

***Mrs Ann Gloag v Scottish Sun***

Clauses noted: 9

Mrs Ann Gloag complained to the Press Complaints Commission through Levy & McRae solicitors that an article headlined "Stay Away", published in the Scottish Sun on 15th May 2007, identified her as the relative of someone accused of crime in breach of Clause 9 (Reporting of crime) of the Code.

The complaint was not upheld.

The article reported that the complainant's son-in-law Eddie Gray had been arrested for assaulting his wife – the complainant's daughter – and that his bail conditions included a ban on him going to the complainant's home, Kinfauns Castle.

The complainant's solicitors said she was not in any way involved in the assault, and had been out of the country when it took place. She was not named during the court proceedings, was not 'genuinely relevant to the story' and should not, therefore, have been identified. The solicitors said that the paper had also breached an undertaking it gave in 2003, following a previous complaint to the PCC, that there would be no repetition of stories about the complainant and her family that breached Clause 9 of the Code.

The newspaper denied that it had breached the Code or its previous undertaking. The complainant was relevant to the story as her home was named in court papers relating to the accused's bail conditions. Her ownership of Kinfauns Castle was well established in the public domain after her involvement in a high-profile challenge to the Land Reform (Scotland) Act (2003) about the rights of ramblers to access part of the castle's grounds. Furthermore, the relationship between the accused and the complainant was also public knowledge, and the newspaper provided a prominent article it had published on a separate matter (the fact that Mr Gray had recently opened a burger van) which named both parties.

The complainant's solicitors argued that most readers would know little about the complainant and almost none would know of her connection with the property. The right-to-roam case was of limited interest, and in any case the alleged crime did not take place on the complainant's property, the bail conditions were not designed to protect the complainant, and the complainant was not named or considered relevant by the court. The link made between the complainant and her son-in-law in the previous article about the burger van should not remove the protection afforded by the Code to the complainant in cases like this. Nor should that protection be affected merely because one of her homes was named in court papers.

*Adjudication*

The issue for the Commission was whether the complainant was genuinely relevant to the story. In concluding that she was, it could not fail to have regard to the fact that the complainant's home was specifically named in court papers as a location from which Mr Gray was prohibited. Regardless of whether the complainant was related to the recipient of the court order, this would have been sufficient to justify her inclusion in the story on this occasion. Being related to the accused did not give her rights to anonymity that would otherwise not exist. That is not the purpose of Clause 9 of the Code. Nor was the fact that the complainant's status may have afforded the story greater prominence in the newspaper than might otherwise have been the case something that fell for consideration under the Code.

In short, the relevance of the complainant to the story had been established by virtue of her ownership of a property from which Mr Gray had been banned by a court. The Commission was satisfied that she was genuinely relevant to the story and found no breach of Clause 9. It would in fact have been perverse for the article not to have referred to the complainant in circumstances where the newspaper was entitled to publish details of the court order – including the name of Kinfauns Castle – and where the complainant's ownership of the castle had previously been well established in the public domain. The complaint was not upheld.

Adjudication issued 14/06/2007