

***The family of Alice Claypoole v Daily Mirror***

Clauses noted: 5

The family of Alice Claypoole complained to the Press Complaints Commission through Messrs Eversheds solicitors that an article published in the Daily Mirror on 30 December 2004 was accompanied by a photograph of Miss Claypoole in breach of Clause 5 (Intrusion into grief and shock) of the Code of Practice.

The complaint was not upheld.

The newspaper had contacted the father of Alice Claypoole in order to speak to him about his daughter, who was missing following the tsunami of 26 December 2004. At this stage, Mr Claypoole specifically requested on behalf of the family that no photograph of his daughter be published. Subsequently, a photograph of Miss Claypoole did appear in the newspaper. The complainants contended that by ignoring their wishes, the newspaper had not handled publication of the material sensitively in accordance with Clause 5 of the Code.

In its defence, the newspaper said that its picture desk – while preparing a report about the tragedy – had obtained images from the internet of people who were missing. It said that one of these pictures was of Alice Claypoole. Those who had found the pictures were not aware of Mr Claypoole's request to the newspaper's reporter not to use a photograph of his daughter. Unfortunately, the picture was published as a result. Despite this, the newspaper did not consider that the publication of the picture had breached Clause 5, although the editor did write directly to the complainants to apologise for the distress that had inadvertently been caused by the lack of communication within the paper.

The complainants did not consider that there could be any justification for publishing the picture of Miss Claypoole when the newspaper had specifically been asked not to.

*Adjudication*

It appeared to be the case that the family's wishes had not been communicated to other journalists at the newspaper. While this lapse may have been understandable given that news of such an enormous tragedy had to be gathered at great speed, the Commission nonetheless regretted the breakdown in communications, as it had clearly led to further distress for the complainants. It was right in these circumstances for the editor to apologise personally to the family for the fact that the message had not been passed on. The Commission considered that the apology could have been made at an earlier stage in the complaint.

That said, the Commission did not consider that the manner in which the photograph had been presented in the newspaper raised a breach of Clause 5. Publication took place in the context of many published photographs of people who were missing or had been killed in the tsunami. The Commission would not normally consider that the publication of an innocuous photograph of someone who was subsequently caught up in such a shocking news event, obtained from a public resource such as the internet, would breach Clause 5 of the Code. The purpose of that Clause is to prevent newspapers from including gratuitously gory information in pictures or stories at times of grief or shock, and from unnecessarily ridiculing the manner in which someone died. Where a picture is concerned, the Commission might also consider that publication would be insensitive to the relatives if the subject was engaged in an obviously private, or perhaps embarrassing, activity. None of these things was a feature here, however. While greatly sympathising with the complainants, the Commission did not therefore uphold the complaint.

Relevant ruling

A couple v Esher News & Mail, 2003

Adjudication issued 2005