

The Rt Hon Keith Vaz MP v The Daily Telegraph

Clauses noted: 1, 10

The Rt Hon Keith Vaz MP complained to the Press Complaints Commission that an article published in The Daily Telegraph on 3 July 2008 (headlined "Vaz row over 'reward' for terror vote"), and an earlier version of the piece published on the newspaper's website on 2 July 2008 (headlined "Gordon Brown under pressure over 'reward' for Keith Vaz over terror bill"), were inaccurate in breach of Clause 1 (Accuracy) of the Code of Practice. He also complained that a letter to him from the Government Chief Whip had been obtained in breach of Clause 10 (Clandestine devices and subterfuge) of the Code.

The complaint was not upheld.

The newspaper reported that the complainant had been sent the letter by the Chief Whip, Geoff Hoon, in which he was thanked for his support of the government Bill to allow detention of terror suspects for up to 42 days. In the letter, Mr Hoon wrote of the complainant's support: "I hope it will be appropriately rewarded!". The newspaper reported rumours that Mr Vaz might have been offered a peerage or knighthood in exchange for supporting the legislation.

The complainant denied that he had been offered a 'reward' of any kind in exchange for supporting the Bill. The articles were therefore misleading. He also complained that the newspaper had not contacted him for his comments before publication of the story online. It was not until the afternoon of 2 July that he spoke to anybody at the newspaper. He added that the story was the result of the unauthorised removal of a document in breach of Clause 10.

The newspaper denied this and said that its reporter had been handed the letter by a reliable source after rumours of the complainant being offered a knighthood or peerage had been circulating for some time. In light of this, the content of the letter – whose authenticity was not in doubt – was in the public interest, and there was no reason why it should not publish the story online as soon as possible.

In terms of accuracy, the newspaper argued that the piece was carefully written. The article did not state that the complainant had been offered an honour or other inducement in exchange for supporting the Bill. Rather, it reported – quite accurately – the contents of a letter sent by the Chief Whip to the complainant. It also reported the complainant's comments during a debate on the Bill, when he had denied having been offered an honour.

After publication of the piece online – and after the matter had been raised at Prime Minister's Question Time on 2 July – the reporter tried to contact the complainant, but the complainant said he did not wish to speak to him. The article in the newspaper on 3 July nonetheless reported the complainant's position – following information in a BBC report – that he "denied yesterday that any honour had been offered or that he would accept one". The piece also included a denial from the Chief Whip's office that any reward had been offered.

The complainant maintained that he should have been contacted by the newspaper before it published its story. It was, he said, "only fair and right that the subject of an article is given the chance to explain their side of a story before print".

Adjudication

The complainant had argued that the story was misleading in suggesting that he had been offered an honour in exchange for voting with the government. But the Commission noted that the articles had taken care not to make such a claim. Rather, they had reported on the contents of the letter in

the context of speculation that a reward may have been offered. The articles did not claim that the complainant had, as a matter of fact, been offered a reward in return for his support.

The Commission did not consider that the newspaper was obliged to contact the complainant for his comments before publishing the story. There may be occasions when this is necessary in order to ensure that a story is accurate. But the Commission has recently made clear that it would be impractical for newspapers to contact everyone who is about to feature in articles in advance of publication. This is for a number of reasons: "often there will be no dispute about the facts, or the information will be innocuous; the volume of people mentioned in straightforward stories would make it impossible; and legitimate investigations might on some occasions be compromised by such a rule" [Burrell v News of the World, Report 78].

On this occasion, as there did not appear to be any doubt that the letter was genuine – and as the complainant's denial about the offer of a reward was already in the public domain and repeated in the articles – there was no obligation under the Code to speak to him in advance of publication.

In terms of Clause 10, there was no suggestion that the journalist personally had removed or intercepted the letter. Because of the Code's requirement on journalists to protect confidential sources of information, it was not possible for the Commission to ascertain the precise circumstances relating to how it came into the newspaper's possession. It was therefore not possible to establish any breach of Clause 10. But it was clear, in any case, that the letter concerned a matter of legitimate public interest which the paper was entitled to report, and, moreover, did not relate to the complainant's private life.

There were therefore no issues for the Commission to pursue under either Clause 1 or Clause 10, and the complaint was not upheld.

Adjudication issued 18/12/2008