

Mr A Rashley v Southern Daily Echo

Clauses noted: 3

Mr A Rashley of Southampton complained to the Press Complaints Commission that an article headlined "Surrogate mum was answer to our prayers" published in the Southern Daily Echo on 22 May 2004 contained intrusive material in breach of Clause 3 (Privacy) of the Code of Practice.

The complaint was rejected.

The complainant and his wife had previously complained to the Commission about the publication of their partial address following the prosecution of a woman who had tried to enter into an illegal surrogacy arrangement with them. That complaint was resolved when the newspaper – which did not accept that there had been a breach of the Code – nevertheless offered to withhold publication of the complainants' street name from further articles about them. The complainants reverted to the Commission when another article was published which did include their road name, contrary to the undertaking that the editor had given.

The editor apologised for the breakdown in communication which resulted in the street name being published. He said that new guidelines had subsequently been put in place to ensure that the problem would not recur, although he restated his view that the initial article did not breach the Code. He added that the complainants appeared to have embraced publicity by appearing on television to talk about the case and by selling their story to a national newspaper.

The complainant pointed out that his address had not been revealed as a result of these other media appearances.

Adjudication

The complainants were at the centre of a story that had attracted national attention as a result of a court case, and publicity in their local newspaper in these circumstances was therefore inevitable. The Commission noted that their precise address had not been published. The Commission does not generally consider that the whereabouts of the street on which an individual lives is a matter that inherently concerns their private life. There were no reasons to depart from this principle in this case and there was therefore no breach of the Code on this point. However, the Commission was pleased that the editor had nonetheless given the complainants undertakings about future coverage, something that was within the spirit of mediation that self-regulation encourages.

It was therefore unfortunate that there had been a breakdown in communication that resulted in the street name being published again. Nonetheless, the Commission noted that the editor had apologised to the Commission and to the complainants, and had ensured that steps would be taken to ensure that the offer would be respected in future. In these circumstances, the Commission considered that, although there had been a regrettable oversight, there was no evidence that the editor had acted in bad faith and there were therefore no matters for the Commission to pursue.

Adjudication issued 2004