

**IN THE MATTER OF THE LEVESON INQUIRY INTO THE CULTURE, PRACTICES  
AND ETHICS OF THE PRESS**

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**EXHIBIT SJM7 TO THE WITNESS STATEMENT**

**OF SIR JOHN MAJOR KG, CH, PC**

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HOUSE OF COMMONS

Session 1992-93

NATIONAL HERITAGE COMMITTEE

Fourth Report

PRIVACY AND MEDIA INTRUSION

Volume I

Report and Minutes of Proceedings

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The National Heritage Committee is appointed under SO No 130 to examine the expenditure, administration and policy of the Department of National Heritage, associated public bodies and similar matters within the responsibility of the Secretary of State for Northern Ireland.

The Committee consists of a maximum of eleven Members, of whom the quorum is three. Unless the House otherwise orders, all Members nominated to the Committee continue to be members of it for the remainder of the Parliament.

The Committee has power:

- (a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time;
- (b) to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the Committee's order of reference;
- (c) to communicate to any other such committee and to the Committee of Public Accounts its evidence and any other documents relating to matters of common interest; and
- (d) to meet concurrently with any other such committee for the purposes of deliberating, taking evidence, or considering draft reports.

The membership of the Committee since its appointment on 13 July 1992 is as follows:

Mr Gerald Kaufman (Chairman)

Mr Joe Ashton  
 Dr John G Blackburn  
 Mr Gyles Brandreth  
*(discharged 1.3.93)*  
 Mr Jim Callaghan  
 Mr Paul Channon  
 Mr Patrick Cormack  
*(discharged 23.11.92)*

Mr Brian Davies  
 Mr John Gorst  
 Mr Alan Howarth  
 Mr Toby Jessel  
*(appointed 23.11.92)*  
 Mr John Maxton  
 Mr John Sykes  
*(appointed 1.3.93)*

NOTE: In the Report, references to the Minutes of Evidence are indicated by the letter "Q" followed by the number of the Question referred to. References to Memoranda included in the Minutes of Evidence are indicated by the word "Evidence" followed by the page referred to. References to Memoranda included in the Appendices to the Minutes of Evidence are indicated by the word "Appendix" followed by the number of the Appendix referred to.

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## FOURTH REPORT

### PRIVACY AND MEDIA INTRUSION

The National Heritage Committee has agreed to the following Report:

#### I. THE DILEMMA

1. A free and democratic society must be an open society. A society cannot be open unless there is complete freedom of speech — subject only to the very minimum of restraints relating, for example, to defamation, the stirring up of racial and religious hatred, obscenity and considerations of national security. That freedom of speech must be available to individuals, to organisations, and to publications. There cannot be a free society without a free press.

2. Freedom to say and print whatever we like does not, of course, mean that we must all necessarily avail ourselves of unbridled licence to say or write whatever comes into our heads, regardless of the offence it may give to fellow-citizens. Most of us exercise some self-restraint in what we say and write, even though we know that (subject to the legal limits cited above) we need not do so. A free society should not be a society which, in order to exhibit its freedom, dispenses with civilised discourse.

3. Nevertheless, a free society requires the freedom to say or print things that are inconvenient to those in authority, whether they be members of the royal family, Ministers, Members of Parliament, local councillors, or public officials. While continual antagonism between the press and persons in authority is unnecessary, critical tension between them is an essential ingredient of a democratic society and far preferable to collusion between the press and public figures.

4. At the same time, in a democratic society there must be a right to privacy as well. That right must not be exploited to prevent the public being given information which is necessary for making democratic judgements. Yet it must not be ignored by those who claim that everything that everybody does is fair game, so long as it provides a saucy story to be published in the diary column of a broadsheet newspaper or across the front page of a tabloid.

5. The Committee's concern, in conducting this inquiry, has been mainly with the ordinary citizen who in the normal course of his or her life will never come into contact with the broadcast or written media except as a viewer, listener or reader; but who suddenly becomes of interest to the media, due often to circumstances beyond his or her control, such as becoming a crime victim or being related to the victim of a crime or terrorist act. Such people, as a result of injudicious, thoughtless or malicious reporting, can suffer additional distress at what is already a time of trauma and shock. Their family relationships, their jobs, their businesses and their careers can all be seriously damaged. The Committee does not believe that anyone has the right to inflict such harm on innocent persons.

6. Yet one cannot dodge the implications for persons prominent in public life, too. Those whose rôles and occupations attract publicity in the media, whether they are members of the royal family, politicians, churchmen, leading figures in the media or the world of business, entertainers or prominent sporting figures, cannot expect the identical right to privacy as entirely private persons. At the same time, as the Committee asserts in this Report, everyone, whatever his or her occupation or calling, must be entitled to a zone of privacy. Even the Queen and the Prime Minister must have the right to keep some aspects of their lives away from the public gaze.

7. In February of this year Mr Mark Fisher put before the House of Commons a Bill entitled the Right to Know. The Committee does not in this Report involve itself in the merits or otherwise of Mr Fisher's Bill, but it does believe that the phrase "the right to know" is a useful test in establishing that zone of privacy which it believes to be necessary. So while the Committee believes that the public does have the right to know that the Chancellor of the Exchequer had legal advice partly financed by the taxpayer, it does not believe that the public has the right to know details of the Chancellor's credit card transactions. While it is a matter for argument whether the public has the right to know that a member of the royal family or a minister is involved in an adulterous affair, the Committee does not believe that the

public has the right to know the contents of such a person's intimate conversations or the details of his or her sexual activity.

8. A balance is needed between the right of free speech and the right to privacy. The Committee's view is that at present that necessary balance does not exist, and in this Report it recommends action to achieve it. The Committee does not believe that this balance can or should be achieved by legislation which imprisons the press in a cage of legal restraint, and for that reason rejects those proposals in the recent report by Sir David Calcutt which could create such a cage. The Committee would be deeply reluctant to see the creation of any system of legal restraints aimed solely and specifically at the press or the broadcast media. It believes that self-restraint or, as the Committee prefers to call it, voluntary restraint, is by far the better way.

9. The Committee's proposals for safeguarding and, indeed, where necessary enhancing, the right of the media to speak and write freely are part of a set of recommendations which come as a package; if any of them is to be implemented, then in the Committee's view all of them should be implemented.

10. In this Report the Committee sets out these recommendations, with its arguments for them:

- (i) Government action to extend the right of access to information.
- (ii) Enactment of a Protection of Privacy Bill.
- (iii) Enhancement of voluntary regulation by the press through the strengthening of the Press Commission (which the Committee recommends should succeed the Press Complaints Commission) and its Code, and expansion of the Commission's scope.
- (iv) The creation of a statutory Press Ombudsman, as a back-up to the Commission's role.

11. The Committee does not claim that these recommendations will of themselves entirely, and once and for all, solve the problems of freedom of speech and protection of privacy in an open society. The Committee does believe that its proposals offer the best chance possible to create the kind of balance that should be achieved in a society that fosters controversy and debate.

## II. THE INQUIRY

12. The National Heritage Committee was set up in July 1992 to examine the expenditure, administration and policy of the Department of National Heritage and associated public bodies and similar matters within the responsibility of the Northern Ireland Office. Its remit is wide, including broadcasting, film, the arts, museums and galleries, libraries, sport, tourism, heritage, the National Lottery and regulation of the press. The Committee has already produced two Reports on the Export of Works of Art<sup>1</sup> and one on the National Lottery<sup>2</sup> and has announced inquiries into the Price of Compact Discs, English Heritage and the Future of the BBC. It has also conducted a long and very detailed inquiry into the subject of this current Report — Privacy and Media Intrusion.

13. In October 1992 the Committee announced its decision to undertake an inquiry into Privacy and Media Intrusion and invited written submissions. As the Committee's inquiry developed, it found that the main concerns expressed by witnesses and in public debate related to the conduct and regulation of the press. Accordingly, this Report from paragraph 61 onwards deals mainly with matters relating to the press.

<sup>1</sup>First and Second Reports from the National Heritage Committee, Session 1992-93, HC 249.

<sup>2</sup>Third Report from the National Heritage Committee, Session 1992-93, HC 389.

14. In announcing its inquiry, the Committee emphasised that its first and fundamental concern was on behalf of private citizens and that it would therefore particularly welcome submissions from individuals affected by media intrusion. The Committee also stressed that it would be giving specific consideration to the use of invasive technology.

15. The Committee has received over 120 responses to its invitation to submit written evidence. These have included submissions from organisations representing people who, because they have been affected by crime, accident or illness, have sometimes also become victims of the media and most, helpfully of all, letters from individuals who have themselves had direct experience of excessive media interest or intrusion. The Committee acknowledges with gratitude the contribution which all these submissions have made to its inquiry.

16. Many of the written memoranda which the Committee has received, including all those to which direct reference is made in this Report, are published as Appendices to the Minutes of Evidence in Volume III.<sup>3</sup> Others have been reported to the House and will be available for inspection by Members in the House of Commons Library and by non-Members in the Committee Office.<sup>4</sup> In due course, the papers will be deposited in the House of Lords Record Office where they will remain available for inspection.

17. The Committee has also held eleven sessions of oral evidence during which it has taken evidence from twenty-two separate groups of witnesses including representatives of both the newspaper and broadcasting media. In addition to the private meetings which often preceded the Committee's formal sessions of oral evidence, the Committee has held a further 10 deliberative meetings in connection with its Report.<sup>5</sup> A complete list of witnesses is given on pages xlviii and xlix. The Committee is grateful to everyone who submitted oral evidence but wishes in particular to thank the Lord Chancellor, the Rt Hon the Lord Mackay of Clashfern, for the evidence he gave and M. Jacques Vistel, a member of the Conseil d'État in France. The Committee also wishes to express its special thanks to those witnesses who had been directly affected by media intrusion for giving evidence about their experiences. Their readiness to relive their traumatic experiences in order to help to ensure that others did not suffer in a similar way deeply impressed the Committee.

#### VISIT TO THE UNITED STATES

18. In February, members of the Committee visited Washington DC and New York City to examine the remedies available in the USA to deal with intrusions into individual privacy and to discuss how the balance is achieved between the provisions of the First Amendment, which lays down a right to free speech and freedom of the press, and the various torts of infringement of privacy.

19. In Washington DC, the Committee held discussions with the Freedom Forum First Amendment Center, the Reporters Committee for Freedom of the Press, the Federal Communications Commission, the Transactional Records Clearinghouse, the National Organization for Victim Assistance, and the National Security Archive. The Committee also met Ms Elder Witt, the author of the Congressional Quarterly's Guide to the US Supreme Court, Mr Bruce Sanford, Counsellor at Law and author of 'Sanford's Synopsis of Libel and Privacy', Ms Joanne Bird, Ombudsman of the *Washington Post*, and Mr Jurek Martin from the *Financial Times*. The Committee then went to New York City where it participated in discussions with Mr Floyd Abrams, a partner in Cahill, Gordon and Reindel, Dr Leonard Sussman, Senior scholar in international communications, Freedom House, and Mr Allan Siegal and Mr George Freeman of the *New York Times*. The Committee's final meeting was held at the Freedom Forum Media Studies Center at Columbia University.

<sup>3</sup>For the list of Appendices, see page lii.

<sup>4</sup>For the list of Memoranda reported to the House but not printed, see p li.

<sup>5</sup>For Minutes of Proceedings relating to the Report, see page xlv. The full Minutes of Proceedings will be published at the end of the Session.



20. The Committee would like to record its gratitude to everyone who gave so generously of their time, experience and expertise in arranging and implementing its programme. Thanks to them, the Committee gathered a great deal of information about, as well as some less tangible, though no less valuable, insights into, the situation in the USA. These have been of great value to the Committee in drawing up its Report.

#### *BACKGROUND TO THE INQUIRY*

21. In July 1989, the then Home Secretary announced the establishment of an inquiry into Privacy and Related Matters (hereafter referred to as the Calcutt Committee). The Committee, which sat under the Chairmanship of Mr (now Sir) David Calcutt QC, was given the following terms of reference:

"In the light of the recent public concern about intrusions into the private lives of individuals by certain sections of the press, to consider what measures (whether legislative or otherwise) are needed to give further protection to individual privacy from the activities of the press and improve recourse against the press for the individual citizen, taking account of existing remedies, including the law on defamation and breach of confidence; and to make recommendations."<sup>6</sup>

22. The Calcutt Committee reported in June 1990.<sup>7</sup> In essence it recommended:

- (i) three related criminal offences of unwarranted journalistic intrusion;
- (ii) more extensive court reporting restrictions in criminal cases;
- (iii) that a statutory right of reply should not be introduced at all and that a tort of infringement of privacy should not at present be introduced;
- (iv) the establishment of a non-statutory Press Complaints Commission to replace the old Press Council; and
- (v) that if non-statutory press self-regulation failed to work, a statutory system for handling complaints should be introduced.<sup>8</sup>

23. The Government welcomed the proposed criminal offences in principle, subject to further consideration of the formulation of the offences and the scope of any defence. The Home Office subsequently informed this Committee that this consideration had identified several difficulties and that Ministers had therefore concluded that, before it was decided whether statutory regulation was necessary, it would be more appropriate to defer final consideration of the matter until the end of the period which the Calcutt Committee had recommended should be given to the press.<sup>9</sup>

24. The principal thrust of the report's recommendations was the establishment of a Press Complaints Commission (PCC). In response the Home Secretary said that "If a non-statutory commission is established, the Government will review its performance after 18 months of operation to determine whether a statutory underpinning is required. If no steps are taken to set up such a commission, the Government, albeit with some regret, will proceed to establish a statutory framework."<sup>10</sup> The press accepted the report's recommendation and the PCC was established to take effect from 1 January 1991.

<sup>6</sup>HC Official Report, 5 July 1989, col 195.

<sup>7</sup>Report of the Committee on Privacy and Related Matters, Cm 1102.

<sup>8</sup>Appendix 1.

<sup>9</sup>Appendix 2.

<sup>10</sup>HC Official Report, 21 June 1990, col 1126.

25. In accordance with the undertaking given in June 1990, the Government announced in July 1992 that Sir David Calcutt was to conduct an assessment of the effectiveness of press self-regulation. He would consider whether:

"the present arrangements for self-regulation should be modified or placed on a statutory basis;

any further measures may be needed to deal with intrusions into personal privacy by the press."<sup>11</sup>

26. Sir David published his Review of Press Self-Regulation,<sup>12</sup> hereafter referred to as the Calcutt Review, in January of this year. His overall conclusion was that press self-regulation under the Press Complaints Commission had not been effective and that the press would not be willing to make the changes which would be needed to make the Commission the truly independent body, commanding the confidence of the public as well as the press, that it should be. He therefore recommended that the Government should now introduce a statutory press complaints tribunal on the model of that described in the original Calcutt Report.

27. Sir David also recommended that the three criminal offences proposed by the Calcutt Committee to deal with specific forms of physical intrusion should (with modifications) be enacted together with a civil remedy designed among other things to enable action to be taken to restrain publication. He recommended, as well, that further consideration should be given to the introduction of a new tort of infringement of privacy and to the use or amendment of legislation in the fields of data protection, interception of communications and non-identification of minors. The full summary of his recommendations is published with his oral evidence.<sup>13</sup>

28. The Secretary of State for National Heritage, in a statement to the House responding to Sir David's recommendations,<sup>14</sup> accepted the case for new criminal offences to deal with specific types of physical intrusion and covert surveillance and agreed to give further consideration to some of his other recommendations on privacy and the use or amendment of specific legislation. With regard to his main recommendation – that a statutory press complaints tribunal should now be established – the Government took the view that this raised separate and more difficult issues which needed to be weighed carefully. In coming to a final view, it intended to take account of the conclusions of this Committee's inquiry into Privacy and Media Intrusion as well as the debate surrounding Mr Clive Soley's Freedom and Responsibility of the Press Bill.

29. Although the National Heritage Committee's inquiry ran parallel for several weeks with Sir David Calcutt's review, its remit, as explained above, was somewhat wider. The Committee was concerned with all forms of media – not just the press – as can be seen from the oral and written evidence it received. The Committee also had two fundamental and overriding concerns: the privacy of private citizens and the use of invasive technology.

30. As part of its inquiry into media intrusion as it affects private citizens the Committee took oral evidence from victims of media intrusion which, though resulting from very different causes, had been similar in its effects.<sup>15</sup> The Committee also received several written submissions from other victims. The evidence at times proved revealing and very disturbing.

31. Among those from whom the Committee received evidence were the widows of two servicemen who had been murdered by terrorists in Northern Ireland. One of these murders had occurred before the press Code of Practice had been drawn up and implemented. The second murder took place after the Code had been implemented, but there appeared to have

<sup>11</sup>Department of National Heritage News Release, 9 July 1992.

<sup>12</sup>Cm 2135.

<sup>13</sup>Evidence, pp 206-8.

<sup>14</sup>HC Official Report, 14 January 1993, cols 1067-9.

<sup>15</sup>QQ 158-255; 353-8; 580-625; 626-686.

been no improvement in the conduct of some of the press representatives with whom the soldiers' families had to deal. Despite the provision in the Code which states that "In cases involving personal grief or shock, enquiries should be carried out and approaches made with sympathy and discretion",<sup>16</sup> the press started telephoning at 11 o'clock at night and kept the phone going all night.<sup>17</sup> The family was also subjected to persistent doorstepping.<sup>18</sup> And in what seemed to the Committee to be a callous and totally unacceptable breach of the Code, as well as more general canons of decency and compassion, the new widow, having been persuaded to give an interview in order to reduce press pressure, was asked by the accompanying photographer to "look like a grieving widow".<sup>19</sup> Lord McGregor, the Chairman of the Press Complaints Commission, later referred to other complaints of press harassment made by the wives of RAF personnel who were serving during the Iraq war; the PCC, he said, had put a stop to these incidents.<sup>20</sup> In another case of which the Committee was told, a victim of a civilian bombing incident had had journalists poking cameras through his letterbox.<sup>21</sup> From other submissions, the Committee received complaints of harassment by photographers, persistent telephoning and doorstepping.<sup>22</sup>

32. One matter which has been very much in the Committee's mind during its inquiry is the difficulty for people faced with an unprecedented and traumatic situation in dealing with the press. From one of the servicemen's widows, the Committee learned of the immense contribution made by her visiting officer in shielding her from at any rate some of the intrusive actions of certain journalists.<sup>23</sup> From the Metropolitan Police, the Committee learned of the steps taken, when a police officer is killed or injured on duty, to give all possible support and guidance to the relatives.<sup>24</sup> The Committee believes that these are very useful initiatives and that they should serve as an example to be followed as widely as possible.

33. The Committee also received considerable evidence<sup>25</sup> about the intrusive and distressing effect of constant telephoning by the press. The Committee notes the readiness of the telecommunication services to provide service interception or to change numbers where such intrusion occurs and believes this facility should be brought to the attention of people who might need it, perhaps through a prominent note in telephone directories and in the routine procedures of the emergency services:

34. The Press Complaints Commission,<sup>26</sup> as well as the individual newspaper editors from whom the Committee took evidence, referred to the small number of complaints they had received about press behaviour. In the eighteen months from January 1991 to June 1992 the PCC received a total of 2069 complaints of which 148 alleged infringement of the Code on privacy,<sup>27</sup> 27 of the Code on harassment and 42 of the Code on intrusion into grief or shock.

35. The Committee is far from convinced that the number of complaints made is an accurate reflection of the number of breaches of the Code. Many people probably remain unaware of the existence of the PCC or the industry's Code of Practice. Others may feel inhibited at having to make a complaint in writing and the absence of a hot-line may make it difficult in practical terms for private citizens to make their complaints at the most effective moment. In addition many people, as our witnesses made clear, will feel reluctant to prolong their trauma

<sup>16</sup>Evidence, p 73.

<sup>17</sup>QQ 163; 216.

<sup>18</sup>QQ 216; 218.

<sup>19</sup>Q 183.

<sup>20</sup>Q 392.

<sup>21</sup>Q 240.

<sup>22</sup>See also QQ 725; 657;604.

<sup>23</sup>Q 166.

<sup>24</sup>Appendix 26.

<sup>25</sup>See, eg, QQ 657; 163; 216;

<sup>26</sup>Evidence, p.54.

<sup>27</sup>Evidence, p 62. The Editor of *The Sun* was no doubt unaware of these figures when he described a reference to "about 150 complaints which appear to have been made to the Press Complaints Commission in the first 18 months of its existence on invasion of privacy" (Q 891) as "inaccurate and misleading" (Appendix 53).

by making a complaint and they may also consider that as the PCC has no power to award compensation, however heinous the offence, there is no point in adding to their stress by pursuing a complaint.

36. A further factor which may contribute to the relatively low number of complaints is that the PCC, unlike the Press Council which preceded it, is generally unwilling to deal with third-party complaints.<sup>28</sup> Nor, despite the Calcutt Committee's recommendation that the PCC should monitor the Code of Practice, has it been sufficiently assiduous in conducting such monitoring. A PCC which neither accepts the generality of third-party complaints nor fills the lacuna by conducting its own press monitoring does not seem to the Committee to be entitled to claim that "there is unequivocal evidence that self-regulation is now working effectively."<sup>29</sup> The Committee believes that the body of potential justified complaints is considerably greater than the actual number. Even if it were not, just one case of a photographer climbing a tree at a private funeral in order to get a picture or one instance of journalists besieging a school and its pupils following a rape would be unacceptable. As the Committee has learned to its regret these have not been isolated incidents.<sup>30</sup>

37. In this context, the Committee was impressed by a statement made to it on its visit to New York by Dr Leonard Sussman.<sup>31</sup> "A new element should be added to all the older ethical standards. Call it compassion. Many journalists argue that this is not their concern — just delivering the facts is their responsibility, they say. But public rejection of some American news reporting stems from just such criticism, however expressed in public discourse. Lack of compassion is at the base of many journalistic problems with privacy, uncouth methods and similar complaints. Failure to recognize or sympathize with the plight of news subjects can produce unsophisticated and misleading journalism."<sup>32</sup>

#### *STATUTORY TRIBUNAL OR VOLUNTARY REGULATION?*

38. Although agreeing with Sir David that the Press Complaints Commission as at present constituted is not an effective regulator of the press, the Committee rejects his conclusion that a statutory tribunal is now inevitable. The response of the PCC<sup>33</sup> and the Newspaper Publishers Association<sup>34</sup> in now supporting a majority of lay members on the PCC suggests that Sir David is perhaps premature in concluding that the industry, in setting up the PCC, had gone as far as it was prepared to go. The Committee welcomes this indication that the industry retains some flexibility in developing the concept of voluntary regulation.

39. The Committee is most reluctant to support the introduction of a statutory press complaints tribunal. Unless future events show such a tribunal to be utterly unavoidable, the Committee believes that it would be far preferable to rely initially on voluntary regulation by the press. The Committee does not therefore recommend that a statutory press complaints tribunal should be established. Its alternative proposals are set out below. The Committee wishes to emphasise, however, that it will be monitoring the effectiveness of the system it recommends and that, if it concludes that this system is not being operated effectively, appropriately and fairly, it will return to the subject during this Parliament.

40. Many of the submissions which the Committee has received about the proposed new criminal offences relating to specified types of physical intrusion and covert surveillance<sup>35</sup> raised objections on the grounds that the offences would be directed exclusively against the media and that it was wrong to direct legislation against a particular group. The Committee

<sup>28</sup>See, eg, Mr Borzello's Evidence, pp 186-199.

<sup>29</sup>Evidence, p 53.

<sup>30</sup>QQ 221; 392; 628 and Appendix 56.

<sup>31</sup>Senior scholar in international communication, Freedom House; Adjunct professor, journalism and mass communication, New York University.

<sup>32</sup>Appendix 57.

<sup>33</sup>Appendix 31.

<sup>34</sup>Appendix 35.

<sup>35</sup>See, eg, Evidence p 4; QQ 121; 509.

agrees. The Committee is against legislation that would apply to the media exclusively and, with one exception, against legislation that would restrict the press alone. Its conclusions and recommendations on these matters are discussed in detail below.

### III. THE WAY FORWARD

41. In the Committee's view, press regulation has three aspects. The Committee's approach to the situation, and its proposals to deal with it, similarly are in three parts. The first aspect concerns access to information.

#### *i Access to information*

42. The Committee believes that in a democracy everyone, including the press, should have the right of access to information. The Committee's proposals in part seek to make self-regulation of the press more effective and in part recommend legislation – not aimed at the press or the electronic media, specifically, but applying to every person in the land – to provide protection for individual privacy and to prevent, and where necessary, punish, unacceptable use of surveillance devices.

43. The Committee is aware that such measures, which it regards as desirable in themselves, would be even more welcome in a society that had become more open. In questioning people, particularly in the United States, the Committee has been persuaded that the provision of more information to the media would assist those sections of the press, radio and television which argue that they would prefer to cover more serious topics but are denied sufficient information to do so.

44. The Committee does not delude itself that any journals which serve to their readers a diet that includes a disproportionate amount of triviality and malice would suddenly be transformed overnight into serious investigative publications. Nevertheless, it believes that access by the media to more information, at present restricted or withheld, would of itself be beneficial to society.

45. During the debate on 19 February 1993 on the Second Reading of Mr Mark Fisher's Right to Know Bill, the Chancellor of the Duchy of Lancaster listed a series of measures and actions by the present Government which have widened the channels of information. The Committee welcomes such progress but urges the Government to go considerably further in extending the public's right of access to information. Any steps taken should of course have due regard to national security, defence, law enforcement, commercial confidentiality and personal privacy.

46. The Committee welcomes the announcement by the Chancellor of the Duchy of Lancaster that there will be a Government White Paper before the summer recess.<sup>36</sup> It believes that effective action to extend the public's right of access to information should be taken as quickly as possible and certainly no later than the implementation of the Committee's other recommendations.

#### *ii Protection of Privacy*

47. The second aspect of the Committee's approach concerns protection of privacy. The Committee recommends that a Protection of Privacy Bill, which will provide protection for all citizens and whose provisions similarly will apply to all citizens, should now be introduced. The Committee envisages a two-part Bill: the first part listing various civil offences leading to a tort of infringement of privacy; the second part specifying criminal offences resulting from unauthorised use of invasive technology and harassment.

48. Infringement of privacy will be the main civil offence in the Protection of Privacy Bill. This offence will include:

<sup>36</sup>HC Official Report, 19 February 1993, col 606.

- obtaining and/or publishing harmful or embarrassing personal material or photographs; or
- obtaining and/or publishing private information (eg. medical records) or photographs without the permission of the person concerned or, where that person is not in a position to give permission, by his next of kin; or
- publishing inaccurate or misleading personal information; or
- violating the peace of another by intruding upon him, or persistently communicating with him.

Courts will have discretion to award compensation where an offence has been proved. It will be a defence to any of the civil offences that the act had been done in the public interest.

49. Related to the Committee's proposed civil offence of infringement of privacy is the existing law of confidentiality. In 1973 the law relating to breach of confidence was referred to the Law Commission. The Commission reported in 1982.<sup>37</sup> Attached to its report was a proposed draft Breach of Confidence Bill "to impose obligations of confidence giving rise to liability in tort on persons acquiring information in certain circumstances and otherwise to amend the law in England and Wales as to civil liability for the disclosure or use of information and for connected purposes." The Government expressed support for the Commission's proposals<sup>38</sup> but no legislative action has yet been taken.

50. The Working Party of the Bar Council emphasised that the law of confidence already goes a long way towards providing protection against the misuse of personal information and is fertile ground for being further developed on a case by case basis.<sup>39</sup> As Mr Desmond Browne QC later clarified in oral evidence to this Committee it would "restrain the disclosure of confidential information by way of a leak and ... restrain the publication of the contents of private telephone calls."<sup>40</sup> The Committee believes that the scope of the current law of confidence and the potential value of the Law Commission's proposed Breach of Confidence Bill has not been appreciated fully. It accordingly recommends that further consideration be now given to the introduction of legislation on breach of confidence as a valuable part of the Committee's proposed Protection of Privacy Bill.

51. The main criminal offences in the Protection of Privacy Bill will be directed at the unauthorised use of invasive technology and at harassment. In the former category, the Committee recommends that the offences should be basically as set out in the Calcutt Review but that, in order to emphasise that the Bill is intended to apply to all citizens, the qualification of "with a view to publication" should not be included.

52. The Bill will make the following acts criminal offences:

- placing a surveillance device on private property without the consent of the lawful occupant, with intent to obtain personal information;
- using a surveillance device (whether on private property or elsewhere) in relation to an individual who is on private property, without the consent of the individual to such use, with intent to obtain personal information about that individual;
- taking a photograph, or recording the voice, of an individual who is on private property, without his consent to the taking or recording, with intent that the individual shall be identifiable;

<sup>37</sup>Law Commission Report No 110, 1981, Cmnd. 8388.

<sup>38</sup>Appendix 6 and HC *Official Report*, 2 March 1989, col 257.

<sup>39</sup>Evidence, pp 2-3.

<sup>40</sup>Q 21.

- publishing of a recording or an intimate photograph of an individual taken without consent;
- entering private property without the consent of the lawful occupant with intent to obtain personal information;
- the buying, selling or retention of any recording without the permission of the person on the tape; or of any material obtained through eavesdropping or use of long-range cameras where any of the parties was aware that the material was procured through illegal means or suspected it to be so obtained; and publication of any recording or material so obtained even where no financial transaction was involved;

with the addition of a further offence of the deliberate interception of calls made on mobile phones.

53. The Committee also recommends the enactment of a criminal offence to prohibit harassment or besetting. The Calcutt Report drew attention to the potential of Section 7 of the Conspiracy and Protection of Property Act 1875 in this regard.<sup>41</sup> This makes it an offence persistently to follow someone about, to watch or beset a person's house, business or workplace or the approach to it, or to hinder a person in the use of his property wrongfully and without legal authority, with a view to compelling him to do something he does not wish to do. The original intention of the provision was to prohibit harassment in the course of an industrial dispute, but in the Calcutt Committee's view it need not necessarily be so limited. It suggests that the offence could also cover besieging a person's house or following him from place to place with the aim of making him give an interview when he does not wish to.

54. The Committee believes that this is a matter which deserves further consideration. It accordingly recommends that the Government examine Section 7 of the 1875 Act with a view to incorporating into the Protection of Privacy Bill comparable provisions as they relate to besetting and harassment in the context of unreasonable invasion of privacy and changing its terms to reflect altered circumstances since that date. These changes possibly could include the need to curtail sexual harassment, noise pollution, etc. The penalty should also be appropriately updated.

55. It will be a defence to any of the criminal offences that the act had been done in the public interest which would include:

- for the purpose of preventing, detecting or exposing the commission of any crime; or
- for the purpose of preventing the public from being harmfully misled by some public statement or action of the individual concerned; or
- for the purpose of informing the public about matters directly affecting the discharge of any public functions of the individual concerned; or
- for the protection of health or safety; or
- under any lawful authority.

A prosecution for any of these criminal offences will be brought only with the consent of the Director of Public Prosecutions or the Crown Agent in Scotland.

56. In proposing its Protection of Privacy Bill the Committee recognises the essential differences in approach between both criminal and civil jurisdictions in Scotland on the one hand and England and Wales on the other. The Committee nevertheless recommends that

<sup>41</sup>Cm 1102, para 6.2.

a Protection of Privacy Bill, taking account of these differences where necessary, should apply to Scotland as well as to England and Wales.

57. Associated with the Committee's concern about infringements of privacy and the use of surveillance devices is its concern about the easy availability of such devices. A wide range of surveillance devices is advertised and catalogues are easily obtained. The Committee recognises that many of the devices that can be used for illegal eavesdropping can also be used perfectly properly for legitimate and innocuous purposes and that the selling of such devices is legal. The Committee remains concerned, however, about their general availability. The Committee recommends that the Government should draw up a definition to cover the most potentially intrusive surveillance devices and should give urgent consideration to the desirability of either licensing or registering such devices. In the Committee's view it would also be appropriate to consider how to restrict the sale of any item marketed as "for law enforcement only". The Committee also notes that certain devices which are available for sale in this country as "for law enforcement" are banned from sale to the general public in the USA.<sup>42</sup> It recommends that comparable restrictions should apply in this country.

58. The Committee, in recommending the introduction of a Protection of Privacy Bill, is keen to ensure that no-one is prevented by lack of resources from taking action under it. The Committee therefore recommends that legal aid be extended to cover proceedings taken under the Bill. The Committee is conscious however that there is a tort of particular relevance to the area of its inquiry which uniquely is not eligible for legal aid -- that is, defamation. The Lord Chancellor pointed out that defamation had never been covered by legal aid and that no-one had yet felt able to provide the necessary resources to finance legal aid in defamation cases.<sup>43</sup> The Committee recognises that there is pressure on resources but believes that it is unjust to prevent people from having access to justice solely because of lack of means. It therefore recommends that legal aid be extended to cases of defamation.

59. During its visit to the United States, the Committee discussed the content and application of various State laws relating to privacy. Several of the laws are reprinted as Annex 1 to this Report. As stated, above, the Committee also received evidence about the position in France with regard to protection of privacy. Article 9 of France's 1970 law admirably expresses the Committee's view on privacy, namely that "Everyone has the right of respect for his private life."<sup>44</sup> This is a matter to which the Committee will be returning in later paragraphs.

### *iii Voluntary Regulation*

60. In the recommendations which follow the Committee deals with voluntary regulation of the press. This is because a voluntary system of press regulation already exists and the Committee is making proposals to strengthen it. A number of the recommendations refers to the conduct of journalists, for example, in identifying themselves to those whom they seek to interview. While their own forms of regulation for television and radio already exist, the Committee nevertheless believes that the standards and modes of conduct which the Committee recommends for journalists writing for the press should be observed also by those working for television and radio.

61. The Committee has already rejected the idea of a statutory press complaints tribunal. In its view, the best way to proceed in dealing with the problems related to the press is through *voluntary regulation*. It is by means of such voluntary regulation carried out fairly and effectively that the press can acknowledge its responsibility to its readers and the public at large.

<sup>42</sup>See Annex 4.

<sup>43</sup>QQ 1297-8.

<sup>44</sup>Q 1342.



## I EDITORIAL RESPONSIBILITY

62. Voluntary regulation involves several strata of responsibility. The first is editorial responsibility. As a further recognition of this responsibility the Committee recommends that editors' contracts of employment should specifically require them to enforce the industry's Code of Practice<sup>45</sup> and to accept the consequences of any fundamental breaches.

## II READERS' REPRESENTATIVES

63. The second level of responsibility rests with the newspapers own readers' representatives. Following publication of the Calcutt Committee report, many newspapers appointed their own ombudsmen or readers' representatives to take up the grievances of their readers. The Matthew Trust conducted a survey into the responsiveness and effectiveness of this voluntary system which demonstrated the difficulty of obtaining information about the newspaper ombudsmen.<sup>46</sup> Although some editors responded positively to the Trust's comments, many others did not. "The Mirror Group of Newspapers decided to dispense with the services of an ombudsman. In other cases, editors thought it was sufficient to have a member of the newspaper's staff, rather than an independent and unbiased individual not directly connected with the newspaper, dealing with complaints."<sup>47</sup>

64. During its visit to the USA, the Committee was interested to learn about how the *Washington Post's* Ombudsman operates. She is appointed on a two-year contract which is renewable once. The contract provides for her salary to be placed in escrow and includes a provision prohibiting her future employment at the end of that term by the *Washington Post* or its divisions. The Ombudsman has a reserved space on the editorial page every Sunday on which she can write about any *Post* or media issue. The column is not subject to editorial control.

65. The Committee does not believe that the full potential of an effective system of readers' representatives has yet been realised. Although the Committee does not wish to recommend that every newspaper should be required to appoint a readers' representative, it does recommend that all papers without one, and particularly those with substantial circulations, should consider appointing an independent readers' representative. The Committee also suggests that the newspapers which do appoint such representatives should consider following the practice of the *Washington Post* and give their representative a weekly column free of editorial control.

## III THE PRESS COMMISSION

66. The third tier of voluntary regulation relates to the functions currently performed by the Press Complaints Commission. As the Committee discusses below, it recommends a much wider role for the new body than that currently performed by the PCC. In some respects this role mirrors that which the Calcutt Committee recommended the PCC should perform, for example with regard to monitoring the Code of Practice, operation of a hot-line and initiation of inquiries, but which the PCC signally failed to carry out. In others, and in particular with regard to powers to compensate and fine, it extends the role somewhat further than that originally envisaged by the Calcutt Committee. Further the Committee believes that to include the word 'complaints' in the title of a body suggests too restrictive a role and that there is a need to draw a clear distinction between the current regime and that which the Committee recommends should be adopted. The Committee accordingly recommends that the PCC be replaced by the Press Commission.

67. The first decision to be made in establishing the Press Commission concerns its responsibilities. The Calcutt Committee concluded that the PCC would be serving press freedom better if it concentrated on the maintenance of proper standards than if it also acted as

<sup>45</sup>See paras 82-93 below and Annex 2.

<sup>46</sup>Appendix 33.

<sup>47</sup>*Ibid.*

a body campaigning overtly for press freedom.<sup>48</sup> The Committee does not agree. Lord McGregor too argued "that the best contribution that anyone can make at the moment to the maintenance of the freedom of the press is to deal effectively with complaints about it to the satisfaction of complainants."<sup>49</sup> The Committee believes that it is essential that the Press Commission should be charged specifically with the task of upholding press freedom.

68. A further responsibility which ought to be accepted by the Press Commission is the maintenance of ethical standards. Success in discharging this responsibility can be measured both by the content of the Code which the industry adopts, and to which the Committee expects the Press Commission to make a substantial input, and by the degree of compliance with it. Associated with this responsibility is the duty to adjudicate on complaints. For this responsibility to be fulfilled adequately, it is essential that access to the Press Commission should be easy, that adjudications should not be delayed and that any redress should be effective. The Committee noted the steps which the PCC had taken to make itself better known and how much more quickly it had reached decisions than had its predecessor Press Council.<sup>50</sup> The Committee hopes that the new Press Commission will continue to maintain these improved standards. It recommends that the address and telephone number of the Press Commission and a note describing the Commission's operation should be published by newspapers at regular intervals. The Committee also recognises the importance of ensuring that people who wish to complain feel that the body to which they complain is geographically accessible. It therefore recommends that the Press Commission should set up offices in Wales and Scotland to handle complaints emanating from those areas as well as such regional offices as it considers appropriate.

69. Connected with the need to respond quickly to complaints, is the requirement to ensure that editors are alerted speedily to any possible breaches of the Code. The Committee accordingly recommends that the Press Commission should operate a hot-line. The Committee does not expect, and would not wish, this hot-line to be turned into a substitute for legal recourse to prior restraint. It would, however, enable an editor to be alerted to a possible problem and to take a more informed decision on publication.

70. Another responsibility which the Committee considers would fall suitably within the remit of the Press Commission concerns training. The National Union of Journalists has argued that "Journalists are inadequately trained in respect of ethical standards ... More and more training is now in-house and geared to the needs of particular employers rather than the profession in general."<sup>51</sup> Properly conducted training could reduce the need in the future for the Press Commission to adjudicate on complaints of press misconduct. The Committee believes that the Commission could play a valuable role in ensuring that journalists are fully trained in the Code and in wider press ethics.

71. Two further responsibilities which the Committee believes should be specifically placed upon the Press Commission reflect its responsibility to the public as well as the press. The Committee recommends that the Press Commission should conduct research periodically into public attitudes to the press, the effectiveness of the revised Code of Practice, the press's wider role in society and the freedom of the press. The Committee recommends also that the Press Commission should initiate inquiries into issues of general public concern or into specific incidents and, where necessary, give advice on the principles to be applied. An additional responsibility which the Committee believes the Press Commission should have is that of monitoring the press on a continuing basis. Only in this way will the Press Commission be able to judge whether voluntary regulation really is working effectively.

72. Related to this latter requirement is another responsibility which the Committee believes the new Press Commission should accept. This is a willingness to receive and examine general third-party complaints. Mr Robert Borzello, in evidence to this Committee, attributed the major

<sup>48</sup>Cm 2135, para 2.11.

<sup>49</sup>Q 486.

<sup>50</sup>Evidence, p 65 and QQ 454-5.

<sup>51</sup>Appendix 10.

reason for what he claims to be the failure of the PCC to its refusal in practice to accept third-party complaints even when these involved clear breaches of the PCC's published Code of Practice.<sup>52</sup> This refusal by the PCC to accept third-party complaints effectively excludes all newspaper readers from the process of self-regulation. The Committee believes that newspaper readers have a valid locus in making complaints about perceived breaches of the Code. It therefore recommends that the new Press Commission should receive and examine third-party complaints which will allow for the public interest in a press of high quality to be accommodated.

73. By initiating inquiries, monitoring and adjudicating on third-party complaints, the Press Commission will put itself in a strong position to develop a body of case law which can provide guidance to the press and be used when considering similar complaints. The Committee attaches importance to this and hopes that this will lead ultimately to an absolute reduction in the number of breaches of the Code.

74. A further responsibility of the Press Commission again relates to its duty to complainants. It is essential that, where factual errors or breaches of the Code have occurred, the Commission should be able to order the publication with due prominence of its adjudications and of a correction and appropriate apology.

75. The two final responsibilities which the Committee believes ought to be given to the Press Commission have a financial impact. The first of these relates to the payment of compensation. It seems to the Committee unfair that where a complaint has been upheld there is nothing available to the complainant between an apology and expensive recourse to the Courts. The Committee accordingly recommends that the industry should increase the powers of the new Press Commission to allow it to require the payment of compensation. The press is of course *sui generis* and cannot be compared precisely with any other institution in the realm. Nevertheless, payment of compensation to an aggrieved person whose grievance has been confirmed after investigation would not be a unique or unprecedented step. The Solicitors Complaints Bureau, for example, can order an individual solicitor to pay compensation of up to £1,000.<sup>53</sup> In the area of non-statutory Ombudsmen, the Banking Ombudsman<sup>54</sup>, and the Insurance Ombudsman,<sup>55</sup> can order the payment of compensation of up to £100,000:

76. The second of these responsibilities relates to the power to fine. Where a particularly blatant abuse of the Code has taken place, it seems inappropriate that the body charged with examining and adjudicating on the case should have no powers to fine the offending publication. The Committee gave serious consideration to the established methods of self-regulation in other professions where fines are levied on associate groups or even individuals who have been judged to have brought their profession into disrepute. Bar disciplining tribunals, for example, already have the power to fine barristers up to £5,000 which is payable to their Inn; the Lloyd's byelaws give a Lloyd's disciplinary tribunal the power to fine,<sup>56</sup> and a Family Health Service Authority may withhold up to £500 from a practitioner's salary without reference to the Secretary of State.

77. The Committee can see circumstances in which the Press Commission itself might feel that a newspaper or journalist could be alleged to have reduced public confidence in newspaper publishing and might wish to impose a fine on such a publication. If the Press Commission is to exercise as much voluntary regulation as possible, it should be able to pre-empt the need for complainants to resort to the Ombudsman, and have the power to impose its own financial penalties on those newspapers which it judges have brought journalism into disrepute. The decision on whether to take such action should of course be a matter for the Press Commission. The Committee therefore recommends that the industry should increase the powers of the

<sup>52</sup>Evidence, p 187.

<sup>53</sup>Appendix 51.

<sup>54</sup>Appendix 50.

<sup>55</sup>Appendix 45.

<sup>56</sup>Q 1241.

new Press Commission to allow it to impose fines where it judges that a breach of the Code of Practice is such as to have brought journalism into disrepute.

78. The Committee recognises that any imposition of a financial penalty must carry with it the possibility of seeking alleviation from that penalty. The Committee is therefore proposing that where any of the parties involved is not satisfied with the outcome they should have the right to seek a re-examination of the case by the Press Ombudsman, see paragraphs 94 to 107 below.

79. The Press Commission's composition is crucial to its effective operation. The Committee noted above the acceptance by the PCC of the idea that an absolute majority of independent lay members is desirable to underline to the public that the PCC is independent.<sup>57</sup> The Committee believes that it is equally desirable for the new Press Commission to have a majority of lay members. Members of the current PCC are appointed by a Commission of three comprising its Chairman, the Chairman of Pressbox<sup>58</sup> and an independent Public Nominee, nominated by the PCC Chairman.<sup>59</sup> The Committee recommends that appointments to the Press Commission should be entrusted to the appropriate representative bodies of the industry but hopes that, in making such appointments, they will have regard to the need for appropriate representation of women and the ethnic minorities on the Commission as a whole and for the Commission to provide an accurate reflection of the nature of the industry.

80. Appointment of its Chairman should be a matter for the Press Commission. The Committee would expect, however, that the choice would rest on a widely respected public figure with considerable experience of media and public affairs.

81. On funding, beyond emphasising that it is essential that the Press Commission should be adequately funded to perform its tasks, the Committee does not recommend any change to the present system.<sup>60</sup>

#### Code of Practice

82. The Code of Practice lies at the heart of the operation of the Press Commission. In the Committee's view it must also lie at the heart of all journalistic activities. The Committee recommends therefore that compliance with the Code of Practice should be made part of every journalist's contract of employment and that every freelance should be told that his or her work will not be accepted unless the material has been obtained in compliance with the Code.

83. Several witnesses have suggested to the Committee that there is a need for journalists to provide identification when seeking an interview and that it would be helpful if copies of the Code could be made available at the time that an interview or photograph was being sought.<sup>61</sup> The Committee agrees. It recommends that all journalists should be required to provide proof of identity and a copy of the Code to those they seek to interview and photograph. The Committee also recommends that consideration be given to printing copies of the Code in other languages that are used by significant groups in this country.

84. The Committee has considered in parallel the Code originally recommended by the Calcutt Committee and that subsequently adopted by the industry. Both Codes are reproduced in Annex 2 to this Report, together with the Committee's preferred Code of Practice.

85. The Committee does not intend to discuss in detail all the amendments which it has suggested in its preferred Code but will concentrate on those areas in which it believes the Code requires amplification. The first of these concerns the need to recognise a zone of privacy.

<sup>57</sup>Appendix 31.

<sup>58</sup>Press Standards Board of Finance Ltd.

<sup>59</sup>Evidence, p 58.

<sup>60</sup>Evidence, p 59.

<sup>61</sup>See, eg, QQ 242-3;359-61.

86. The Committee was told in the USA that in that country there is a general recognition of an individual's right to an area of privacy. This point was also made by Mr James Michael.<sup>62</sup> The Committee agrees that an individual does have such a right. It therefore recommends that recognition of this fundamental right should be inserted after the introduction to its suggested Code of Practice.

87. The other main area in which the Committee considers that the Code ought to be amended is that relating to anti-social conduct. The Committee recommends that all references in the Code to 'anti-social conduct' should be deleted because of the difficulty of definition. The concept of anti-social conduct opens too wide a loophole to subjective decisions by the press as to what such conduct comprises.

88. One area about which the Committee holds strong views is that of cheque book journalism. The Committee is concerned about payments made for tipoffs and information at any level and believes that this practice should be discouraged. It believes that it would be useful if newspapers made it their practice to indicate the stories for which payment for information had been made.

89. Payments for information may also lead to an invasion of privacy. In a House of Lords debate on NHS Patients: Privacy and the Media,<sup>63</sup> one of the issues raised concerned the giving or selling of confidential information to the press. The Parliamentary Under-Secretary of State at the Department of Health, in replying to that debate, agreed it was necessary to ensure that both employees and journalists who bought or divulged confidential information were brought to account.<sup>64</sup> The Committee hopes that similar restraint will be observed in other sensitive occupations and that stricter observance of the Code and its new Protection of Privacy Bill will help to achieve this.

90. While recognising that there may be many occasions on which it is understandable that a newspaper will wish to approach people suffering personal grief or shock and that for some people speaking of their experiences is cathartic, the Committee is very concerned that such approaches should not be intrusive and that any refusal to talk or be photographed is accepted. The Committee was impressed in the USA by the National Organization for Victim Assistance's proposed media Code of ethics for dealing with victims of crime or trauma to encourage contacts to be conducted with sensitivity and discretion. The Committee is aware of the efforts made by the police to reduce the trauma of rape victims by using specially trained officers. In the Committee's view, journalists' approach to people in extreme distress should be equally careful. The Committee believes that newspapers should make every effort to have at least one reporter who has been specifically trained in this area.

91. The Committee is also very aware of the distress that can be caused to victims or their families when sensational cases are re-enacted or crime stories retold, either on the electronic media or in print. The Committee agrees with the views of Victim Support<sup>65</sup> and others that at the very least the families or individuals concerned should be warned in advance.

92. In the section relating to victims of crime, the Committee has recommended that neither victims of sexual offences nor their relatives should be identified, nor should anything be done to enable "jigsaw" identifications to be made. The Committee also recommends that the press should not identify relatives of an accused person when identification is likely to put at risk their physical or mental health or security.

93. As the Committee acknowledges above, the content of the Code and its implementation lie at the heart of the satisfactory operation of the Press Commission. Much of the success of the implementation depends on the whole industry's commitment to it. Part of this commitment can be encouraged by a fuller understanding of the meaning and importance of the Code. The

<sup>62</sup>Evidence, p 15 and QQ 79-80.

<sup>63</sup>HL *Official Report*, 29 June 1992, cols 624-638.

<sup>64</sup>*Ibid.*, cols 636-7.

<sup>65</sup>Appendix 24.

Committee accordingly recommends that the Press Commission should assist in the training of journalists in its use.

#### IV STATUTORY OMBUDSMAN

94. In giving evidence to the Committee the former director of the Press Council argued that "voluntary regulation of the press has to be and be seen to be, a partnership of the press and the public".<sup>66</sup> The Committee agrees. The preceding paragraphs of this Report emphasise the Committee's firm conviction that voluntary regulation of the press is the best way to proceed. But it is equally important to ensure that the voluntary regulation the Committee recommends does work. The Committee believes a bulwark should be provided against any inadequacies in the way the Press Commission operates or in which newspapers and periodicals respond to its adjudications.

95. The Committee has sought information about the Ombudsman systems established by statute. These cover areas both of the public sector and the private sector, and include the Parliamentary Commissioner for Administration and the Health Service Commissioners,<sup>67</sup> the Local Government Ombudsmen,<sup>68</sup> the Pensions Ombudsman<sup>69</sup> and the Legal Services Ombudsman.<sup>70</sup> Its investigations convinced the Committee the Ombudsman system had a valuable part to play in the context of press regulation; the Committee was thus interested to discover that the Lord Chancellor had also been attracted by this idea. He described the Ombudsman system which had now been developed in a number of different industries as "a good one for investigating particular cases, particular occurrences."<sup>71</sup>

96. The Committee has decided that a regulatory level is needed beyond that of the Press Commission. Anyone dissatisfied with the outcome of an investigation, or whose complaint had been rejected without investigation, needs some further accessible and effective recourse. In the Committee's view this could best be provided by an Ombudsman. The weight of his or her work would be in direct proportion to the success or failure of voluntary regulation. The more successful that voluntary regulation turns out to be, the less the need for recourse to the Ombudsman. Nothing would please the Committee more than that self-regulation by the Press Commission should be so successful as to render the role of the Press Ombudsman a sinecure, at any rate so far as response to complaints is concerned.

97. Once the Committee had decided that the appointment of a Press Ombudsman would best meet the need to ensure that voluntary regulation worked, it gave thought as to whether the position should be statutory or non-statutory. The Lord Chancellor did not make any recommendation in this area but he did concede that "If it is a voluntary one, it would be effective only if the organs of the media were willing to give access to some of their documents and perhaps some of their information ... [they] would be required to be willing to co-operate with the Ombudsman".<sup>72</sup> As the Press Ombudsman would be called upon in general only when voluntary regulation had proved ineffective, this for the Committee proved a convincing argument in favour of a statutory Ombudsman. The Committee therefore recommends that a statutory Press Ombudsman be appointed.

98. For any statutory Ombudsman, the first decision to be taken is how he or she should be appointed. The Committee recommends that the Press Ombudsman be appointed by the Lord Chancellor in consultation with the Lord Advocate. The right of nomination should be open to anyone including the Press Commission, journalists, their unions, their editors and their proprietors.

<sup>66</sup>Q 1425.

<sup>67</sup>Appendix 40.

<sup>68</sup>Appendix 41.

<sup>69</sup>Appendix 43.

<sup>70</sup>Appendix 52.

<sup>71</sup>Q 1304.

<sup>72</sup>Q 1319.

99. The office of the Press Ombudsman should be funded by the Exchequer in a like manner to that of the Legal Services Ombudsman, who operates in many respects in relation to the legal profession as the Committee would expect the Press Ombudsman to operate in relation to journalism. It will be for the Press Ombudsman to decide how many staff he needs properly to fulfil his functions and it is essential that he be given the funds he requires to employ that number of staff and to operate as he judges necessary.

100. The Ombudsman's primary responsibility will be investigation of complaints submitted to the Press Commission whose outcome was not satisfactory to one of the parties involved. The Ombudsman will also have the right to consider complaints which the Commission had declined *ab initio* to investigate and to institute investigations where no complaint had been made. In this he will operate with the same discretion as is enjoyed by the Audit Commission to undertake or promote the studies or investigations it considers appropriate. The Committee recommends that a suitable early investigation would be an examination of what responsibilities a proprietor has in relation to the newspapers over which he has control.

101. The Committee recommends that the Press Commission should make it its practice, when informing the parties to a complaint of its decision, also to inform them of their right to appeal to the Ombudsman if they are not satisfied with an adjudication or a recommendation about compensation or the level of a fine. The Committee also hopes that newspapers will regularly publish information about the Ombudsman and how to contact his Office and of the circumstances in which he will deal with a complaint.

102. In order fully to discharge his functions the Ombudsman will require certain powers. These are not greater than those which the Committee has already recommended should be exercised on a voluntary basis by the Press Commission. The first of these concerns the power to require the publication of corrections, retractions or apologies and, where appropriate, to supervise their wording. The Ombudsman should also have the power to require that their position in a newspaper should have the prominence he considers necessary. The Committee accordingly recommends that the Press Ombudsman be given the statutory powers to supervise the wording, position and format of corrections, apologies and retractions.

103. Associated with the power to order corrections and apologies is the right to identify all those involved with a breach of the Code. Mr Borzello suggested that the people who are involved should be mentioned every time.<sup>73</sup> The Committee agrees that responsibility for a serious breach of the Code extends beyond the journalist or photographer, to the editor and ultimately the proprietor. The Committee accordingly recommends that the Press Ombudsmen should have statutory authority to publish with an adjudication whenever he thinks it appropriate, the names of those responsible for a serious breach of the Code.

104. The Ombudsman's next statutory power relates to the payment of compensation where appropriate to those affected by breaches of the Code or to re-enforce the Press Commission's recommendations with regard to compensation where the offending newspaper has declined to pay. The Committee recommends that the Press Ombudsman be given statutory authority to order the payment of compensation.

105. The fourth power concerns the right to fine publications responsible for flagrant or persistent breaches of the Code of Practice. The Committee believes that the same right to impose a financial penalty should rest with the Press Ombudsman, as it would with the Press Commission. The Committee accordingly recommends that the Press Ombudsman be given statutory authority to impose a fine.

106. Nothing in the Committee's proposals is intended to abrogate the right of individuals to seek legal redress. Nor did the Lord Chancellor think that a waiver of their right to other legal recourse was necessary. "I would have thought it might be possible to get a quality of Ombudsman whom the organs of the press would be prepared to respect and hope that his

<sup>73</sup>Q 1089. See also Evidence, p 190.

investigations ... would give satisfaction to both sides and, therefore, that the cause of action would disappear. I would not have thought it was essential to have an arrangement under which that was necessarily agreed in respect of cases at the outset.<sup>74</sup>

107. Finally, the Committee recommends that the Press Ombudsman should be required to make an Annual Report to Parliament which, like the Committee for the Parliamentary Commissioner for Administration and his reports, the Committee intends formally to consider. The Committee recommends consequentially an amendment to its terms of reference to include a provision similar to that for the Select Committee on the Parliamentary Commissioner for Administration.

#### V THE HIGH COURT

108. The final element in the Committee's proposed system of regulation is the High Court. The Committee recommends that where a newspaper refuses to pay a fine or compensation which has been ordered by the Press Ombudsman, the Ombudsman should be able to seek a Court order requiring it to be paid. Similarly, where a newspaper dissents from the Ombudsman's decision, it should be entitled to ask the Court to discharge the order.

#### IV. CONCLUSION AND SUMMARY OF RECOMMENDATIONS

109. In opening its Report, the Committee re-affirmed its belief that there cannot be a free society without a free press but stressed also its conviction that a free society should not be one which, in order to exhibit its freedom, dispenses with civilised discourse. The Committee recognised the need for a balance between the right of free speech and the right of privacy and in this Report has recommended action to achieve such a balance.

110. The Committee's recommendations are summarised below:

- (i) The steps taken by the army and police when a serviceman or police officer is killed or wounded on duty to give support and guidance to the relatives are very useful initiatives and should serve as an example to be followed as widely as possible. (Para 32)
- (ii) A statutory press complaints tribunal should not be established. (Para 39)
- (iii) Effective action to extend the public's right of access to information should be taken as quickly as possible and certainly no later than the implementation of the Committee's other recommendations. (Para 46)
- (iv) A Protection of Privacy Bill, which will provide protection for all citizens and whose provisions similarly will apply to all citizens, should now be introduced. (Para 47)
- (v) It will be a defence to any of the civil offences in the Protection of Privacy Bill that the act had been done in the public interest. (Para 48)
- (vi) Further consideration now be given to the introduction of legislation on breach of confidence as a valuable part of the Committee's proposed Protection of Privacy Bill. (Para 50)
- (vii) The Government examine Section 7 of the 1875 Conspiracy and Protection of Property Act with a view to incorporating into the Protection of Privacy Bill comparable provision as they relate to besetting and harassment in the context of unreasonable invasion of privacy and changing its terms to reflect altered circumstances since that date. These changes possibly could include the need to

<sup>74</sup>Q 1323.



- curtail sexual harassment, noise pollution, etc. The penalty should also be appropriately updated. (Para 54)
- (viii) It will be a defence to any of the criminal offences in the Protection of Privacy Bill that the act had been done in the public interest. (Para 55)
- (ix) A Protection of Privacy Bill, taking account where necessary of the essential differences in approach between the criminal and civil jurisdiction in Scotland and in England and Wales, should apply to Scotland as well as to England and Wales. (Para 56)
- (x) The Government should draw up a definition to cover the most potentially intrusive surveillance devices and should give urgent consideration to the desirability of either licensing or registering such devices. (Para 57)
- (xi) Certain surveillance devices which are available for sale in the UK as "for law enforcement" are banned from sale to the general public in the USA. Comparable restrictions should apply in this country. (Para 57)
- (xii) Legal aid be extended to cover proceedings taken under the Protection of Privacy Bill. (Para 58)
- (xiii) Legal aid be extended to cases of defamation. (Para 58)
- (xiv) Editors' contracts of employment should specifically require them to enforce the industry's Code of Practice and to accept the consequences of any fundamental breaches. (Para 62)
- (xv) Although the Committee does not wish to recommend that every newspaper should be required to appoint a readers' representative, it does recommend that all papers without one, and particularly those with substantial circulations, should consider appointing an independent readers' representative. (Para 65)
- (xvi) The Press Complaints Commission be replaced by the Press Commission. (Para 66)
- (xvii) The Press Commission should be charged specifically with the task of upholding press freedom. (Para 67)
- (xviii) The address and telephone number of the Press Commission and a note describing the Commission's operation should be published by newspapers at regular intervals. (Para 68)
- (xix) The Press Commission should set up offices in Wales and Scotland to handle complaints emanating from those areas as well as such regional offices as it considers appropriate. (Para 68)
- (xx) The Press Commission should operate a hot-line. (Para 69)
- (xxi) The Press Commission should conduct research periodically into public attitudes to the press, the effectiveness of the revised Code of Practice, the press's wider role in society and the freedom of the press. The Press Commission should initiate inquiries into issues of general public concern or into specific incidents and, where necessary, give advice on the principles to be applied. The Commission should have the additional responsibility of monitoring the press on a continuing basis. (Para 71)
- (xxii) The new Press Commission should receive and examine third-party complaints which will allow for the public interest in a press of high quality to be accommodated. (Para 71)



- (xl) The Press Ombudsman be given statutory authority to order the payment of compensation. (Para 104)
- (xli) The Press Ombudsman be given statutory authority to impose a fine. (Para 105)
- (xlii) The Press Ombudsman should be required to make an Annual Report to Parliament which, like the Committee for the Parliamentary Commissioner for Administration and his reports, this Committee intends formally to consider. The Committee recommends consequentially an amendment be made to its terms of reference to include a provision similar to that for the Select Committee on the Parliamentary Commissioner for Administration. (Para 107)
- (xliii) Where a newspaper refuses to pay a fine or compensation which has been ordered by the Ombudsman, the Ombudsman should be able to seek a Court order requiring it to be paid. Similarly, where a newspaper dissents from the Ombudsman's decision, it should be entitled to ask the Court to discharge the order. (Para 108)

ANNEX 1EXAMPLES OF AMERICAN STATE LAWS  
ON PRIVACY1. MAINE, 1976§ 511 Violation of Privacy

1. A person is guilty of violation of privacy if, except in the execution of a public duty or as authorized by law, he intentionally:
  - a. Commits a civil trespass on property with the intent to overhear or observe any person in a private place; or
  - b. Installs or uses in a private place without the consent of the person or persons entitled to privacy therein, any device for observing, photographing, recording, amplifying or broadcasting sounds or events in that place; or
  - c. Installs or uses outside a private place without the consent of the person or persons entitled to privacy therein, any device for hearing, recording, amplifying or broadcasting sounds originating in that place which would not ordinarily be audible or comprehensible outside that place.
2. As used in this section, "private place" means a place where one may reasonably expect to be safe from surveillance but does not include a place to which the public or a substantial group has access.
3. Violation of privacy is a Class D crime.

2. NEBRASKA, 1979

§ 20-201 Right of privacy; legislative intent. It is the intention of the Legislature to provide a right of privacy as described and limited by sections 20-201 to 20-211 and 25-840.01, and to give to any natural person a legal remedy in the event of violation of the right.

§ 20-202 Invasion of privacy; exploitation of a person for advertising or commercial purposes; situations; not applicable. Any person, firm, or corporation that exploits a natural person, name, picture, portrait, or personality for advertising or commercial purposes shall be liable for invasion of privacy. The provisions of this section shall not apply to:

1. The publication, printing, display, or use of the name or likeness of any person in any printed, broadcast, telecast, other news medium or publication as part of any bona fide news report or presentation or non-commercial advertisement having a current or historical public interest and when such name or likeness is not used for commercial advertising purposes;
2. The use of such name, portrait, photograph, or other likeness in connection with the resale or other distribution of literary, musical, or artistic productions or other articles of merchandise or property when such person has consented to the use of his or her name, portrait, photograph, or likeness on or in connection with the initial sale or distribution thereof so long as such use does not differ materially in kind, extent, or duration from that authorized by the consent as fairly construed; or
3. Any photograph of a person solely as a member of the public when such person is not named or otherwise identified in or in connection with the use of such photograph.

**§ 20-203. Invasion of privacy; trespass or intrude upon a person's solitude.** Any person, firm, or corporation that trespasses or intrudes upon any natural person in his or her place of solitude or seclusion, if the intrusion would be highly offensive to a reasonable person, shall be liable for invasion of privacy.

**§ 20-204. Invasion of privacy; place person before public in false light.** Any person, firm, or corporation which give publicity to a matter concerning a natural person that places that person before the public in a false light is subject to liability for invasion of privacy, if:

1. The false light in which the other was placed would be highly offensive to a reasonable person; and
2. The actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.

**§ 20-205. Publication or intrusion; not actionable; when.** Any publication or intrusion otherwise actionable under sections 20-202, 20-203, or 20-204 shall be justified and not actionable under sections 20-201 to 20-211 and 25-840.01 if the subject of such publication or intrusion expressly or by implication consents to the publicity or intrusion so long as such publication or intrusion does not differ materially in kind, extent, or duration from that implicitly or expressly authorized by the consent as fairly construed. If such person is a minor, such consent may be given by a parent or guardian. If the subject of the alleged invasion of privacy is deceased, such consent may be given by the surviving spouse, if any, or by the personal representative.

### 3. UTAH, 1973

#### Offenses Against Privacy

**§ 76-9-401. Definitions.** - For purposes of this part:

1. "Private place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.
2. "Eavesdrop" means to overhear, record, amplify, or transmit any part of a wire or oral communication of others without the consent of at least one party thereto by means of any electronic, mechanical, or other device.
3. "Public" includes any professional or social group of which the victim of a defamation is a member.

**§ 76-9-402. Privacy violation.** -

1. A person is guilty of privacy violation if, except as authorized by law, he:
  - a. Trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or
  - b. Installs in any private place, without the consent of the person or persons entitled to privacy there, any device for observing, photographing, recording, amplifying, or broadcasting sounds or events in the place or uses any such unauthorized installation; or
  - c. Installs or uses outside of a private place any device for hearing, recording, amplifying, or broadcasting sounds originating in the place which would not ordinarily be audible or comprehensible outside, without the consent of the person or persons entitled to privacy there.
2. Privacy violation is a class B misdemeanor.

§ 76-9.403 Communication abuse. -

1. A person commits communication abuse if, except as authorized by law, he:
  - a. Intercepts, without the consent of the sender or receiver, a message by telephone, telegraph, letter, or other means of communicating privately; this paragraph does not extend to:
    - i. Overhearing of messages through a regularly installed instrument on a telephone party line or on an extension; or
    - ii. Interception by the telephone company or subscriber incident to enforcement of regulations limiting use of the facilities or to other normal operation and use; or
  - b. Divulges without consent of the sender or receiver the existence or contents of any such message if the actor knows that the message was illegally intercepted or if he learned of the message in the course of employment with an agency engaged in transmitting it.
2. Communications abuse is a class B misdemeanor.

§ 76-9.404 Criminal defamation. -

1. A person is guilty of criminal defamation if he knowingly communicates to any person orally or in writing any information which he knows to be false and knows will tend to expose any other living person to public hatred, contempt, or ridicule.
2. Criminal defamation is a class B misdemeanor.

§ 76-9.405 Abuse of personal identity. -

1. A person is guilty of abuse of personal identity if, for the purpose of advertising any articles or merchandise for purposes of trade or for any other advertising purposes, he uses the name, picture, or portrait of any individual or uses the name or picture of any public institution of this state, the official title of any public officer of this state; or of any person who is living, without first having obtained the written consent of the person, or, if the person be a minor, the written consent of his parent or guardian, or, if the person is dead, without the written consent of his heirs or personal representatives.
2. Abuse of personal identity is a class B misdemeanor.

§ 76-9.406 Injunctive relief against privacy offenses - Damages. - Any person, or the heirs of any deceased person, who has been injured by a violation of this part may bring an action against the person who committed the violation. If in the action the court finds the defendant is violating or has violated any of the provisions of this part, it shall enjoin the defendant from a continuance thereof. It shall not be necessary that actual damages to the plaintiffs be alleged or proved, but if damages are alleged and proved, the plaintiff in the action shall be entitled to recover from the defendant the actual damages, if any, sustained in addition to injunctive relief. A finding that the defendant is in violation of this part shall entitle the plaintiff to reasonable attorney's fees. Exemplary damages may be awarded where the violation is found to be malicious.

4. WISCONSIN, 1977§ 895.50 Right of privacy

1. The right of privacy is recognized in this state. One whose privacy is unreasonably invaded is entitled to the following relief:

- a. Equitable relief to prevent and restrain such invasion, excluding prior restraint against constitutionally protected communication privately and through the public media;
  - b. Compensatory damages based either on plaintiff's loss or defendant's unjust enrichment; and
  - c. A reasonable amount for attorney fees.
2. In this section, "invasion of privacy" means any of the following:
- a. Intrusion upon the privacy of another of a nature highly offensive to a reasonable person, in a place that a reasonable person would consider private or in a manner which is actionable for trespass.
  - b. The use, for advertising purposes or for purposes of trade, of the name, portrait or picture of any living person, without having first obtained the written consent of the person or, if the person is a minor, of his or her parent or guardian.
  - c. Publicity given to a matter concerning the private life of another, of a kind highly offensive to a reasonable person, if the defendant has acted either unreasonably or recklessly as to whether there was a legitimate public interest in the matter involved, or with actual knowledge that none existed. It is not an invasion of privacy to communicate any information available to the public as a matter of public record
3. The right of privacy recognized in this section shall be interpreted in accordance with the developing common law of privacy, including defenses of absolute and qualified privilege, with due regard for maintaining freedom of communication, privately and through the public media.
4. Compensatory damages are not limited to damages for pecuniary loss, but shall not be presumed in the absence of proof.
6. a. If judgement is entered in favor of the defendant in an action for invasion of privacy, the court shall determine if the action was frivolous. If the court determines that the action was frivolous, it shall award the defendant reasonable fees and costs relating to the defense of the action.
- b. In order to find an action for invasion of privacy to be frivolous under par. (a), the court must find either of the following:
- i. The action was commenced in bad faith or for harassment purposes.
  - ii. The action was devoid of arguable basis in law or equity.
7. No action for invasion of privacy may be maintained under this section if the claim is based on an act which is permissible under ss. 968.27 to 968.33.

ANNEX 2THE NATIONAL  
HERITAGE  
COMMITTEE'S  
PROPOSED CODE OF  
PRACTICE

## Introduction

All members of the Press have a duty to maintain the highest professional and ethical standards. In doing so, they should have regard to the provisions of this code of practice and to safeguarding the public's right to know.

Editors are responsible for the actions of journalists employed by their publications. They should also satisfy themselves as far as possible that material accepted from non-staff members was obtained in accordance with this code.

While recognising that this involves a substantial element of self-restraint by editors and journalists, it is designed to be acceptable in the context of a system of self-regulation. The code applies in the spirit as well as in the letter.

Any publication which is criticised by the Press Commission under one of the following clauses is duty bound to print the full adjudication which follows in full and with due prominence.

Every person has the right to a zone of privacy, that is, to respect for his or her private life.

CALCUTT  
COMMITTEE'S  
PROPOSED CODE OF  
PRACTICE

## Introduction

*All members of the press have a duty to maintain the highest professional and ethical standards. In doing so, they should have regard, in particular, to the provisions of this code of practice. Editors are responsible for the actions of those employed by their publications. They should also satisfy themselves as far as possible that material accepted from non-staff members was obtained in accordance with this code.*

THE PRESS  
INDUSTRY'S CODE OF  
PRACTICE

## Introduction

All members of the Press have a duty to maintain the highest professional and ethical standards. In doing so, they should have regard to the provisions of this code of practice and to safeguarding the public's right to know.

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While recognising that this involves a substantial element of self-restraint by editors and journalists, it is designed to be acceptable in the context of a system of self-regulation. The code applies in the spirit as well as in the letter.

Any publication which is criticised by the PCC under one of the following clauses is duty bound to print the full adjudication which follows in full and with due prominence.



## 1. Accuracy

- (i) Newspapers and periodicals should take care not to publish inaccurate, misleading or distorted material.

- (ii) Whenever it is recognised that a significant inaccuracy, misleading statement or distorted report has been published, it should be corrected promptly and with due prominence.

- (iii) An apology should be published whenever appropriate.

- (iv) A newspaper or periodical should always report fairly and accurately the outcome of an action for defamation to which it has been a party.

## 2. Right of Reply

Individuals or organisations should be given proportionate and reasonable opportunity to reply to criticisms or alleged inaccuracies which are published about them.

## 3. Comment, Conjecture and Fact

Newspapers, while free to be partisan, should distinguish clearly between comment, conjecture and fact.

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## 2. Opportunity to Reply

A fair opportunity for reply to inaccuracies should be given to individuals or organisations when reasonably called for.

## 3. Comment, Conjecture and Fact

Newspapers, while free to be partisan, should distinguish clearly between comment, conjecture and fact.

## 4. Privacy

- (i) Making enquiries about the personal lives of individuals without their consent is not generally acceptable.
- (ii) Publishing material about the personal life of individuals without their consent is not generally acceptable.
- (iii) An intrusion into an individual's personal life can be justified only for the purpose of detecting or exposing crime, protecting health or safety, or preventing a harmful deception of the public.
- (iv) An individual's personal life includes matters of health, home, personal relationships, correspondence and documents but does not include his trade or business.

## 5. Hospitals

- (i) Journalists or photographers making enquiries at hospitals or similar institutions must identify themselves to a senior official and obtain permission before entering.
- (ii) The restrictions on intruding into privacy are particularly relevant

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- (iv) *An individual's personal life includes matters of health, home, personal relationships, correspondence and documents but does not include his trade or business.*

## 5. Hospitals

- (i) *Journalists or photographers making enquiries at hospitals or similar institutions should identify themselves to a responsible official and obtain permission before entering.*
- (ii) *The restrictions on intruding into privacy are particularly relevant to enquiries*

## 4. Privacy

Intrusions and enquiries into an individual's private life without his or her consent are not generally acceptable and publication can only be justified when in the public interest.

This would include:

- (i) Detecting or exposing crime or serious misdemeanour.
- (ii) Detecting or exposing seriously anti-social conduct.
- (iii) Protecting public health and safety.
- (iv) Preventing the public from being misled by some statement or action of that individual.

## 5. Hospitals

- (i) Journalists or photographers making enquiries at hospitals or similar institutions should identify themselves to a responsible official and obtain permission before entering non-public areas.
- (ii) The restrictions on intruding into privacy are particularly relevant

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| <p>to enquiries about individuals in hospital or similar institutions.</p> <p>6. Misrepresentation</p> <p>(i) Subject to (iii), journalists should not obtain or seek to obtain information or pictures through misrepresentation or subterfuge.</p> <p>(ii) Documents or photographs should be removed only with the express consent of the owner and only with an indication that they might be published.</p> <p>(iii) Subterfuge (including the use of concealed cameras or recording devices) can be justified only for the purpose of detecting or exposing crime, protecting public health or safety, or preventing a harmful deception of the public and which could not be obtained by other means.</p> | <p><i>about individuals in hospital or similar institutions.</i></p> <p>6. <i>Misrepresentation</i></p> <p>(i) <i>Journalists should not generally obtain or seek to obtain information or pictures through misrepresentation or subterfuge.</i></p> <p>(ii) <i>Documents or photographs should be removed only with the express consent of the owner and only with an indication that they might be published.</i></p> <p>(iii) <i>Subterfuge (including the use of concealed cameras or recording devices) can be justified only for the purpose of detecting or exposing crime or seriously anti-social conduct, protecting public health or safety, or preventing the public being misled by some public statement or action of an individual and which could not be obtained by other means.</i></p> | <p>to enquiries about individuals in hospital or similar institutions.</p> <p>6. Misrepresentation</p> <p>(i) Journalists should not generally obtain or seek to obtain information or pictures through misrepresentation or subterfuge.</p> <p>(ii) Unless in the public interest, documents or photographs should be removed only with the express consent of the owner.</p> <p>(iii) Subterfuge can be justified only in the public interest and only when material cannot be obtained by any other means.</p> <p>In all these clauses the public interest includes:</p> <p>(a) Detecting or exposing crime or serious misdemeanour.</p> <p>(b) Detecting or exposing anti-social conduct.</p> <p>(c) Protecting public health or safety.</p> <p>(d) Preventing the public being misled by some statement or action of an individual or organisation.</p> |
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## 7. Harassment

- (i) Journalists should neither obtain nor seek to obtain information or pictures through intimidation, harassment or trespass.
- (ii) They should not persist in telephoning or questioning individuals after having been asked to desist and should not remain on their property or in the close vicinity of their property after having been asked to leave.
- (iii) They should not follow individuals unless this is necessary for the purpose of detecting or exposing crime, protecting public health or safety, or preventing a harmful deception of the public.
- (iv) They should not photograph individuals who are on private property without their consent unless it is necessary for one of these purposes.

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- (i) *Journalists should neither obtain nor seek to obtain information or pictures through intimidation, harassment or trespass.*
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- (iii) *They should not follow individuals unless this is necessary for the purpose of detecting or exposing crime or seriously anti-social conduct, protecting public health or safety, or preventing the public from being misled by some public statement or action of an individual.*
- (iv) *They should not photograph individuals on private property without their consent unless it is necessary for one of these purposes.*

## 7. Harassment

- (i) Journalists should neither obtain information nor pictures through intimidation or harassment.
  - (ii) Unless their enquiries are in the public interest, journalists should not photograph individuals on private property without their consent; should not persist in telephoning or questioning individuals after having been asked to desist; should not remain on their property after having been asked to leave and should not follow them.
- The public interest would include:
- (a) Detecting or exposing crime or serious misdemeanour.
  - (b) Detecting or exposing anti-social conduct.
  - (c) Protecting public health and safety.
  - (d) Preventing the public from being misled by some statement or action of that individual or organisation.

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| <p><b>8. Payment for Articles</b></p> <p>(i) Payments or offers of payments for stories, pictures or information should not be made to witnesses or potential witnesses in current criminal proceedings or to people engaged in crime or to their associates.</p> <p>(ii) 'Associates' includes family, friends, neighbours and colleagues.</p> <p>(iii) Payments should not be made either directly or indirectly through agents.</p> <p>(iv) Editors should not publish such material if there is reason to believe payment has been made for it.</p> <p>(v) Payment may exceptionally be justified if information cannot be obtained by any other means for the purpose of detecting or exposing crime, protecting public health or safety, or preventing a harmful deception of the public.</p> | <p><b>8. Payment for Articles</b></p> <p>(i) <i>Payments or offers of payments for stories, pictures or information should not be made to witnesses or potential witnesses in current criminal proceedings or to people engaged in crime or to their associates.</i></p> <p>(ii) <i>'Associates' includes family, friends, neighbours and colleagues.</i></p> <p>(iii) <i>Payments should not be made either directly or indirectly through agents.</i></p> <p>(iv) <i>Editors should not publish such material if there is reason to believe payment has been made for it.</i></p> <p>(v) <i>Payment may exceptionally be justified if information cannot be obtained by any other means for the purpose of detecting or exposing crime or seriously anti-social conduct, protecting public health or safety, or preventing the public from being misled by some public statement or action of an individual.</i></p> | <p><b>8. Payment for Articles</b></p> <p>(i) Payments or offers of payment for stories, pictures or information should not be made to witnesses or potential witnesses in current criminal proceedings or to people engaged in crime or to their associates except where the material concerned ought to be published in the public interest and the payment is necessary for this to be done.</p> <p>The public interest would include:</p> <p>(a) Detecting or exposing crime or serious misdemeanour.</p> <p>(b) Detecting or exposing anti-social conduct.</p> <p>(c) Protecting public health and safety.</p> <p>(d) Preventing the public from being misled by some statement or action of that individual or organisation.</p> <p>(ii) "Associates" include family, friends, neighbours and colleagues.</p> <p>(iii) Payments should not be made either directly or indirectly through agents.</p> |
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9 Intrusion into Grief or Shock	9 <i>Intrusion into Grief or Shock</i>	9 Intrusion into Grief or Shock
(i) The press should not intrude into personal grief or shock, in particular in the aftermath of accidents and tragedies.	(i) <i>The press should not intrude into personal grief or shock, in particular in the aftermath of accidents and tragedies.</i>	In cases involving personal grief or shock, enquiries should be carried out and approaches made with sympathy and discretion.
(ii) Intrusive approaches to the recently-bereaved can be justified only to obtain material which cannot be obtained by other means for the purpose of exposing crime, protecting public health and safety, or preventing a harmful deception of the public.	(ii) <i>Unsolicited approaches to the recently-bereaved can be justified only to obtain material which cannot be obtained by other means for the purpose of exposing crime or seriously anti-social conduct, protecting public health and safety, or preventing the public from being seriously misled by some public statement or action of an individual.</i>	
(iii) In these instances, enquiries should be carried out and approaches made with sympathy, compassion and discretion.	(iii) <i>In these instances, enquiries should be carried out and approaches made with sympathy and discretion.</i>	
(iv) The press should take care not to publish pictures of identifiable individuals which are likely to exacerbate grief or cause distress.	(iv) <i>The press should take care not to publish pictures which are likely to exacerbate grief or cause distress.</i>	
10 Innocent Relatives and Friends	10 <i>Innocent Relatives and Friends</i>	10 Innocent Relatives and Friends
The press should not identify relatives or friends of persons convicted or accused of crime unless the reference to them is necessary for the fair and accurate reporting of the crime or legal proceedings.	<i>The press should not identify relatives or friends of persons convicted or accused of crime unless the reference to them is necessary for the fair and accurate reporting of the crime or legal proceedings.</i>	Unless it is contrary to the public's right to know, the press should generally avoid identifying relatives or friends of persons convicted or accused of crime.

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| <p><b>11 Interviewing or Photographing Children</b></p> <p>(i) <b>Journalists should not normally interview or photograph a child under the age of 16 in the absence, or without the consent, of a parent or other adult who is responsible for the child.</b></p> <p>(ii) <b>Children should not be approached or photographed while at school without the permission of the school authorities.</b></p> <p><b>12 Children in Sex Cases</b></p> <p><b>The press should not, even where the law does not prohibit it, identify children under the age of 16 who are involved in cases concerning sexual offences, whether as victims, or as witnesses or defendants.</b></p> | <p><i>11 Interviewing or Photographing Children</i></p> <p><i>(i) Journalists should not normally interview or photograph a child under the age of 16 in the absence, or without the consent, of a parent or other adult who is responsible for the child.</i></p> <p><i>(ii) Children should not be approached or photographed while at school without the permission of the school authorities.</i></p> <p><i>12 Children in Sex Cases</i></p> <p><i>The press should not, even where the law does not prohibit it, identify children under the age of 16 who are involved in cases concerning sexual offences, whether as victims, or as witnesses or defendants.</i></p> | <p><b>11 Interviewing or Photographing Children</b></p> <p>(i) <b>Journalists should not normally interview or photograph children under the age of 16 on subjects involving the personal welfare of the child, in the absence of or without the consent of a parent or other adult who is responsible for the children.</b></p> <p>(ii) <b>Children should not be approached or photographed while at school without the permission of the school authorities.</b></p> <p><b>12 Children in Sex Cases</b></p> <p><b>The press should not, even where the law does not prohibit it, identify children under the age of 16 who are involved in cases concerning sexual offences, whether as victims, or as witnesses or defendants.</b></p> |
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## 13 Victims of Crime

(i) The press should not, even where the law does not prohibit it, identify victims of sexual assaults or their relatives or publish material likely to contribute to such identification.

(ii) The press should not identify victims of any crime when identification is likely to put at risk the physical or mental health or security of the victim or that of his home.

## 14 Criminal Convictions

Even where the law does not prohibit it, an individual's criminal convictions should not be published unless the reference to them is directly relevant to the matter reported.

## 15 Discrimination

(i) The press should avoid prejudicial or pejorative references to a person's race, colour, religion, sex or sexual orientation or to any physical or mental illness or handicap.

(ii) It should not publish details of a person's race, colour, religion, sex or sexual orientation, unless these are directly relevant to the story.

13 *Victims of Crime*

(i) *The press should not, even where the law does not prohibit it, identify victims of sexual assaults or publish material likely to contribute to such identification.*

(ii) *The press should not identify victims of any crime when identification is likely to put at risk the physical or mental health or security of the victim or that of his home.*

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*Even where the law does not prohibit it, an individual's criminal convictions should not be published unless the reference to them is directly relevant to the matter reported.*

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(i) *The press should avoid prejudicial or pejorative references to a person's race, colour, religion, sex or sexual orientation or to any physical or mental illness or handicap.*

(ii) *It should not publish details of a person's race, colour, religion, sex or sexual orientation, unless these are directly relevant to the story.*

## 13 Victims of Crime

The press should not identify victims of sexual assault or publish material likely to contribute to such identification, unless, by law, they are free to do so.

## 14 Discrimination

(i) The press should avoid prejudicial or pejorative reference to a person's race, colour, religion, sex or sexual orientation or to any physical or mental illness or handicap.

(ii) It should avoid publishing details of a person's race, colour, religion, sex or sexual orientation, unless these are directly relevant to the story.



## 16 Stories about the recently-Dead

Newspapers should apply the same principles of accuracy, respect for privacy and non-discrimination to stories about the recently-dead as to stories about the living, unless for the purpose of exposing crime or protecting public health and safety.

16 *Stories about the recently-Dead*

*Newspapers should apply the same principles of accuracy, respect for privacy and non-discrimination to stories about the recently-dead as to stories about the living.*

## 17 Financial Journalism

(i) Even where the law does not prohibit it, journalists should not use for their own profit financial information they receive in advance of its general publication nor should they pass such information to others.

(ii) They should not write about shares or securities in whose performance they know that they or their close families have a significant financial interest, without disclosing the interest to the editor or financial editor.

(iii) They should not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

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## 18 Confidential Sources

Journalists have a moral obligation to protect confidential sources of information.

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## 16 Confidential Sources

Journalists have a moral obligation to protect confidential sources of information

ANNEX 3

STATUTORY OMBUDSMEN

1. **Legal Services Ombudsman<sup>1</sup>**

Appointed by the Lord Chancellor under the Courts and Legal Services Act 1990.

2. **Local Government Ombudsmen<sup>2</sup>**

Appointed by the Sovereign on the recommendation of the Secretary of State for the Environment under the Local Government Act 1974.

3. **Parliamentary Commissioner for Administration and Health Service Commissioner<sup>3</sup>**

Appointed by Her Majesty under Letters Patent under the Parliamentary Commissioner Act 1967 and the National Health Service Act 1977.

4. **Pensions Ombudsman<sup>4</sup>**

Appointed by the Secretary of State for Social Security under the Social Security Act 1990.

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<sup>1</sup>Appendix 52.

<sup>2</sup>Appendix 41.

<sup>3</sup>Appendix 40.

<sup>4</sup>Appendix 43.

SURVEILLANCE DEVICES

Surveillance devices which can be sold legally in the United Kingdom but are marketed as 'for law enforcement only' include:

- "Attena" cameras for automobiles.
- Telephone transmitters (which may not be sold legally in the USA except to authorised government agencies).

Other devices which require "one party" consent to their use in the USA include:

- Telephone conversation recording systems.
- 24 hour telephone monitoring systems.

Another product which can be used intrusively is a model aeroplane carrying an auto-focus camera or video camera. Unlike the planes operated by legitimate aerial survey companies, these model planes may be used at low heights for speculative photography.<sup>5</sup>

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<sup>5</sup>QQ 332-348.

ANNEX 5MS PATSY CHAPMAN

During a session of this Committee<sup>6</sup> it was implied that the dismissal by Ms Patsy Chapman, editor of the *News of the World*, of a journalist because of the way certain stories had been pursued had been the result of harassment of one of the two servicemen's widows from whom the Committee had earlier taken evidence. This was an incorrect inference and the Committee wishes to apologise to Ms Chapman for the error.

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<sup>6</sup>21 January 1993, Q 874.

**MINUTES OF PROCEEDINGS RELATING  
TO THE REPORT**

Thursday 11 March 93

Members present:

Mr Gerald Kaufman, in the Chair

Mr Joe Ashton  
Dr John G Blackburn  
Mr Jim Callaghan  
Mr Paul Channon  
Mr Bryan Davies

Mr John Gorst  
Mr Alan Howarth  
Mr Toby Jessel  
Mr John Maxton

The Committee deliberated.

Draft Report (Privacy and Media Intrusion), proposed by the Chairman, brought up and read.

*Ordered*, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraph 1 read, amended, and agreed to.

Paragraph 2 read and agreed to.

Paragraphs 3 to 7 read, amended, and agreed to.

Paragraph 8 postponed.

Paragraphs 9 and 10 read, amended, and agreed to.

Paragraph 11 read and agreed to.

Paragraph 12 read, amended, and agreed to.

Paragraph 13 postponed.

Paragraphs 14 and 15 (now Paragraphs 15 and 16) read and agreed to.

Paragraph 16 (now Paragraph 17) postponed.

Paragraphs 17 to 26 (now Paragraphs 18 to 27) read and agreed to.

Paragraph 27 (now Paragraph 28) read, amended, and agreed to.

Paragraph 28 (now Paragraph 29) read and agreed to.

Paragraph 29 (now Paragraph 30) read, amended, and agreed to.

Paragraph 30 (now Paragraph 31) postponed.

Paragraphs 31 to 33 (now Paragraphs 32 to 34) read, amended, and agreed to.

Paragraph 34 (now Paragraphs 35 and 36) postponed.

- Paragraph 35 (now Paragraph 38) read and agreed to.
- Paragraph 36 (now Paragraph 39) read, amended, and agreed to.
- Paragraph 37 (now Paragraph 40) read and agreed to.
- Paragraphs 38 and 39 (now Paragraphs 41 and 42) read, amended, and agreed to.
- Paragraphs 40 to 49 (now Paragraphs 43 to 52) read and agreed to.
- Paragraph 50 (now Paragraphs 53 and 54) postponed.
- Paragraphs 51 and 52 (now Paragraphs 55 and 56) read, amended, and agreed to.
- Paragraph 53 (now Paragraph 57) postponed.
- Paragraphs 54 and 55 (now Paragraphs 58 and 59) read and agreed to.
- A Paragraph - (*The Chairman*) - brought up, read the first and second time, and inserted.
- Paragraph 56 (now Paragraph 61) read and agreed to.
- Paragraph 57 (now Paragraph 62) read, amended, and agreed to.
- Paragraphs 58 to 60 (now Paragraphs 63 to 67) postponed.
- Paragraphs 61 to 63 (now Paragraphs 68 to 70) read, amended, and agreed to.
- Paragraph 64 (now Paragraphs 71 and 72) postponed.
- Paragraphs 65 and 66 (now Paragraphs 73 and 74) read, amended, and agreed to.
- Paragraphs 67 and 68 (now Paragraphs 75 to 77) postponed.
- Paragraph 69 (now Paragraph 78) read and agreed to.
- Paragraph 70 (now Paragraph 79) read, amended, and agreed to.
- Paragraphs 71 and 72 (now Paragraphs 80 and 81) read and agreed to.
- Paragraphs 73 and 74 (now Paragraphs 82 and 83) read, amended, and agreed to.
- Paragraphs 75 to 78 (now Paragraphs 84 to 87) read and agreed to.
- Paragraphs 79 to 81 (now Paragraphs 88 to 90) read, amended, and agreed to.
- Paragraphs 82 to 84 (now Paragraphs 91 to 93) read and agreed to.
- Ordered*, That further consideration of the Committee's draft Report be now adjourned. -  
(*The Chairman.*)
- Report to be further considered upon Tuesday 16 March.

Thursday 16 March 1993

Members present:

Mr Gerald Kaufman, in the Chair

Mr Joe Ashton  
Dr John G Blackburn  
Mr Jim Callaghan  
Mr Paul Channon  
Mr Bryan Davies

Mr John Gorst  
Mr Alan Howarth  
Mr Toby Jessel  
Mr John Maxton  
Mr John Sykes

The Committee deliberated.

Consideration of the Chairman's draft Report resumed.

Postponed Paragraph 8 read, amended and agreed to.

Postponed Paragraph 13 (now Paragraphs 13 and 14) read, amended, divided, and agreed to.

Postponed Paragraph 16 (now Paragraph 17) read, amended, and agreed to.

Postponed Paragraph 30 (now Paragraph 31) read, amended, and agreed to.

Postponed Paragraph 34 (now Paragraphs 35 and 36) read, amended, divided, and agreed to.

A Paragraph - (*Mr John Gorst*) brought up, read the first and second time, and inserted.

Postponed Paragraph 50 (now Paragraphs 53 and 54) read, amended, and agreed to.

Postponed Paragraph 53 (now Paragraph 57) read, amended, and agreed to.

Postponed Paragraph 58 (now Paragraphs 63 to 65) read, amended, divided, and agreed to.

Postponed Paragraphs 59 and 60 (now Paragraphs 66 and 67) read, amended, and agreed to.

Postponed Paragraph 64 (now Paragraphs 71 and 72) read, amended, divided, and agreed to.

Postponed Paragraph 67 (now Paragraph 75) read, amended, and agreed to.

Postponed Paragraph 68 (now Paragraphs 76 and 77) read, amended, divided and agreed to.

Paragraphs 85 to 90 (now Paragraphs 94 to 98) read, amended, and agreed to.

Paragraph 91 (now Paragraph 99) read and agreed to.

Paragraph 92 (now Paragraph 100) read, amended, and agreed to.

Paragraph 93 (now Paragraph 101) read and agreed to.





**LIST OF WITNESSES**

**VOLUME II\***

*Thursday 19 November 1992*

Mr Desmond Browne QC.

Mr James Michael.

Mr Arthur Davidson QC.

*Thursday 26 November 1992*

Mrs Jane Burrows and Mrs Janet Cross.

**POLICE SCIENTIFIC DEVELOPMENT BRANCH, HOME OFFICE**

Mr Colin Payne and Mr Roy Thompson.

*Thursday 3 December 1992*

Mrs Linda Townley, Mr Charles Townley, Mr David Joyce, and Mr Mark Stephens.

**PRESS COMPLAINTS COMMISSION**

Professor the Lord McGregor of Durris, the Rt Hon the Lord Colnbrook, Mrs Patricia Chapman, Mr George McKechnie and Mr Peter Preston.

*Thursday 10 December 1992*

**ASSOCIATION OF BRITISH EDITORS**

Mr James Bishop and Mr Michael Unger.

\*\*\*\*\*

Miss Jill Seward.

*Tuesday 15 December 1992*

Mr Patrick Shervington MBE.

*Thursday 14 January 1993*

ITN

Mr Stewart Purvis.

**THE INDEPENDENT**

Mr Andreas Whittam Smith.

*Thursday 21 January 1993*

**THE SUN**

Mr Kelvin MacKenzie, Mr Stuart Higgins and Mr Tom Crone.

**PRESS ASSOCIATION**

Mr Colin Webb.

\* The evidence has been published in separate daily parts as HC 249-i to 294-xi.

*Thursday 28 January 1993*

GUILD OF BRITISH NEWSPAPERS EDITORS

Mr Keith Parker and Mr John Griffith.

\* \* \* \* \*

Mr Robert Borzello.

BBC

Mr Tony Hall.

*Thursday 2 February 1993*

REVIEW OF PRESS SELF-REGULATION

Sir David Calcutt QC, Dr Robert Eagle and Ms Christine Knox.

THE OBSERVER

Mr Adam Raphael.

*Monday 15 February 1993*

THE LORD CHANCELLOR'S DEPARTMENT

Rt Hon the Lord Mackay of Clashfern.

*Thursday 4 March 1993*

CONSEIL D'ÉTAT

M. Jacques Vistel.

FORMER MEMBERS AND OFFICERS OF THE PRESS COUNCIL

Sir Louis Blom-Cooper QC, Mr David Ensor, Mrs Pamela Omerod, Mr Ernest Bright and Mr Kenneth Morgan.

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The Committee has also held meetings with Mr Charles Anson, Press Secretary to the Queen; Mr Geoffrey Robertson QC and Ms Joanne O'Neil of CCS Communication Control Systems Ltd.

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THE MINUTES OF EVIDENCE**

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**LIST OF MEMORANDA REPORTED TO THE HOUSE  
BUT NOT PRINTED**

Memoranda or supplementary Memoranda submitted by:

Mr T Bailey

Mr R Borzello

Mr J Browne

Mr F Lascelles-Hadwen

Mr D E Meehan

Institute of Essex

Mr J A F Somerville

Campaign for Press and Broadcasting Freedom

Mrs L King

Mr M Richards

Mr and Mrs K Maxwell

Mr N Thompson

Mr J E Jeffs

Mr C Swain

Mr L Stretch

Mr J L Corbett

Mrs H M Ireland

Mr R Anderson

L Carrick-Smith & Associates

*The Evening Standard*

Mr P Murphy MP

Mrs R Hayes

Mr A Quilley

Mr W S S Baird

Mr A W R Impey

Mr D Hunter

## LIST OF APPENDICES TO THE MINUTES OF EVIDENCE

### VOLUME III

Memoranda or supplementary Memoranda submitted by:

1. Department of National Heritage . . . . .
2. Home Office . . . . .
3. Home Office . . . . .
4. Scottish Office . . . . .
5. Department of National Heritage . . . . .
6. JUSTICE . . . . .
7. The Law Society . . . . .
8. His Honour Judge Fricker QC and Professor Margaret Brazier . . . . .
9. Hoskyns Group plc . . . . .
10. National Union of Journalists . . . . .
11. British Executive, International Press Institute . . . . .
12. Periodical Publishers Association . . . . .
13. *The News of the World* . . . . .
14. *The News of the World* . . . . .
15. Mr Peter Smith, Head of Programme Legal Services, Thames Television . . . . .
16. Independent Television Association . . . . .
17. Independent Television Commission . . . . .
18. Channel 4 . . . . .
19. Board of Deputies of British Jews . . . . .
20. Congregational Federation . . . . .
21. Church of Scotland . . . . .
22. Church of England Communications Committee . . . . .
23. Methodist Church Division of Social Responsibility . . . . .
24. Victim Support . . . . .
25. Women Against Rape London . . . . .
26. Metropolitan Police . . . . .
27. Mr Sebastian Wilberforce . . . . .
28. Ms Valerie Pirie . . . . .
29. Mr Peter Tatchell . . . . .
30. Mr John Rowland . . . . .
31. Press Complaints Commission . . . . .
32. Press Complaints Commission . . . . .
33. The Matthew Trust . . . . .

34. Rt Hon the Lord Gilmour of Craigmillar . . . . .
35. Newspaper Periodicals Association Ltd . . . . .
36. Mr Michael J Martin MP . . . . .
37. *The Evening Standard* . . . . .
38. Broadcasting Complaints Commission . . . . .
39. Broadcasting Standards Council . . . . .
40. Parliamentary Commissioner for Administration . . . . .
41. Commissioner for Local Administration . . . . .
42. Ombudsman for Corporate Estate Agents . . . . .
43. Pensions Ombudsman . . . . .
44. Police Complaints Authority . . . . .
45. Insurance Ombudsman Bureau . . . . .
46. Office of the Building Societies Ombudsman . . . . .
47. Investment Ombudsman . . . . .
48. Air Transport Users Committee . . . . .
49. Advertising Standards Authority . . . . .
50. Office of the Banking Ombudsman . . . . .
51. Solicitors Complaints Bureau . . . . .
52. Legal Services Ombudsman . . . . .
53. *The Sun* . . . . .
54. Reverend Dennis Nadin . . . . .
55. National Organization for Victim Assistance (United States) . . . . .
56. Extract from the *South Wales Argus* . . . . .
57. Dr Leonard Sussman . . . . .