

***Mr Mark Thorburn v Sunday Sun***

Clauses noted: 3

Mr Mark Thorburn of Northumberland complained to the Press Complaints Commission that an article headlined "Sex-emails DJ suspended", published in the Sunday Sun on 4 October 2009, 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, a radio presenter, had been suspended after sending a number of suggestive emails to a female listener, who had contacted him to request a song. The transcript of the emails was published. The complainant was subsequently dismissed from his job.

The complainant said that the publication of the specific content of his private emails was unwarranted, and not in the public interest. The disclaimer on his emails made clear that they were for the intended recipient only. The exchange was between two willing parties, and publishing them was intrusive.

The newspaper said that it had been given the emails by the woman concerned. It was legitimate to publish them as he was a prominent local figure with a public platform. He had used his work email to send the messages. Yet he had also cultivated an image of himself as a caring family man, and had previously referred publicly to his 'inspirational wife and beautiful children'. Publication of the article led to another woman coming forward with allegations that the complainant had engaged in a similar exchange with her. There was a public interest in these stories.

*Adjudication*

There were a number of reasons why the Commission found there was no breach of the Code in this case.

First, the emails had been provided by one of the parties to the exchange. They had not been hacked into, or provided by a third party.

Second, the emails had been sent while the complainant was on air, using his work address, to a stranger.

Third, the content of the emails illustrated the behaviour in the work place of someone of local prominence, whose job it was to interact with members of the public. Allegations about inappropriate behaviour in this context were in the public interest.

Fourth, sending such messages to someone in these circumstances was bound to involve an element of risk, given the complainant's position. The complainant must have been aware that the messages could easily have been forwarded, published on the internet or, as had happened, found their way into the press - and yet it was a risk that he himself chose to take.

The complaint was not upheld.

Adjudication issued 18/12/2009