

Miss Julie Goodyear MBE v The People

Clauses noted: 3

Miss Julie Goodyear MBE of Heywood, Lancashire, complained that photographs of her published in The People on 6 October 2002 intruded into her privacy in breach of Clause 3 (Privacy) of the Code of Practice.

The complaint was upheld.

The photographs showed the complainant sitting in her back garden and were taken with a long lens. The complainant said that this was a breach of Clause 3, as she clearly had a reasonable expectation of privacy there.

The editor said that the garden was not hidden by trees or bushes and that it was possible to see the complainant from public places which bordered her property. Moreover, the newspaper enclosed copies of contracts that it had previously agreed with the complainant which made clear that it had paid her for features and stories concerning her home. The editor argued that the complainant could not now legitimately complain that her privacy had been invaded when she had previously been willing to use similar photographs for her own purposes.

Adjudication

The Commission dealt firstly with the argument that the complainant could be seen from public places bordering her property. A long lens had been necessary to photograph the complainant with any clarity and the Commission considered in these circumstances that it was unlikely that passers-by - even if they could have seen figures in the garden - would have been able to identify the complainant. It was clear that the complainant had a reasonable expectation of privacy where she was sitting.

Turning to the suggestion that the complainant had co-operated with the press to the extent that she no longer deserved the protection of the Code, the Commission appreciated that its previous adjudications have made clear that people may limit their rights by selling information or pictures. However, the Commission has also always been clear that people do not lose all rights to the protection of the Code and considered that, in this case, the editor had made the wrong decision. The Code is extremely strict about the use of long lens photography to take pictures of people in private places and the Commission did not consider that the previous publication of mutually agreed feature stories was a sufficient reason in these particular circumstances to breach it.

Adjudication issued 2003