

***Mrs Laura Gaddis v Scottish Sun***

Clauses noted: 6

Mrs Laura Gaddis, President of the John Ogilvie High School Parent Teacher Association, complained to the Press Complaints Commission that an article headlined "I've add enough" published in the Scottish Sun on 30 March 2007 raised a breach of Clause 6 (Children) of the Code of Practice.

The complaint was not upheld.

The article reported that a 16-year-old student had filmed her unruly mathematics class at school on her mobile phone in order to explain poor results to her parents. The article included still images from the video. The complainant said that no permission had been given by the school authorities, the children, or their parents for the class to be filmed. Similarly, no consent had been given for the publication of the images.

The newspaper said that the pupil had filmed her fellow students dancing in class and playing games. The newspaper had not instigated the filming of the classroom or taken the footage itself, but the issue was clearly in the public interest. The quality of the images was so poor that the pupils would not have been identifiable. Nonetheless, the newspaper had removed the photographs in question from its archive to ensure that they were not re-used.

The complainant said that the article had damaged the reputation of the school and that no contact had been made with it before publication to ascertain whether this was a genuine problem or a one-off incident. A recent HMI report had awarded the school three "excellent" marks "including a phenomenal turnaround in the Maths Department's performance".

*Adjudication*

The Commission agreed with the newspaper that the subject matter was a legitimate one to be explored in the public interest. In the circumstances, the mobile phone footage represented important evidence in support of the concerns raised by the pupil and her parents. It was therefore legitimate for the paper to use it, to some extent, in its story. But in publishing the piece, the newspaper still had to have regard to the rights under the Code of the other pupils who featured in the footage. Neither they nor anyone on their behalf had consented to publication. In a separate ruling about this case, the Commission concluded that a newspaper which used the footage in a way which identified some of the pupils breached the Code.

The issue of the identification of the pupils was central to any assessment of whether there had been an unnecessary intrusion into their time at school. As a matter of common sense, if the pupils remained unknown, the impact of publication on them would be negligible. In this case, it was clear that the paper had not used any images that would have identified the pupils, and the Commission was satisfied that the paper's action was sufficient to stay within the terms of the Code.

Adjudication issued 30/07/2007