

### ***A woman v Daily Mail***

Clauses noted: 3

A woman complained to the Press Complaints Commission that an article published in the Daily Mail on 28 August 2006 headlined 'The aristocrat's wife, the jobless jailbird and the "Lady Chatterley" affair that put her marriage under threat' intruded into her daughter's privacy in breach of Clause 3 (Privacy) of the Code of Practice.

The complaint was not upheld.

The article concerned the fact that the complainant's daughter – who had married into an aristocratic family – had had an affair. The man's girlfriend was quoted extensively in the piece. Her comments included remarks about the complainant's daughter which the complainant maintained were intrusive. She said that there could be no public interest in publishing material about a private relationship, particularly in the context of her daughter's own mental health difficulties, which had affected her judgement and behaviour, and for which she had received treatment.

The newspaper said it had removed the article from its website and marked its cuttings for future reference. It also expressed sincere regret for distress caused to the complainant's daughter. Nonetheless, it did not believe there had been a breach of the Code. The man's girlfriend had a right to tell her story as one of the wronged parties in the affair, and care had been taken to omit from the article a lot of the more intimate information that had been made available.

#### *Adjudication*

All individuals have the right to freedom of expression; just as everyone has the right to a private life. In reporting this story, the newspaper had to balance the right to freedom of expression on the part of the man's girlfriend with the complainant's daughter's right to privacy in a proportionate way.

The task for the Commission therefore was to review the material in the article in order to decide whether the level of detail published by the newspaper struck the right balance between the competing rights of the two women. It noted that the information about the complainant's daughter concerned the fact that the affair had occurred, where sexual encounters had taken place, and that the complainant's daughter had sent text messages to the man with whom she was having an affair. Other information – which the newspaper referred to as 'intimate' – had not been published. The Commission considered that this was the right decision. The amount of information in the article was sufficient to enable the man's girlfriend to tell her story – as she was entitled to do – without including humiliating and gratuitously intrusive detail about the complainant's daughter.

The complaint was not, therefore, upheld. However, particularly in light of the subsequent revelation that the complainant's daughter suffered from bipolar disorder, the Commission welcomed the steps that the newspaper had taken to try to meet the complainant's concerns.

#### Relevant rulings

Jones v Daily Sport, 2003

Feltz v Sunday Mirror & Daily Mirror, 2001

Adjudication issued 29/01/2007