

Mrs C L Harrison v Daily Mirror

Clauses noted: 3

Mrs C L Harrison of Surrey complained, on behalf of her daughter, to the Press Complaints Commission, that an article published in the Daily Mirror on 9 December 2008 headlined "X-fracas" was illustrated by intrusive photographs in breach of Clause 3 (Privacy) of the editors' Code of Practice.

The complaint was not upheld.

The article concerned a performance by X-Factor finalists JLS, at which 30 fans were injured following a stampede when the band arrived. A front page photograph showed the complainant's daughter lying unconscious on a stretcher.

The complainant said this photograph was intrusive. Her daughter had just had a seizure and was in the process of being moved from the concert for treatment. She said that paramedics' requests for the press to stop taking pictures had not been respected.

The newspaper did not consider that the girl's privacy had been breached. She was at a public event, which had given rise to serious safety concerns, and it was legitimate to photograph and report on the incident. She was not identified by name, and no details of her condition or treatment were included in the article. However, as a gesture of goodwill, the newspaper was willing to remove the photograph from the archive and not republish it.

The complainant argued that the newspaper should have taken steps to obscure her daughter's face, as other newspapers had done. She requested compensation.

Adjudication

It was clearly a matter of regret that the complainant's daughter had been taken ill at the concert, but the Commission had to have regard to the fact that it occurred at a public event attended by 3000 people at which television cameras, press reporters and photographers were present. The complainant's daughter was not therefore in a place where she had a reasonable expectation of privacy. The crush and the resulting injuries – while naturally distressing to those involved – were newsworthy events on which the media were entitled to report.

The question for the Commission was therefore whether there was anything in the nature of the photograph, or in the circumstances of how it was taken, to override these clear arguments in favour of the newspaper's right to publish it.

The Commission accepted that the photograph – while not the main picture illustrating the story – was clear enough to enable people who knew the girl to recognise her. However, this is frequently the case when individuals involved in news events are photographed in public places, and this fact alone is not normally sufficient to establish an intrusion into privacy. In this case, the only information about the girl was a picture of her lying on a stretcher: she was not identified by name in the text or in the caption to the piece, no medical details about her condition were given, and she was not shown receiving any medical treatment. The photograph merely showed something that had happened in a public place with no additional private details about the complainant's daughter.

While the Commission regretted the distress that had been caused to the family – and welcomed the newspaper's undertaking not to republish the images – it found no reasons under the Code why the newspaper should not have published the picture. The complaint was therefore not upheld.

Adjudication issued 30/04/2009