

Mr Robert Hawkes v Essex Chronicle

Clauses noted: 1, 3, 5, 14

Mr Robert Hawkes of Witham complained to the Press Complaints Commission with the signed authorisation of his father David Hawkes that an article headlined "Armed raider search begins", published in the Essex Chronicle on 2 June 2005, had intruded into his father's privacy in breach of Clause 3 (Privacy) of the Code. He also raised concerns under Clause 1 (Accuracy), Clause 5 (Intrusion into grief or shock) and Clause 14 (Confidential sources) of the Code.

The complaint was not upheld.

The article reported that the complainant's father had been the victim of an armed robbery. The complainant said that the article had intruded into his father's privacy by publishing his name without permission. The police had not released his father's name, and his father was potentially an important prosecution witness whose identification could lead to him being intimidated.

The complainant also said the article contained a number of inaccuracies relating to the crime, including the whereabouts of the burglar's hiding place and whether or not his father had attended hospital rather than a GP. He also disputed the authenticity of quotations ascribed to his father and an un-named friend, whose existence the complainant disputed. Finally, he argued that the article had been insensitive to his father's feelings in breach of Clause 5, and he complained that the newspaper had refused to identify the alleged friend in breach of Clause 14.

The newspaper said that it was not unusual for newspapers to name victims in incidents such as these. A serious offence had been committed and there was no reason for the newspaper to suppress any details. It questioned whether the victim's vulnerability had been increased by his identification, and argued that other newspapers would have published the name had they been able to obtain it.

The newspaper denied that any of the alleged inaccuracies were significant, and assured the complainant that the friend referred to in the article did exist, and that the comments made by the friend had been noted by the reporter and published in good faith. The newspaper had not approached the victim or his family, and the comments about the victim's state of mind had come from a third party. In these circumstances the reporting could not be considered intrusive in breach of Clause 5. The newspaper did not intend to reveal the identity of the friend as to do otherwise would be to breach the terms of Clause 14.

Adjudication

The Commission turned firstly to the complaint under Clause 3 about the identification of the complainant's father as a victim of crime. Other than his name, the only information about the complainant's father that had been published were details of the crime that had been committed against him and the fact that he had received medical attention as a result. While the Commission could well understand that unwanted publicity at such a time had distressed the complainant's father, it did not consider that the information about him published in the newspaper was intrinsically private. The man had regrettably been caught up in a serious crime, which was an issue of considerable local interest. The Commission does not regard crime as being a private matter, and publishing the man's name unaccompanied by intrusive details about him did not amount to a breach of Clause 3. The Code does not say that adult victims of crime are entitled to anonymity unless they consent to identification.

There was also no breach of Clause 5. While the publicity may have been distressing for the complainant's father, the Commission did not consider that the references to him had been insensitive in breach of the Code.

Turning to the complaint under Clause 1, the Commission did not believe that any of the points under contention – such as the location of the robber's hiding place or whether the complainant's father had visited a GP or hospital – were of such significance as to raise a breach of Clause 1 or require a correction under the Code. Further to this, while the Commission was not in a position to judge whether the friend quoted in the article did exist, there was no dispute that the newspaper had quoted someone who was familiar with the incident. It could not be established that the reference to this individual as a friend was inaccurate or misleading.

Finally, there was no breach of Clause 14, which states that journalists have a moral obligation to protect confidential sources of information. It was compatible with the requirements of this clause for the newspaper not to identify the individual concerned.

Adjudication issued 2005