

Ms Sarah Baskerville v The Independent on Sunday

Clauses noted: 1, 3

Ms Sarah Baskerville complained to the Press Complaints Commission that an article headlined "The hounding of Baskerville", published in the Independent on Sunday on 14 November 2010, intruded into her privacy in breach of Clause 3 (Privacy) and was misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The complaint was not upheld.

The article reported that the complainant - a civil servant who worked for the Department for Transport - had been using the micro-blogging website, Twitter, to describe aspects of her job, her feelings towards work and wider political issues. Following up a critical article in the previous day's Daily Mail, the article highlighted a number of tweets the complainant had made and reported that she felt "targeted" by the criticism she had received. The article was accompanied by a photograph of the complainant taken from her Flickr page and also included comments from her blog.

The complainant said that her activities on Twitter and other social networking sites were private. While it was true in theory that anybody could view the information she had posted online, she argued that she had a "reasonable expectation that my [Twitter] messages...would be published only to my followers". Only her 700 or so followers could see the full context of her messages. Others would only find her account by actively searching for her, which seemed an unlikely thing for most people to do, and would only see messages she had posted, not those she was responding to. Her Twitter account and her blog both included clear disclaimers that the views expressed were personal opinions and were not representative of her employer.

The complainant also said that the newspaper had presented her comments out of context. This meant that readers were given a misleading impression of her character. She argued that there were thousands of public sector workers who regularly use Twitter in and out of office hours. She could not understand why she had been targeted.

The newspaper disputed that it had invaded the complainant's privacy. She was openly posting messages about many aspects of her life, including her job. The material could be read by anybody; she had not limited her Twitter account to those officially "following" her. While her Twitter stream had been closed to public view after the Daily Mail article appeared, the material on her blog and her Flickr photo stream were still openly accessible.

The complainant was not, said the newspaper, "someone who for some reason was able to use the technology but unable to realise the consequences of making her life so public". It was legitimate for newspapers to consider how people in positions such as the complainant's should be careful about what they publish about themselves - and to consider what a lack of care said about their judgement.

Adjudication

The Commission had already considered a similar complaint against the Daily Mail's original article and had concluded that there was no breach of the Code. It reached the same conclusion in relation to this complaint and for the same reasons as set out in the related adjudication.

The Independent on Sunday had included some additional information, including from the complainant's blog and her Flickr photo-stream (neither of which were privacy-protected). However, the Commission did not consider that the publication of this publicly-accessible information - which was not of an intimate nature, and included an innocuous picture of the complainant - constituted an intrusion into her privacy. It did not find a breach of Clause 3 (Privacy) of the Code.

As with the case against the Daily Mail, the Commission did not consider the publication of selected information made available by the complainant to be misleading. There was no breach of Clause 1 (Accuracy) of the Code.

Relevant rulings

Goble v The People, 2009

Mullan et al v Scottish Sunday Express, 2009

Rundle v The Sunday Times, 2010

A Woman v Loaded, 2010

Baskerville v Daily Mail, 2010

Adjudication issued 08/02/2011