

A man v Dorset Echo

Clauses noted: 1, 3

A man from Weymouth complained to the Press Complaints Commission that an article headlined 'Mum's plea over organ donations' published by the Dorset Echo on 17 January 2008 was inaccurate in breach of Clause 1 (Accuracy) and intrusive in breach of Clause 3 (Privacy) of the Code of Practice.

The complaint was upheld.

The article reported that the complainant suffered from cystic fibrosis and that his mother had said that he needed a new heart and lungs.

The complainant said that his mother had been asked questions by a journalist on her views of current events, during which she said she approved of 'opt out' organ donations in light of her son's illness. She did not recall saying that the complainant needed a new heart and lungs. In any case, he did not. The complainant also considered the references to his health to be intrusive. He did not give consent for his details or his photograph to be published.

The newspaper said that the story was published in good faith, based on information from the complainant's mother. It provided the reporter's notes of the conversation, which included the quote that the complainant needed 'a new heart and lungs'. The newspaper had arranged with the complainant's mother for a photograph to be taken to accompany the story. However, she cancelled the appointment, saying that her son had had to return to hospital. The newspaper subsequently contacted the complainant's colleagues to obtain a photograph. It was not aware that the complainant objected to the publication of the information or photograph.

Adjudication

Clause 3 of the Code states that everyone is entitled to respect for his or her private life, and specifically includes reference to a person's health.

The information in the article – that the complainant had cystic fibrosis, and the claim that he needed a heart and lung transplant – was obviously highly personal. It was also accompanied by a photograph that widely identified him. While it was not in dispute that the complainant's mother had volunteered that her son had the illness, it was also accepted that the newspaper did not obtain permission from the complainant himself to publish the information. Given the circumstances of the story, the newspaper could have waited to ensure that the complainant – who was an adult and able to speak for himself - was willing for his health details to be publicised in his local newspaper. The failure to do so on this occasion raised a breach of Clause 3.

Turning to the complaint about accuracy, the Commission noted that the newspaper had pointed to conversations with the complainant's mother. This demonstrated that, even if the information was intrusive, some care had been taken to get it right. But once the complainant himself had made clear that the information was inaccurate – both before and during his complaint – the newspaper should immediately have sought to remedy his concerns. It had not done so.

The complaint was upheld under Clauses 1 and 3 of the Code.

Adjudication issued 19/5/2008