

A woman v Paisley Daily Express

Clauses noted: 3

A woman complained to the Press Complaints Commission that a court report of October 2009, published in the Paisley Daily Express, had included her name and home address in breach of Clause 3 (Privacy) of the Editors' Code of Practice.

The complaint was not upheld.

The article was a brief court report which stated that a man had appeared in Paisley Sheriff Court on petition charged with assaulting and threatening to kill the complainant. The article named the complainant. The coverage also reported the address of the defendant which, in addition to being where the alleged offence took place, was also the complainant's home. The complainant said that the court hearing was held in private and that her personal details and the specific charges against the defendant were not stated aloud in court.

The newspaper said that the article was an accurate account of the court proceedings based on information from a reliable court source. While he was not present in court, the reporter had been given sight of the petition document by an officer of the court and had copied the details of the case onto his laptop. There was no court order in place preventing the publication of the details. Nonetheless, the newspaper said that it would not name the complainant in any future reporting of the case.

Adjudication

The Commission supports the principle that newspapers are generally entitled to report details that emerge in court cases, including the names and addresses of the parties involved. This is because it is important that the workings of the judicial system should be open and scrutinised.

However, the article under complaint related to a hearing that had been held in private. The question for the Commission was whether the publication of material in such circumstances was an intrusion into the complainant's private life.

The Commission sought advice from the Judicial Office for Scotland about the procedural position for such hearings. It informed the Commission that, in general, when a person appears on petition charged with an offence, the court is cleared and the hearing is held in private. However, it also confirmed that the media were entitled to receive the basic information relating to such a case: the name and age of the accused; brief details of the charge; the locus of the offence; and the name of the victim. These details would be available to the press should they request them, for example, from the Procurator Fiscal.

The newspaper appeared to have received the information from a source other than the Procurator Fiscal, but had only received - and published - the basic information that would have been available through official channels. On that basis, and bearing in mind that further information about the case was likely to be revealed at later stages of the prosecution, the Commission could not conclude that the publication of the article constituted an intrusion into the complainant's privacy in breach of Clause 3. Given the complainant's concerns, however, the Commission welcomed the undertaking from the newspaper not to identify her in any future reporting.

The complaint was not upheld.

Adjudication issued 04/06/2010