

A couple v Press & Journal

Clauses noted: 6

A couple complained to the Press Complaints Commission that a number of articles published in the Press & Journal in May 2001 named their son as a victim of suspected tuberculosis in breach of Clause 6 (Children) of the Code of Practice.

The complaint was upheld.

The complainants said that their son had been named as suffering from suspected tuberculosis, but patients in a similar position were not identified. The school had in any case alerted parents to the child's condition without naming him.

The newspaper maintained that a story about a boy who had suspected TB after failing to receive a jab because of a "drug manufacturing problem" was clearly in the public interest. Other media, including a national newspaper, had named the child on the morning of 24 May, and the health board had issued a statement on behalf of the complainants, without naming them, expressing their relief that he was making a good recovery.

Adjudication

The Code states that schoolchildren should not suffer unnecessary intrusions into their private lives - which specifically includes matters relating to health - unless there is an exceptional public interest in doing so. The Commission noted the newspaper's argument that the boy's name had been put into the public domain, and that readers needed to be informed of the identity of a child with a notifiable disease. However, editors must make their own judgements based on the newspaper industry's Code and not rely on the behaviour of other media or editors - which may be the subject of other complaints. Indeed, the Commission noted that some other editors had not published the boy's name when legitimately reporting this story. The Commission did not consider that the public interest in this case was so exceptional as to override the interests of the child, which the Code generally holds to be paramount, and considered that the public interest could have been served by writing about the case without naming the child.

The couple also complained that the articles contained distorted and prejudicial material in breach of Clauses 1 (Accuracy) and 13 (Discrimination) and that they had been approached by reporters in breach of Clause 4 (Harassment).

The reports had sensationalised the suspected illness and the complainants had subsequently been the victims of a number of racially motivated crimes. A Press and Journal reporter had entered the complainants' group of flats and would not leave when asked. The mother lost her temper and eventually told the reporter that her son was 'just fine', but otherwise the complainants had not spoken about their son's health. The newspaper had also visited on 6 August to examine graffiti on the flat.

The complainants also complained on behalf of their daughter, whose telephone number is the sole entry for her surname in the Aberdeen phone book. She was repeatedly telephoned by named and unnamed journalists, who also visited her house over a period of about a fortnight.

The Press and Journal denied harassing the complainants and utterly refuted the suggestion that they had discriminated against the family in any way. It had arrived at the complainants' flat to find the door open. The reporter introduced herself when the father came to the door - he asked her to leave and she did so immediately. No further approaches were made. The names of other

suspected TB sufferers had not been published because they were not known at the time of publication.

The complainants had clearly experienced a degree of unwanted attention both prior and subsequent to publication, and the Commission wished to express its concerns at the appalling racist crimes which had been described in the complainants' submissions. However, it could not consider that the newspaper - which did not make reference to the boy's race and indeed appeared to be unaware of his nationality - had published any information that could be said to be in breach of Clause 13.

There was clearly a conflict of recollection in accounts of the approaches from a number of journalists. However, in the absence of any documentary evidence, the Commission did not uphold the complaint under Clause 4. Similarly, it did not consider that the account of the incident, which made clear that the child was suffering from suspected TB, had raised any breach of Clause 1.

Adjudication issued 2001