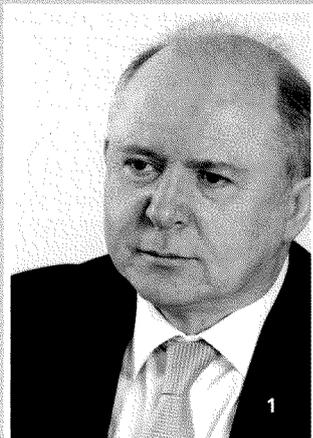
## Financial Report

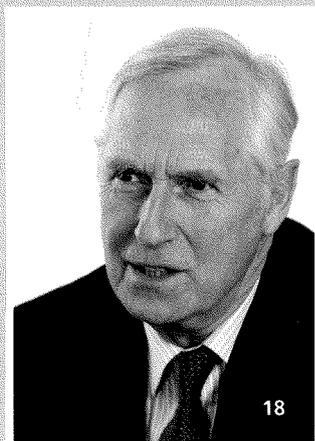
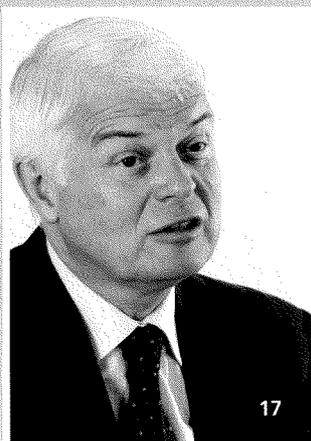
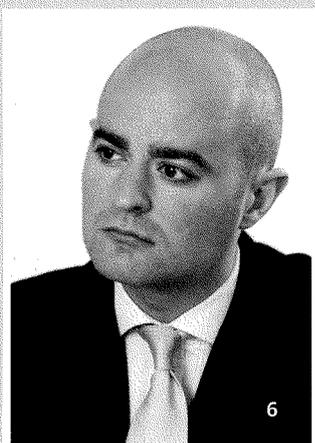
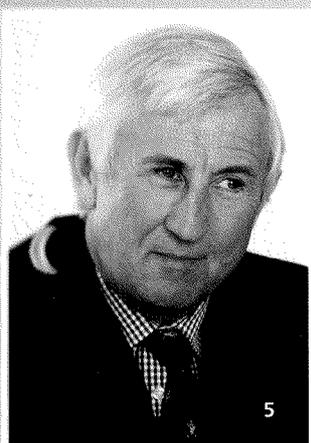
Extracts from the Commission's audited accounts for the 2003 financial year appear below. Figures for 2004 were not available in time for the publication of this report, and will be published next year. The Commission's income is derived solely from the Press Standards Board of Finance (Pressbof), which in turn raises a levy on the newspaper and magazine industry. This ensures that the Commission operates a system that is free to use and is no burden to the taxpayer. Pressbof publishes a separate annual report.

	£
Wages, salaries and related costs (including Commissioners)	921,046
Rent, rates and maintenance	129,424
Legal and professional fees	196,930
Travel, entertainment and public relations	230,587
Telephone, stationery, insurance, utilities, publications, printing and related office costs	117,201
Depreciation	24,984
Sundry expenses	67,513
Websites	23,987
Bank charges	2,739
<b>Total</b>	<b>1,714,411</b>

(Auditors: Deloitte and Touche)

# Commision Members





1. **Peter Hill**: Editor, Daily Express
2. **Professor the Lord Chan**: Visiting Professor in Ethnic Health, University of Liverpool. Former member, Commission for Racial Equality
3. **Matti Alderson**: Member of the Better Regulation Task Force. Director General of the Advertising Standards Authority 1990-2000
4. **Roger Alton**: Editor, The Observer
5. **Edmund Curran**: Editor, Belfast Telegraph
6. **Tim Toulmin**: Director
7. **Charles McGhee**: Editor, Glasgow Evening Times
8. **Vivien Hepworth**: Former Chairman of Surrey and Sussex Healthcare NHS Trust
9. **Paul Horrocks**: Editor, Manchester Evening News
10. **Mary Francis**: Director General of the Association of British Insurers 1999-2005
11. **Paul Dacre**: Editor-in-Chief, Daily Mail
12. **Jane Ennis**: Editor, NOW Magazine
13. **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
14. **Sir Christopher Meyer KCMG**: Chairman
15. **Eve Salomon**: Solicitor. Former Director of Legal Services, Radio Authority
16. **Dianne Thompson**: Chief Executive, Camelot Group plc
17. **Adam Phillips**: Chairman, ESOMAR Professional Standards Committee
18. **Dr Arthur Hearnden OBE**: Former General Secretary of Independent Schools Joint Council

# Raising Awareness

## Open Days

The Commission holds two Open Days a year in major towns and cities in the UK to raise awareness of its work. In 2004, events were held in Edinburgh and Cardiff. Everyone – members of the public, journalism students, editors, local politicians and those who give professional advice – is invited. During the afternoon, the Commission's complaints officers hold an informal 'surgery', where people who may have a specific problem can come for discreet advice. Following this there is a more formal 'Question Time', with the audience invited to submit questions on any subject related to press ethics or the PCC. Sir Christopher Meyer chairs the panel, which also includes members of the Commission, its director, and a newspaper editor. The Commission was very grateful to David Pollington, editor of the Sunday Post, and Alun Edmunds, editor of the Western Mail, for agreeing to be the editorial members of the panels in Edinburgh and Cardiff respectively.

Similar events are planned for Belfast and Newcastle in 2005.

## Anticipating problems

Many of the complaints that the Commission receives come from ordinary members of the public who are caught up in a story through no fault or choice of their own. This may be because of their proximity to an unusual death or crime, whether as a victim or a witness. Complaints about inquest reports are common. It is therefore essential that people who are in this situation are informed that newspapers will normally have the right to report inquests and court hearings, but that there are nonetheless particular rules about how stories should be handled. They should also be aware that they can approach the PCC for advice or to make a complaint.

To that end, the director of the Commission wrote to every coroner and police force with details about how to make a complaint, with a request that the information be made available to vulnerable members of the public. He also addressed the annual Victim Support Conference, and the annual gathering of the Association of Police Public Relations Officers. Specific meetings were also arranged between members of the PCC's staff and the Scottish Police Family Liaison Officers, Suffolk and Derbyshire police, and with the Chief Constables of North Wales and Merseyside Police.

The Commission's External Affairs Manager, Sue Roberts, had a series of meetings with representatives of community and special interest groups, including the Refugee Council, ICAR and the Irish Travellers Group. She also met Strategic Health Authorities throughout the country.

Complaints about inquest reports are common. It is therefore essential that people who are in this situation are informed that newspapers will normally have the right to report inquests and court hearings



### PCC around the UK

Much of the Commission's work – city Open Days, conferences, round-table meetings with interested parties, training sessions for journalists and students, lectures and so on – takes place outside London. This map illustrates which parts of the UK members of the Commission's staff visited at least once during 2004.

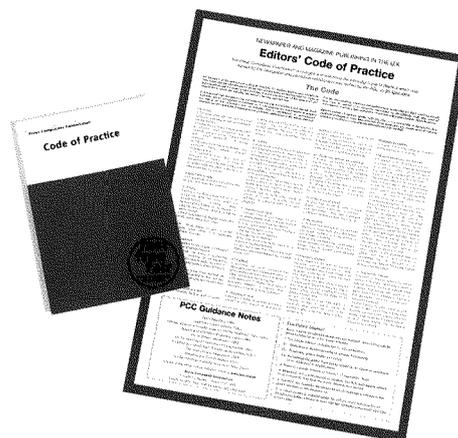


# Raising Awareness

## Training journalists

Knowledge of the PCC and the Code is now tested in most journalism courses' examinations. In addition, compliance with the Code of Practice is increasingly a contractual requirement for working journalists. These factors are essential in ensuring that the Code remains respected and relevant. But they also mean that the PCC has an obligation to help train potential journalists about the Commission and the practical application of the Code. It therefore provides a range of speakers to address journalism students. Professor Robert Pinker – who is now a consultant to the Commission – and Sue Roberts have long had such a role. In order further to underline its commitment in this area, the Commission last year invited Alison Hastings to join this line up, with a specific brief to visit university journalism courses. Alison is a former regional editor, former member of the Commission and now a professional media trainer.

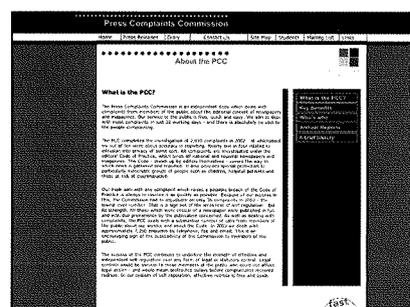
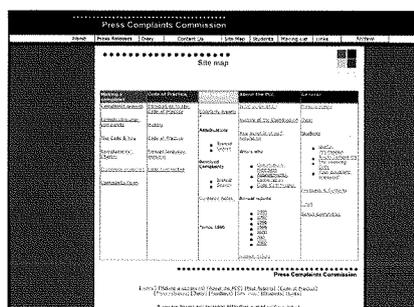
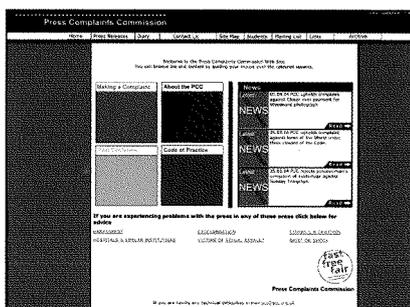
Anyone wishing to organise a speaker from the PCC should contact Tonia Milton, the Commission's Events and Information Manager, by e-mail. Her address is [tonia.milton@pcc.org.uk](mailto:tonia.milton@pcc.org.uk). Requests for copies of the Code of Practice in its various forms should also be made to her.



The PCC has an obligation to help train potential journalists about the practical application of the Code

## Online and On-call

Quite apart from its specific activities around the UK, the PCC continues to be online and on-call 24 hours a day, 7 days a week. The Commission's website ([www.pcc.org.uk](http://www.pcc.org.uk)), which receives hundreds of hits each day, is a huge databank of information. It contains details of every complaint adjudicated or resolved by the PCC since 1996 as well as advice for the public on how to deal with potentially difficult situations. The site also enables individuals to lodge their complaints immediately.





# Our Service in Action

As has been made clear elsewhere, the primary aim of the PCC is to bring about the resolution of all complaints that raise a possible breach of the Code whenever it can.

This means, in practice, that the Commission's team of five complaints officers devote much of their time to negotiating appropriate offers from editors in order to bring about the amicable settlement of complaints to the satisfaction of complainants. In turn, the culture of conciliation fostered by the PCC over recent years has ensured that editors – almost without exception – make every effort to provide remedial action to complaints when asked to do so.

It is a striking achievement that of the 333 accuracy cases that raised a possible breach of the Code, the Commission's complaints officers brokered offers to resolve all but 6 of them. Not all these offers were accepted.

Complaints can be resolved under any of the 16 clauses of the Code through a variety of means. In 2004, the PCC was involved in the negotiation of:

- 56 Corrections
- 75 Clarifications
- 48 Published apologies
- 43 Annotations of records
- 67 Private apologies
- 86 Published letters
- 38 Undertakings
- 27 Points of further action (including explanations, private settlements etc)

Some examples of resolved complaints are set out below:

*The Headmistress of a school in London complained that the newspaper had published a photograph, of a celebrity sitting on the school wall, in which two pupils – standing behind the wall on school property – were clearly visible. The complaint was resolved when the newspaper, which immediately accepted that it had breached the Code, sent a personal letter of apology to the complainant and gave an undertaking as to future practice in regard to this issue.*

*A doctor complained that an article had used the terms 'asylum seekers' and 'illegal immigrants' interchangeably. The complaint was resolved when the newspaper published a letter from the complainant, annotated its files to reflect her concerns and reissued an internal guidance note on the subject.*

*A woman complained that the newspaper report of the inquest into the death of her brother contained inaccuracies and was insensitive. The complaint was resolved when the editor of the newspaper, who accepted that the article was insensitive, sent a personal letter of apology to the complainant and her family.*

*A lawyer complained that an article on a Disciplinary Tribunal in which she was involved contained major inaccuracies, including the wrong outcome. This gave the impression that the complainant was "struck off" when in fact she had won her case. The complaint was resolved when the newspaper – which acknowledged the errors in the report which originally came from a news agency – removed the offending article from its website and swiftly published a correction and apology.*

*A father complained that a court report referred to his son's mental health and that the inclusion of such details was not directly relevant to the case. The complaint was resolved when the newspaper undertook not to publish any medical details in further articles which were not germane to the court case in question.*

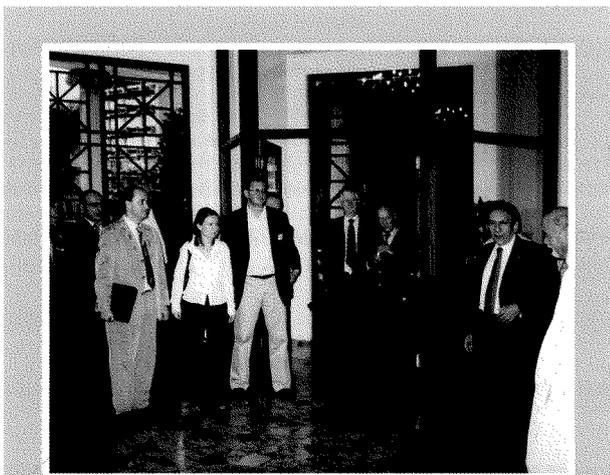
*A singer complained that photographs of her published in the newspaper were intrusive. She made clear that the photographs, which were of her in a state of undress, had been taken when she was in a private villa, in a place in which she had a reasonable expectation of privacy. The complaint was resolved when the newspaper, which believed that the images were already in the public domain, published an apology to the complainant in which it accepted that their publication had been intrusive and reaffirmed its commitment to abide by the Code of Practice.*

Further examples can be seen on the PCC website at <http://www.pcc.org.uk/reports/resolvedsummaries.asp>.

# International report

As the chairman makes clear in his introduction to this Annual Review, the PCC model of press regulation has been widely copied throughout the world. It is striking that a number of countries in Eastern Europe – many of whose journalists have experienced state regulation of the press during their own careers – have turned to the PCC example. The Commission is committed to providing whatever support and advice is necessary to the media in such countries to encourage the development of self-regulatory systems. It believes that the more self-regulation there is, the better. Last year it offered support to developing press councils in such diverse countries as Sri Lanka, Swaziland, Ethiopia and Bulgaria.

But the key part of the Commission's international strategy is to maintain close links with counterpart organisations in Europe, with which it has a number of issues in common. Chief among these is the desire to prevent European institutions from encroaching on its territory by promoting legislation that will regulate the content of newspapers and magazines.



AIPCE delegates meet the Mayor of Nicosia

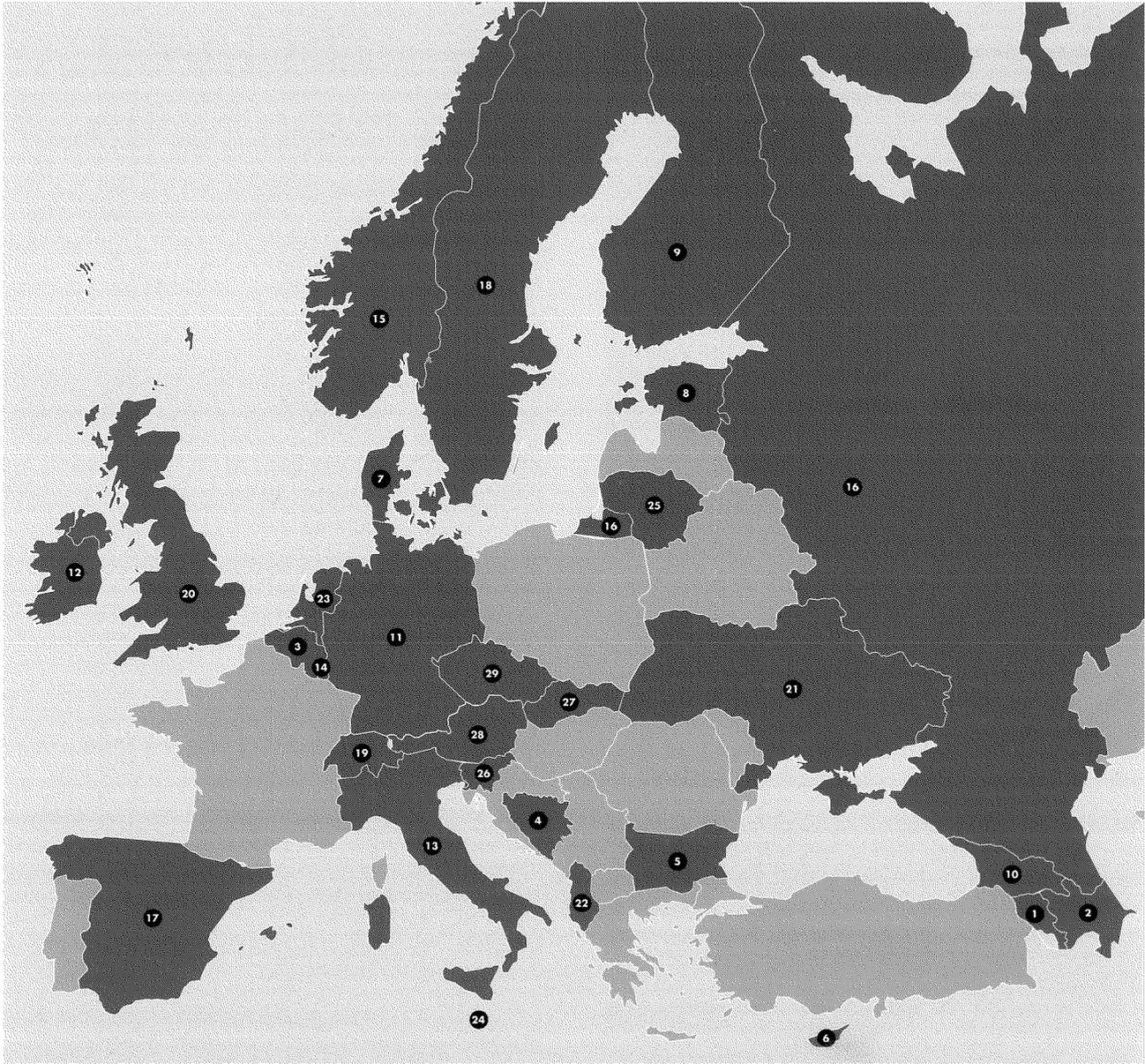
The foundation of the Commission's relationship with similar European bodies is the Alliance of Independent Press Councils of Europe (AIPCE). Its annual meeting was generously hosted in 2004 by the Cyprus Media Complaints Commission, and saw a record number of countries represented, from Ireland in the West to Russia in the East (see map on page 16). The Cypriot Minister for the Interior opened the conference by expressing his support for self-regulation, noting that "the promotion of freedom of expression and the provision of truthful information...in the final analysis promote democracy and peace."

AIPCE was pleased to welcome representatives from Albania, Bulgaria, Georgia and Armenia for the first time – an encouraging sign of the spread of media freedoms there. However, self-regulatory institutions in those countries face considerable hurdles – largely concerning the viability of long-term funding – before they can become entrenched. The attendance of many of the representatives from Eastern Europe was funded by the Council of Europe and the Open Society Foundation.

Professor Robert Pinker, who retired from the PCC in the summer of 2004, continued as the International Chairman of the Bosnian Press Council, with which the PCC has had close links for the past five years. The BiH PC hopes that by the middle of 2005 a national Chairman will be ready to take charge, by which time Professor Pinker will have spent three years chairing the body.

The Commission remained concerned at proposals in the Republic of Ireland to establish a press council with a statutory basis. Although the matter had not been resolved at the time of the writing of this report, there were strong indications that the Irish government would introduce legislation paving the way for the creation of a press council. This move would be contrary to the trend in most of Europe, which is away from governmental interference in the regulation of press content and towards the establishment of truly self-regulatory institutions.

During the course of the year the Commission welcomed visitors from many countries to its offices – many of those visits being organised by the Foreign & Commonwealth Office. Students from Syracuse University in the USA, representatives from the Ukrainian Press Ethics Commission, and the President of the Ethiopian Free Press Journalists' Association were just a few of the many individuals who requested briefings on the Commission's work.

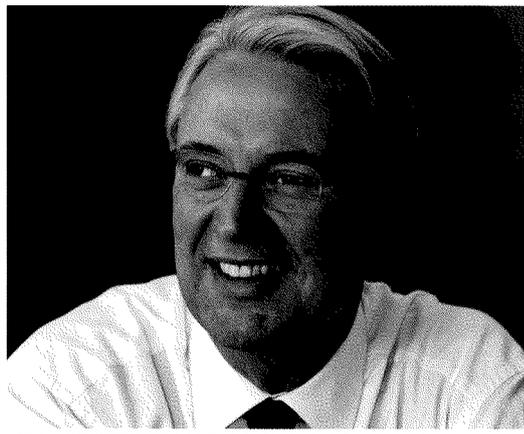


○ Countries which have a Press Council or similar body or in which attempts are being made to establish one (those marked with an asterisk were represented at the AIPCE 2004 conference)

- |                  |                 |              |              |                    |              |
|------------------|-----------------|--------------|--------------|--------------------|--------------|
| 1. Armenia*      | 2. Azerbaijan*  | 3. Belgium*  | 4. Bosnia*   | 5. Bulgaria*       | 6. Cyprus*   |
| 7. Denmark*      | 8. Estonia*     | 9. Finland*  | 10. Georgia* | 11. Germany*       | 12. Ireland* |
| 13. Italy*       | 14. Luxembourg* | 15. Norway   | 16. Russia*  | 17. Spain          | 18. Sweden*  |
| 19. Switzerland* | 20. UK*         | 21. Ukraine* | 22. Albania  | 23. Holland        | 24. Malta*   |
| 25. Lithuania    | 26. Slovenia    | 27. Slovakia | 28. Austria  | 29. Czech Republic |              |

NB. A representative of the Israeli Press Council also attended the AIPCE conference.

# Editors' Code of Practice Committee Chairman's Report



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

TWO major innovations aimed at moving forward the process of self-regulation marked out the year as one of the busiest in the Code Committee's history. The Committee conducted its first annual Review of the Code and embarked on a project to produce its own official handbook. The projects sprang directly from two of Sir Christopher Meyer's proposals for 'permanent evolution' of press self-regulation, which the Committee readily embraced as extremely positive.

The Review, conducted in the light of public consultation, amounted to the Code's most thorough overhaul since the revisions in 1997, following the death of Diana Princess of Wales. The Code is already widely acknowledged as tough, comprehensive and concise, but our aim was to make it simpler to use, both for the editors and journalists for whom it is already a professional tool, and for complainants.

It gave us the opportunity to emphasise more explicitly some fundamental elements, particularly the responsibility to observe the Code not just to the letter but in the spirit. It also stressed that the Code covers online versions of publications, as well as printed copies; applies to all editorial contributors, including non-journalists; and that editors had the ultimate duty of care to implement its rules.

The Code emerged from the Review not only stronger, but shorter and crisper than before, while actually covering more ground. It introduced, for example, the requirement for publications to include a headline reference to the PCC in the report of any adverse adjudication against them. It extended privacy provisions to cover digital communications – forbidding the interception of private or mobile telephone calls, texts, or email messages, unless in the public interest. A new test was introduced to prevent payment to criminals

for material that seeks to exploit, glorify or glamorise crime. At the same time, the rules were tightened so that a publication that paid a criminal in the genuine belief that it would obtain material in the public interest could not publish if the material yielded nothing of public interest. It would mean, in effect, that the money had been wasted – which is sure to discourage purely fishing expeditions.

Our purpose throughout the Review was to make the Code clearer and more accessible - better and more widely understood outside the industry as well as inside. Those same ambitions were at the heart of the project to produce The Editors' Codebook – a handbook which, for the first time, set the Code and the PCC's adjudications upon it in context.

Over nearly 14 years, the body of PCC case law has become a unique guide to how the Code is interpreted. Although the handbook was not published until early 2005, the Committee's Secretary, Ian Beales, completed the research, groundwork and drafting in 2004 when the final draft was revised and agreed by the Code Committee. Ian deserves special recognition for the enormous effort he contributed to preparing the book.

One of its benefits was to demonstrate how much the PCC's adjudications have helped shape the thinking of the British press over the years. It is a powerful reminder that self-regulation, far from being an example of the press being the sole judge in its own court, relies heavily for its authority on the decisions of a body with a strong majority of lay members. We hope the Codebook will be invaluable to working journalists, students, lawyers and all those with an interest in making self-regulation work. Its very existence is testimony to the industry's commitment to that cause.

None of this could have been achieved without the continued strong teamwork of the Code Committee, which – despite serious debate on many individual issues - continues to reach its decisions by genuine consensus. We have never needed to take a vote. Given the strongly independent nature of the committee's membership, that is itself a major feat and I pay tribute to them all for their time, diligence and dedication.

During the year, we welcomed to the Committee Lindsay Nicholson, Editor-in-chief of Good Housekeeping magazine, and Harriet Wilson, Director of Editorial Administration and Rights at Conde Nast. They were nominated by the Periodical Publishers Association to replace Tom Loxley, following his departure from Maxim magazine, and James Bishop, of Illustrated London News, who had served on the Code Committee for nine years. I am extremely grateful for their contribution.

**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 was ratified by the PCC on 28 April 2005. It takes effect from 1 June 2005.

All members of the press have a duty to maintain the highest professional standards. This Code sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.

It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

It is the responsibility of editors and publishers to implement the Code and they should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists, in printed and online versions of publications.

Editors should co-operate swiftly with the PCC in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including headline reference to the PCC.

## 1 Accuracy

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, mis-leading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published.
- iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.
- iv) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

## 2 Opportunity to reply

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

## 3 Privacy\*

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications. Editors will be expected to justify intrusions into any individual's private life without consent.
- ii) It is unacceptable to photograph individuals in private places without their consent.

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

## 4 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 their property when asked to leave and must not follow them.
- 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.

## 5 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. This should not restrict the right to report legal proceedings, such as inquests.

## 6 Children\*

- i) Young people should be free to complete their time at school without unnecessary intrusion.
- ii) A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- iii) Pupils must not be approached or photographed at school without the permission of the school authorities.
- iv) Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
- v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

## 7 Children in sex cases\*

- i) The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.
- 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 Hospitals\*

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

## 9 Reporting of crime\*

- i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.
- ii) Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

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

## 11 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 they are legally free to do so.

## 12 Discrimination

- i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.
- ii) Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

## 13 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.

## 14 Confidential sources

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

## 15 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.

## 16 Payment to criminals\*

- i) Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates - who may include family, friends and colleagues.
- ii) Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.

### 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 serious impropriety.
  - ii) Protecting public health and safety.
  - iii) Preventing the public from being misled by an action or statement of an individual or organisation.
2. There is a public interest in freedom of expression itself.
3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully how the public interest was served.
4. The PCC will consider the extent to which material is already in the public domain, or will become so.
5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

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**Welsh Helpline** 029 2039 5570

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**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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