

Mr Stephen Lamport of St James' Palace on behalf HRH Prince William v OK! Magazine

Clauses noted: 3, 4

Mr Stephen Lamport of St James' Palace, London SW1, complained on behalf HRH Prince William that photographs of the Prince published in OK! Magazine on October 27 2000 were taken in breach of Clause 4 (Harassment) and published in breach of Clause 3 (Privacy) of the Code of Practice.

The complaints were upheld.

The photographs were taken in Chile where the Prince is travelling during his year off between school and university. They showed him involved in a number of activities including hiking and crossing a river. The complainant said that the photographs had clearly been taken as a result of persistent pursuit in breach of Clause 4 and that their publication would only inflate the market for paparazzi pictures of the prince.

The editor said that as far as he could ascertain the photographs were not taken as a result of persistent pursuit and were taken in a public place. He added that they were in the public interest as they showed the prince in his preparation for his future role as monarch. However, he apologised to both the Prince of Wales and to Prince William for any distress that might have been caused.

The complainant added that it was the editor's duty under the Code to check the provenance of the photographs and it should have been clear that the Prince was in a place where he could reasonably have expected privacy. The palace had made clear to the press that they hoped the visit could be conducted in private when they made special arrangements for photo calls in order to obviate the need for the press to buy paparazzi photographs.

Adjudication

The Commission noted that the editor regretted any distress that had been caused to Prince William: this was the right course of action. However, the complaint raised a number of important issues about photographs of Prince William which the Commission wished to address.

First, it considered the matter under Clause 3 of the Code. It was clear to the Commission that Prince William was on a trip to a place where he had a reasonable expectation of privacy and publication of these photographs was a breach of the Code.

The Commission regretted the action of the magazine in light of the fact that no other British publications had published the pictures. Their actions in doing so could only have served to stoke the market for paparazzi photographs of Prince William abroad - making his life more uncomfortable as a result.

Next, the Commission considered the complaint under Clause 4, which prohibits the publication of pictures obtained as a result of harassment or persistent pursuit. In its guidelines on newspaper coverage of Prince William - which the Commission has made clear applies as much to all young people as it does to the Prince - the PCC has underlined the overwhelming importance of this part of the Code. The guidelines make clear that "the ability of all young people to go about their normal lives without physical intimidation is hugely important". In addition, they underline that it is difficult to "foresee any circumstances in which it will be justifiable to publish pictures of Prince William that have been obtained as a result of intimidation or persistent pursuit."

It was clear to the Commission that these pictures could only have been taken by people who had pursued Prince William in South America - as the complainants would have made clear if the

magazine had approached them. Prince William was not in a place where photographers would normally have been and must, therefore, have been followed there by foreign paparazzi.

It is incumbent under the Code for all publications to check the provenance of such photographs - either from the freelances or the agencies who provide them, or from those responsible in this case for the young people concerned, or from both. There is no evidence that this took place in this case - and publication was a breach of Clause 4.

The Commission would like to take this opportunity to remind all publications of the need carefully to check the origins of photographs such as this before considering whether or not to publish them. It is very pleased to note that all other newspapers and magazines appear to have done so and declined to publish these intrusive shots.

Adjudication issued 2000