

***Detective Constable Linda Daniels v The Sunday Telegraph***

Clauses noted: 3, 10

Detective Constable Linda Daniels complained to the Press Complaints Commission through her solicitors, Russell, Jones & Walker, that an article headlined 'Revealed: The race crimes detective who goes home to a Nazi shrine every night' published in The Sunday Telegraph on 26 October 2003 contained material that had been obtained through subterfuge in breach of Clause 11 (Misrepresentation) of the Code of Practice and that intruded into her privacy in breach of Clause 3 (Privacy) of the Code.

The complaint was rejected.

Solicitors acting for the complainant said that journalists working for the newspaper had arrived at their client's home and acted under false pretences. They had told the complainant's mother-in-law that they were writing a book about military history and wished to speak to the complainant's husband – who turned out not be at home. Subsequently, when the female reporter expressed a wish to use the lavatory, she was directed and accompanied upstairs by the complainant's mother-in-law. In their absence the male journalist entered the house and took photographs that subsequently appeared in the article. The complainant's solicitors said that the actions of the journalists and the publication of both exterior and interior photos of the house breached the provisions of Clauses 3 and 11 of the Code of Practice.

The newspaper said that both its journalists had been invited into the complainant's house by her mother-in-law. However, it acknowledged that they had used subterfuge in researching the story, arguing that their actions were in the public interest since the complainant was a police officer with particular responsibility for investigating racially motivated crimes. It also argued that the information could not have been obtained by other means since the complainant's husband – the owner of the memorabilia and a member of the British National Party – had told his mother, who in turn had repeated the information to the journalists, that he would never speak to a reporter again having previously been 'caught out'. Moreover, no police officer with DC Daniels' specific responsibilities would have allowed a photographer into her home to photograph a mannequin dressed in a Nazi uniform.

The complainant's solicitors said that the male reporter had not been invited into the house and claimed that there was no public interest defence for the use of subterfuge to obtain information. They emphasised that their client had broken no laws and was neither a racist nor a Nazi, adding that any concerns held by the newspaper should have been directed to the complainant's line manager within the Metropolitan Police Service.

***Adjudication***

Since the use of subterfuge had been admitted by the newspaper the task of the Commission was to decide whether its use was justified in the public interest and whether the information obtained could have been uncovered by other means.

In relation to the first point, the Commission concluded that there was a legitimate public interest defence for the journalists' behaviour. The complainant is a police officer and had specific responsibilities for investigating racially motivated crimes – the question of whether her job was compatible with living in a home containing Nazi memorabilia was a justifiable one to bring into the public domain.

With regard to the second point, the Commission considered it reasonable to argue that a police officer with DC Daniels' responsibilities would not have allowed a photographer to take pictures of Nazi memorabilia in her home. In addition, it noted that her husband, the owner of the memorabilia,

had apparently determined never to speak to reporters after a previous experience. In such circumstances, the Commission concluded that it was reasonable for the newspaper to employ subterfuge as the only means of obtaining the relevant information about the complainant's house.

Any potential breach of Clause 3 of the Code inherent in the publication of the relevant material was also justified in the public interest on the grounds outlined above.

Relevant rulings

Tomlinson v Peterborough Evening Telegraph, 2002

Monckton v Evening Standard, 2003

Adjudication issued 2004