

MediaGuardian

Ready and Abell

In his first interview, the director of the Press Complaints Commission, Stephen Abell, on the success of pre-publication work and why the Max Mosley ruling was right

Roy Greenslade

Newspaper editors were delighted last week when Max Mosley failed in his attempt to force journalists to warn people in advance of publishing stories about their private lives.

Editors made it clear they were implacably opposed to a statutory requirement of "prior notification", arguing it would have a chilling effect on press freedom. Yet it transpires that editors do comply largely without demur with a self-regulatory regime in which they are often "advised" not to publish.

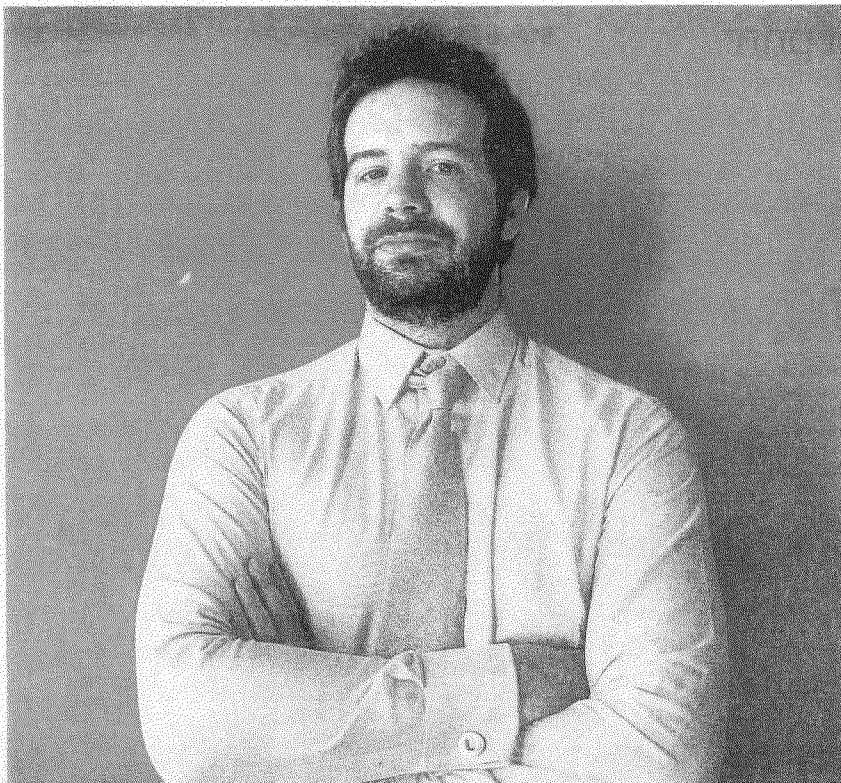
Stephen Abell, the director of the Press Complaints Commission, says: "We do an awful lot of pre-publication work. Some calls and says 'I know X newspaper is about to run something about me'."

"We then represent that person to the newspaper and we give advice to the editor, while letting the editor retain the decision about publication. But the effect is very often that stories are either not published, or inaccurate and untruthful parts of stories are not published."

Abell is giving his first interview since his appointment as PCC director in December 2009 to mark tomorrow's release of the commission's annual report. It's been a difficult period for the PCC, which has taken flak for its handling of the News of the World phone-hacking affair, providing further ammunition for critics of the UK newspaper industry's self-regulatory system.

However, there are clear signs the PCC is fighting back. Last week it censured the Daily Telegraph for its undercover recording of Vince Cable, confounding those who say it is a watchdog without teeth. In the recent debate about gagging orders and privacy, the watchdog and its industry supporters have been promoting it as a middle way between legislation and "law effectively being made by judges", as David Cameron said earlier this month. He appeared to back the PCC over a privacy law, saying it "has come on a lot in recent years" and he wanted to work with it "to make sure that people get the protection that they need".

Abell also talks about the PCC as a sensible middle path. He contrasts it with a compulsory system, in which editors are excluded from discussions, and the collaborative system introduced by the PCC. "When you're protecting someone's privacy it should be in private, and that's what we offer people. They come to us and then we go to editors on a confidential basis, either gener-



Inside job? ... Stephen Abell joined the commission in 2001 as a complaints officer and climbed up the ranks Photograph: Felix Clay

ally or specifically, and say here's a piece of information but there's a concern about it being published."

Evidently, this kind of conversation is especially common on Saturdays and often leads to a picture or story not appearing in a Sunday newspaper. "That doesn't threaten democracy in the way that people suggest injunctions do," says Abell. "It doesn't restrict - although I suspect Kelvin MacKenzie would disagree with me."

Indeed he would. Just an hour before my interview with Abell, the former Sun editor (below), who now writes a column for the paper, described the PCC's chair, Lady Buscombe, as an "idiot woman". Speaking on Radio 4's The Media Show, he also argued the commission was restricting press freedom.

Abell counters: "Our system doesn't restrict freedom of expression. It tries to reinforce a sense of responsibility and self-restraint. Though it is not a flawless approach, when you have a conflict between

When you're protecting someone's privacy it should be in private, and that's what we offer people'

two opposing rights - privacy and freedom of expression - it is always a difficult issue." According to the PCC's annual report, 23.7% of formal complaints in 2010 involved privacy, accounting for about 600 cases in the year. But there were also more than 100 "desist notices" sent to newspapers and hundreds of pre-publication discussions with editors specifically about privacy intrusions.

"A lot of it is to do with people who are bereaved," says Abell, pointing to the inquests that followed the murders of 12 people in Cumbria last June by Derrick Bird. "The police came to us after speaking to 10 family members who didn't wish to speak. We circulated that fact to broadcasters, the press and news agencies and no one contacted them during the whole course of the inquest. Clearly, you have to be careful about that because you don't want to restrict the legitimate role of a journalist knocking on someone's door, but if someone is genuine in their desire to be left alone then they should be."

He laughs about the contradictory criticisms of the PCC, saying: "On the one hand, it's said that famous people bypass us and use the courts. On the other, it's said that we're only here for famous people. In fact, it's always a balance between the two."

Abell may be only 31, but he is steeped in PCC lore. After graduating from Cambridge and a brief period reviewing books for the Times Literary Supplement, he joined the commission in 2001 as a complaints officer and rose up the ranks.

He believes the culture of self-regulation has had an effect that often goes unseen, pointing out that there is much less paparazzi pursuit of celebrities because, up to a point, the market has been curtailed through warnings to editors. "You often see paparazzi being quoted now about their awareness of the editors' code," he says. "That's striking."

He is relaxed about people seeking redress in court for press misbehaviour. "Clearly, cases of libel are better taken before a court. The code about accuracy and the law of defamation are two very distinct things. That's not a weakness - it's just us fitting in with the legal structure."

But what about Twitter? As last week's tweets of some alleged names of celebrities with gagging orders shows, is

the freedom available to people through social media tools not a threat to both the concept and practice of press self-regulation? While acknowledging that "there are real problems that didn't exist five years ago," he adds: "This illustrates the benefits of self-regulation. Legal injunctions are a restrictive top-down means of restraining information. When you squeeze something tight it starts to leak out from the sides and finds different ways of releasing itself. And that's what happened with recent injunctions and Twitter."

"We've been in the position of seeing stories on Twitter that we know about and that haven't been run in the press following

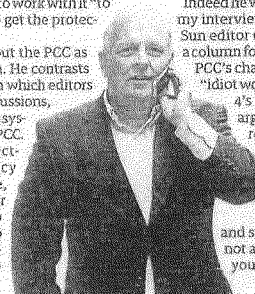
Percentage of formal complaints to the Press Complaints Commission in 2010 that involved privacy issues **23%**

guidance from us. These have not become widely known or caused problems." He also believes that credibility counts for mainstream media. "In the end, what newspapers find most marketable is credibility. You may ignore a story on Twitter, but only really matters when it is published on a trusted site."

He was heartened by the Mosley judgment. "We welcomed the ruling," he says, "because it recognised the PCC as one agency for protecting privacy."

But he concedes that the editors' code committee may need to frame a change to the code of practice in order to underline the requirement on journalists to inform people before they plan to write about them. There would need to be a good reason not to do so. "It could be seen as a necessary step towards taking care," says Abell.

For more of the Abell interview see Roy Greenslade's MediaGuardian blog today



Adult learning The benefits and challenges

Gaining a new qualification or skill as an adult not only improves work skills and independence, it also promotes social mobility, tackles underachievement and benefits the economy. In a time of tightening budgets, how important is the future of adult learning to UK society?

Look out for the special supplement in Education Guardian tomorrow

the guardian

10 years of **n iace** the Adult Learning Week promoting adult learning

Don't miss out - book today

ACTIVATE

LONDON 2011
theguardian

TIME TO CHANGE THE WORLD?

Wednesday 22 June 2011

KINGS PLACE, LONDON

Now in its third year **Activate** brings together people who are changing the world through technology and the internet

Confirmed speakers include:

- Salem Avran, chief information systems officer, UN Peacekeeping
- Michael Birch, founder, Bebo and chief monkey, Monkey Inferno
- Perry Chen, co-founder and CEO, Kickstarter
- Emma-Jane Cross, CEO, **Beathbullying**
- Rakesh Rajani, founder, **Twaweza**
- Alec Ross, senior advisor for Innovation, US State Department
- Zaw Thet, chair and founder, **Palindrome Advisors**

Book today at guardian.co.uk/activate/london
Follow us on Twitter @ActivateSummit

Event partner

TaylorWessing

