

Mr Luke Dann v The Herald (Plymouth)

Clauses noted: 1, 3

Mr Luke Dann of Plymouth complained to the Press Complaints Commission that an article in The Herald (Plymouth) published on May 1st 2009, headlined "Car boss arrested in police raid", intruded into his private life in breach of Clause 3 (Privacy) of the editors' Code of Practice.

The complaint was not upheld.

The article reported that the complainant had been arrested after police raids on his home and business addresses. The complainant said that the newspaper had intruded into his privacy by naming him, identifying his home address (including by publishing a photograph of it), and publishing his personalised car number plate - despite the fact that the police had not named him in connection with the incident.

The newspaper said that there was nothing private about the incident, which had involved 60 officers and had been witnessed by neighbours and members of the public. The lack of any charges did not entitle him to anonymity, and there was no reason why a photograph of his house taken from the public highway should not be published along with the name of his street. He was not someone whose address obviously needed to be protected for security reasons. The other information in the piece was not private - his personalised number plate, for instance, was clearly designed to be eye-catching rather than a means of preserving anonymity.

The complainant disputed the newspaper's claim that the raids were very public: his house was located on a small development, accessible only via a long single-track private road. The only witnesses would have been his immediate neighbours. The raid on his business took place at 6am, which would have attracted little public attention. The newspaper had also revealed details of his security arrangements in the piece - and made clear that a number of luxury vehicles were kept there. This, he felt, made the house more of a target for potential criminals.

Adjudication

The Commission has in the past warned editors to be careful about publishing images taken during police raids. But this generally concerns the use of photographs taken inside properties. In this case, no pictures of the interior had been published.

While the complainant may not have been charged with any offence, it was not in dispute that he had been arrested following a prominent police raid on his premises. The Commission does not consider that an arrest is a private matter, and reporting on police action is, in any case, inherently in the public interest and part of an open society unless there are formal reporting restrictions in place.

In this case, the Commission considered that the complainant's local standing and apparently privileged lifestyle would inevitably give rise to an additional degree of scrutiny. References to his personalised number plate and house (which was the location of one of the raids), and publishing an innocuous photograph of the complainant - which merely showed his face - were not intrusive. They did not concern anything demonstrably private. Rather, they amounted to the sort of incidental reporting that is quite normal and acceptable in the coverage of such incidents.

There was therefore no breach of Clause 3 of the Code.

The complainant also said that he was unaware that any of his vehicles had been searched, as the article had claimed. While it could be assumed that they were, he asked the newspaper to reveal the source of this information. The newspaper made clear that this information had been confirmed by a police officer.

Adjudication

The article stated that it was “understood officers at Dann’s home property also carried out searches of vehicles on his driveway”, and did not present the claim as fact. Given that the complainant was not aware whether his vehicles had been searched, the Commission did not consider that any breach of Clause 1 (Accuracy) could be established.

Adjudication issued 24/09/2009