

***A woman v The News (Portsmouth)***

Clauses noted: 3

A woman complained to the Press Complaints Commission that an article, headlined "Parents want to know how teacher got tuberculosis" published in The News on 13 February 2004, had identified her as a TB sufferer and so intruded into her privacy in breach of Clause 3 (Privacy) of the Code of Practice.

The complaint was rejected.

The newspaper ran a series of articles on the subject of the outbreak of tuberculosis at a local school, after the disease had been contracted by a teacher. Its article of 13 February named the teacher for the first time and the newspaper repeated its identification in subsequent articles on the subject.

The teacher contended that the newspaper should not have identified her without her consent. She was especially concerned that the identification was repeated, even after the newspaper had been contacted by her LEA and her complaint had been lodged with the PCC. By naming the complainant unnecessarily in connection with a health issue, the newspaper had intruded into her private life.

The newspaper made clear that the outbreak was extremely worrying for the local community. The newspaper had been told, in public announcements by relevant authorities, that the source of the outbreak was a Year 6 teacher, of which there were two in the school. As the complainant was the only Year 6 teacher on sick leave, hundreds of parents with children in the school were aware of her identity. Her specific identification in the newspaper also ensured that other teachers at the school were not mistakenly identified as suffering from TB. The identification of the complainant had not intruded into her privacy for two reasons: a sizeable proportion of the community knew her name already; and, as a teacher with a contagious disease that spread into her school, she was at the centre of a major public health alert.

The complainant accepted that parents, children and the immediate community knew her identity. However, the wider community – particularly where she lived – did not. Everyone who needed to know that she had the disease knew before the article was published. Her identification in the newspaper to a broader group of people represented an intrusion into her privacy. It also added nothing to the value of the story itself, as the newspaper could have merely referred to her as a 'Year 6 teacher'.

***Adjudication***

Clause 3 of the Code makes clear that individuals are entitled to respect for their private life and health. A newspaper would be expected to justify any intrusions into an individual's privacy without consent.

The Commission sympathised with the complainant, given that she had encountered unwanted publicity at a difficult time. Nonetheless, it had to come to a decision under the Code, taking into account all the circumstances – including the public interest arguments advanced by the newspaper and the fact that her identity appeared to be well known locally.

It was clear that – unfortunately – the complainant was at the centre of a public health scare involving children at a local school. As she was an adult in a position of responsibility at the school and had been identified as the source of a TB outbreak among the pupils, the Commission believed that scrutiny of the complainant – however unwelcome – was inevitable. In such circumstances, matters relating to her health which would have otherwise been private became part of a necessary

public debate. The Commission considered that this provided some defence for her identification on grounds of the public interest.

However, the public interest defence was not the only mitigating factor for the Commission to consider. It was also the case that the identity of the complainant was already known by a significant number of people locally. The Commission is obliged by the Code of Practice to have regard to the extent to which material has already been made available to the public. In this case, the Commission considered that, as the information was demonstrably in the public domain to some degree, it would be unreasonable for the local newspaper to have been restricted from publishing it. The Commission noted the complainant's contention that while people connected to the school were aware of her identity, people where she lived were not. While once again expressing its sympathy for the complainant, the Commission did not consider that it was practical to take into account such geographical distinctions about where her identity was well known. The fact remained that it was in the public domain to a considerable degree (within the circulation area covered by the newspaper), and this was something that the Commission had to take into account.

Adjudication issued 2004