

Mark and Jo-anne Pitt v Cambrian News

Clauses noted: 3, 6

Mark and Jo-anne Pitt complained to the Press Complaints Commission that an article headlined "Anger at council's changes to pupils' disabled taxi service", published in the Cambrian News on 31 March 2011, had intruded into their son's privacy in breach of Clause 3 (Privacy) and Clause 6 (Children) of the Editors' Code of Practice.

The complaint was upheld.

The article reported criticism of a council decision to put out to tender the contracts for a school taxi service for disabled children. It stated that the complainants were "furious" at the decision, which affected their son. The article included a photograph of the child, in addition to his name, age, and details of his medical condition. The complainants said that they had consented to the publication of the photograph of their son on the condition that his name (and their own details) would not be published. They had not provided any information about their son's medical condition, nor consented to the publication of any details about it.

The newspaper said that the information had been provided by the current driver of the taxi service, and it had understood that she was acting on the complainants' behalf, with their consent. This understanding had been supported by the presence of one of the complainants when the photograph was taken; the photographer said that he had not been informed that personal details should not be used in the article. Nonetheless, the newspaper accepted that it should have obtained the complainants' consent for the publication of information about the child, and it apologised for not having done so. It marked its records to ensure that the details would not be used in the future, and was willing to write to the complainants to apologise for what appeared to have been a misunderstanding.

The complainants asked that the newspaper apologise publicly, offer an assurance that it would obtain appropriate parental consent in future, and accept that the issue had not been caused by a 'misunderstanding'.

Adjudication

The publication of private medical details about an individual (of any age) without consent plainly raises significant issues under Clause 3 of the Editors' Code, which states that everyone is entitled to respect for their health, and that editors will be expected to justify intrusions without consent. In cases involving children, the requirements of Clause 6 also apply. Clause 6 states that "young people should be free to complete their time at school without unnecessary intrusion".

In this case, the information about the complainants' child's medical condition had been provided by a third party. It was the newspaper's responsibility to obtain the complainants' consent for the publication of this information and other personal details. It appeared that the newspaper had not taken any steps to verify independently that consent had been given. This was inadequate in light of the requirements of both Clause 3 and Clause 6 of the Code.

The complaint was upheld.

Relevant rulings

A man v Dorset Echo, 2008

A woman v Kent Messenger 2005

Adjudication issued 21/07/2011