

EMBARGOED: 00.01 Hrs 30 NOVEMBER 2008

PCC upholds Paul Burrell's complaint against News of the World

The Press Complaints Commission has upheld a complaint from former royal butler, Paul Burrell, against the News of the World, after it published a story claiming he had boasted of having had sex with Princess Diana. In fact, Mr Burrell strongly disputed the claim but his denial was not included in the story (indeed, he was not contacted beforehand) nor published promptly and prominently in a subsequent edition.

In this important ruling, the Commission makes clear that, while there has "never been an absolute requirement for newspapers to contact those who are about to feature in articles", a failure to include all relevant points of view (either in the initial story or, on occasion, as soon as possible afterwards) may lead to readers being misled.

The News of the World had reported a claim by Ron Cosgrove, the complainant's brother-in-law, that Mr Burrell once revealed he had had sex with Princess Diana. The complainant strongly disputed the central allegation in the article and said the sole basis for it was Mr Cosgrove's claim that the complainant confided the secret to him in a pub in 1993. Mr Burrell denied that such a conversation had occurred. He accepted that the PCC was not the appropriate body to determine whether or not the conversation had taken place, or whether the allegation was true, and restricted his complaint to two issues:

- whether or not the newspaper had taken care not to publish inaccurate information, by investigating the claims properly, including putting them to the complainant for his comment before publication;

- whether or not readers would have been misled by the lack of Mr Burrell's denial.

The newspaper said it had credible evidence from three sources for publishing the story and argued that it was not necessary to have included the complainant's denial because he was a 'notorious liar'. It was also concerned that, if it had approached the complainant prior to publication, he might have obtained an injunction to stop the story. It was willing to append the complainant's denial to its online article as a means of resolving the complaint.

As the complainant himself had recognised, it was not within the Commission's remit to decide whether the entire story was inaccurate. Its principal task, therefore, was to consider whether the newspaper had taken care not to publish misleading information in the way it had presented the story. This boiled down to an assessment as to whether readers would have been misled by the omission of Mr Burrell's position on the matter

The Commission has never said that it is obligatory for newspapers to contact the subject of stories before publication. However, on this occasion, there were several reasons why the Commission considered that Mr Burrell's denial of the allegations should have been made clear in the article: "The claims about him were significant and substantial, and published with great prominence. The information came from the recollection of a fifteen-year-old conversation, and was not corroborated on the record by anyone outside Mr Cosgrove's immediate family... It was clear to the Commission in these circumstances that there was a strong likelihood that the omission of any denial from Mr Burrell may have misled readers into believing that he accepted Mr Cosgrove's allegations." Another way of dealing with the problem would have been to offer Mr Burrell a prompt and proportionate right of reply immediately following publication. In the Commission's view "the offer to include the denial on the website, made at the end of the PCC investigation, was neither prompt nor proportionate".

The full adjudication can be found at www.pcc.org.uk (and is set to be published by the News of the World in a forthcoming edition).

ENDS

For further information please contact Stephen Abell on 020 7831 0022 or 07980 264 359.

30 November 2008