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Tim Toulmin Esq
Director
The Press Complaints Commission
1 Salisbury Square
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7 May 2004

Dear Mr Toulmin

I am writing with regard to a matter which I should be grateful if the Rules Committee of the PCC would consider when they next meet. It concerns the vexed subject of the publication by newspapers and magazines of photographs of the children of what they deem to be newsworthy individuals without the express permission of the parents.

During the past few months, I have been instructed on behalf of a number of what can best be described as anxious parents concerning this issue. The particular circumstances differ in each instance, but basically fall within two areas, namely:

1. Photographs being taken of their children whilst on the public highway – in some cases shopping, and in some cases, going in and out of their house; and
2. Photographs being taken of the family whilst on a beach, predominantly abroad.

In each instance, the parents of the children involved have declined offers to have their children photographed for the purposes of photo spreads in newspapers and magazines. The reason for this is that they all take the view that their children should be brought up outside of the glare of publicity that attracts to them, and also for reasons of safety. In one instance a client's nanny was approached whilst in a park with a child by a member of the public who engaged the nanny in conversation based upon the fact that she had recognised the child from one such photograph. The nanny was very put out by the individual's behaviour and has never gone near the park again, even though it is local to the house. There are also other instances which also give serious cause for concern about safety which I am not at liberty to disclose.

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Whilst a number of publishing groups are sympathetic to requests that such photographs are not to be published in the future (but only after complaint having been made), it is equally the case that a number of publishing groups consistently refuse to agree not to publish such photographs. This only encourages the attention of paparazzi photographers, in many cases with unpleasant consequences as has been shown with families battling to and from their front door. You may think this an exaggeration, but I can assure you that it is not. At present many photographers believe that all family members are fair game, and as long as they have a market for their pictures, they will continue to behave in an overtly hostile and threatening manner. The PCC have of course received a number of complaints in similar circumstances to those described above, but have declined to act for reasons well known to you.

I personally cannot see any reason as to why the PCC should not extend its rules to cover the publication of photographs of children in the circumstances described above. This is especially so given the fact that such photographs easily fall within the categories of photographs that can be seen to be within the contemplation of the Law Lords in the Campbell v. Mirror Group case as being of potential harm. No doubt you will be reviewing that judgement in detail.

I look forward to receiving your response.

Yours sincerely



Gerrard Tyrrell