

Mrs C L Harrison v Croydon Post

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 Croydon Post on 10 December 2008 headlined "Fans injured in JLS stampede" was illustrated by an intrusive photograph 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 argued that this was a major incident in a public place, and the pictures were merely an accurate reflection of the dramatic scenes that unfolded. It said that its staff photographer – who stayed clear of the paramedics – was not asked to stop photographing the scene. The paper was aware, at the time of publication, that there had been no life-threatening injuries, and it pointed out that the girl had given an interview to its sister paper two days after the event. However, it was willing not to republish the image.

The complainant argued that the newspaper should have taken steps to obscure her daughter's face, as other newspapers had done, and requested compensation. She also argued that her daughter only agreed to the interview following a promise of X-Factor finals tickets, which did not, in any event, materialise.

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 noted that the picture simply showed the complainant's daughter being carried out from the concert on a stretcher. It was a small photograph, and had been taken from an angle that would have been unlikely to have identified the girl. No pictures or details of her medical treatment were provided, and her name was not published in the caption to the photograph or in the text.

Adjudication issued 30/04/2009