

Nicola Shields v Daily Record

Clauses noted: 1, 3, 4

Nicola Shields of Strathmiglo complained to the Press Complaints Commission that the Daily Record had harassed her in breach of Clause 4 (Harassment), and published an intrusive photograph in breach of Clause 3, of the Editors' Code of Practice.

The complaint was upheld.

The newspaper was pursuing a story that the complainant was pregnant with a Scottish Premier League footballer's child. It had contacted her early in the pregnancy to discuss the matter. At this point, she refused to speak, and asked to be left alone during her pregnancy. Some time later, when the footballer denied being the father, the newspaper telephoned the complainant for a comment, and she confirmed that he was the father.

A story was published about the dispute between the two parties. This was illustrated by an image of the complainant taken outside her secluded house. The complainant made clear that she lived on a private road, which gave access only to a couple of houses.

During its inquiry, the complainant told the PCC that she did not want to speak further to the newspaper, and the managing editor said that this request had been passed on to the paper's journalists. Despite this she was approached on two further occasions by a journalist from the paper.

The newspaper accepted its undertakings had been breached - as a result of a breakdown in communication - and apologised. It said that would not be contacting the complainant again.

The newspaper also made clear that its photographer was not on Ms Shields' own property when he took the image. She was clearly visible to anyone passing at the time. The picture had been cropped so as not to identify which of the houses she lived in. However, the editor offered to remove the image from the newspaper's archive.

Adjudication

The approaches to Ms Shields in breach of the newspaper's undertakings were a clear case of harassment under the Code. It should be a relatively simple matter for newspapers to communicate internally about an individual's request not to be approached. Indeed, it happens every day on most newspapers without such confusion arising. It was therefore disappointing that the procedures of a major newspaper such as the Daily Record should turn out to be so lacking. The Commission expects them to be tightened up immediately so that there is no repeat of this problem. The complaint under Clause 4 (Harassment) was upheld.

The Commission also agreed with the complainant that she was in a place where she had a reasonable expectation of privacy when she was photographed. Her home was very secluded, on a private road, and there would have been very few passers-by to see her at the time the photograph was taken. The newspaper had, therefore, also breached Clause 3 (Privacy) of the Code.

Ms Shields also complained that an article published in the Daily Record on 18 August 2009, headlined "I am pregnant by Hibs star Sol Bamba, claims lap dancer", contained inaccuracies in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The complainant said the article inaccurately claimed that she fell pregnant "around New Year", when in fact she conceived in December. It also wrongly called her a "lap dancer" when she was, in fact, the manager of a gentlemen's club.

The newspaper did not consider that the article contained any significant inaccuracies, as the quotations attributed to the complainant were made during her conversation with the journalist. In terms of her job, the newspaper pointed out that the article had identified her as the "manager of the Private Eyes Club".

Adjudication

The Commission did not consider that the article contained significant inaccuracies: the text of the article made clear the nature of the complainant's employment (as a manager of a club), and the difference between December - when the complainant said she had conceived - and "New Year" was not important. The Commission was satisfied that there was no breach of Clause 1 of the Code.

Adjudication issued 05/11/2009