

***Mr W G Ibberson v Brighouse Echo***

Clauses noted: 3, 4

Mr W G Ibberson of Brighouse, West Yorkshire, complained to the Press Complaints Commission that a photograph accompanying an article headlined "Another spanner thrown into the Sugden's works" was published in the Brighouse Echo on 12 December 2003 in breach of Clause 3 (Privacy) of the Code of Practice, and had been taken at a private function without consent in breach of Clause 4 (Harassment).

The complaint was rejected.

The complainant said that he had been invited to attend the 10th anniversary celebration of the opening of a local school. The event had been held in the school itself and admission was by private invitation only. However, a photograph taken at the event was subsequently published in the newspaper and this, said the complainant, constituted an invasion of his privacy. He had not given consent for the image to be taken or published and, indeed, had always refused to be photographed by journalists in the past.

The newspaper said that the event was very much 'public' and had been very well publicised, not least because of the attendance of The Princess Royal. Reporters and photographers had been invited to record the celebrations and had taken a picture of the complainant – a high-profile local businessman – which was later used in an article unconnected to the event. The newspaper acknowledged the complainant's desire not to have his image published but it did not consider that it had acted in breach of the Code by taking and using the photograph.

*Adjudication*

While the event itself may have physically taken place on private property, it was clear to the Commission that the nature of the occasion was not private. A senior member of the Royal Family had attended in an official capacity – something that would have been recorded in the Court Circular as a public engagement. Moreover, the Commission was bound to take into account the fact that the photographer was present at the school by invitation: he was there with the consent of the event's organisers and there was no suggestion that he was taking photographs surreptitiously. In these circumstances, it was not incumbent on the photographer to ask permission of individuals before taking their picture. Neither was the editor obliged to obtain permission before publishing such photographs, regardless of the context. While the Commission accepted that the complainant may not have known that his hosts had invited journalists to record the celebrations, it could not conclude that the event was one at which the complainant had a reasonable expectation of privacy. There was therefore no breach of either Clauses 3 or 4 of the Code.

Relevant ruling

Connery v Sunday Mail, 1999

Adjudication issued 2004