

A man v Lancashire Telegraph

Clauses noted: 14

A man complained to the Press Complaints Commission that an article headlined "Burnley bodies may be sent to Blackburn", published on 9 March 2007 in the Lancashire Telegraph, had failed to protect him as a confidential source of information in breach of Clause 14 (Confidential Sources).

The complaint was upheld.

The complainant had spoken to a reporter from the newspaper about the proposed closure of Burnley's mortuary on condition that he was not identified. However, in the article he was referred to as "a worker at Burnley's mortuary". Because he was one of only two people who worked at the mortuary – the other being his boss – his employers had been able to identify him as the source of the information. He had subsequently been dismissed on grounds of gross misconduct for making his remarks to the newspaper.

The newspaper said it did not consider the complainant to be a confidential source because he had not revealed confidential information. A number of health workers in the area had been informed of the proposed mortuary closure. In any case, although the newspaper had agreed not to identify the complainant by name, it had not been told that indirect identification was also to be avoided. The reporter had not known, and had no reason to know, that the man was one of only two employees at the mortuary. The editor offered to send the complainant a private letter of regret.

Adjudication

The newspaper had gone some way to protecting the complainant as a source of information, and his identification appeared to have been unintentional. But given that the need for confidentiality had been established between the parties, the onus was on the newspaper to establish whether the form of words it proposed to use would have effectively identified the complainant in any case. The unfortunate result of not doing so was the complainant's exposure as a source of information. This was a breach of the Code.

Adjudication issued 31/10/2007

A man v Oxford Mail

Clauses noted: 14

A man complained to the Press Complaints Commission that the publication of his name and location in a letter, headlined "Life at Royal Mail", published in the Oxford Mail on 2 November 2009, had failed to protect him as a confidential source of information in breach of Clause 14 (Confidential sources) of the Editors' Code of Practice.

The complaint was upheld.

The complainant, a Royal Mail employee, had sent the newspaper a letter for publication in which he criticised the management of the company. Owing to the sensitive nature of the topic, he had requested anonymity. The newspaper had not published his identity. The correspondence had led to the publication of letters in response. The complainant sent a further letter for publication to the newspaper, again requesting anonymity. The newspaper had then published his name and approximate location, in addition to the fact that he worked for Royal Mail. The complainant believed that he had suffered disproportionate disciplinary action at work as a result.

The newspaper said that the inclusion of the complainant's name had been a result of human error. Prior to the Commission's involvement, it had apologised to him directly, and had offered to publish an apology in the newspaper. It had also altered its internal systems for dealing with letters. The newspaper argued that the complainant could not be considered to be a confidential source in the sense intended by the Code. His letter did not reveal any substantive matters or issues not previously published by the newspaper.

Adjudication

The Commission accepted that there was no evidence to indicate that the complainant's name had been published deliberately and noted that the newspaper had sought to apologise promptly for its error. The Commission welcomed the way in which it had responded to this complaint.

Nonetheless, it was clear that an error had occurred. The newspaper had accepted the need to withhold the complainant's name from the first published letter, and it was on this understanding that he must have written the second letter. The nature of the information was also important: highly critical comments about his employers, which came as a result of his position within the company.

In these particular circumstances, the complainant's name should not have been published. Bearing in mind the spirit of the Code, and its commitment to respect the rights of the individual, the Commission decided that it was appropriate to uphold this complaint.

Adjudication issued 24/04/2010