

### PCC upholds complaint from Lib Dems against Daily Telegraph

The Press Complaints Commission has upheld a complaint made by Mr Tim Farron MP, President of the Liberal Democrat Party, that a series of articles in The Daily Telegraph in December 2010 contained information which had been obtained using subterfuge in breach of Clause 10 (Clandestine devices and subterfuge) of the Editors' Code of Practice.

The articles quoted a number of comments made by senior Liberal Democrat MPs in their constituency surgeries, which had been secretly recorded by the newspaper's journalists posing as constituents. The MPs featured included Vince Cable, Ed Davey, Steve Webb, Michael Moore, Norman Baker, Andrew Stunell, David Heath and Paul Burstow. The complainant - who was formally acting on behalf of the MPs concerned, with their consent - said that the newspaper had embarked on a 'fishing expedition' "designed solely to entrap Members of Parliament" which had no plausible public interest justification.

The newspaper denied that it had undertaken a 'fishing expedition'; rather, it had acted upon specific information it had received from parliamentarians and members of the public showing the emergence of Liberal Democrat private dissatisfaction. The newspaper said that its enquiry was undertaken in the public interest and that its investigation had proved that the Liberal Democrat members of the Government were not consistent in their private and public statements, which it rightly brought to the attention of its readers and the wider public.

The Commission considered that there were two relevant considerations: had the newspaper demonstrated that it had sufficient *prima facie* grounds for investigation before its reporters were asked to go undercover, such that would justify the recording of numerous MPs at their surgeries without their knowledge; and was such an investigation (using hidden listening devices) justified in the public interest?

While the Commission acknowledged there was a broad public interest in the subject matter, it felt that the newspaper had reached the wrong decision in deciding to pursue subterfuge on this occasion. The Commission made clear that the level of subterfuge was "high" and that "secretly recording a public servant pursuing legitimate public business was without question a serious matter". The Commission felt that the newspaper had focused "what amounted to disproportionately intrusive attention on a number of MPs (who had been selected purely on the basis of their ministerial position)". It was not convinced by the "general" nature of the *prima facie* claims that led to the decision to employ subterfuge, and felt that ministers were being asked "to comment on a series of policy issues with the evident intent of establishing on which subject they might say something newsworthy".

For the Commission to have sanctioned this method, it would have had to be convinced that a proportionate public interest could reasonably have been postulated in advance. It did not believe that the Telegraph had sufficient grounds, on a *prima facie* basis, to justify their decision to send the reporters in. The complaint was therefore upheld.

Stephen Abell, Director of the PCC said "The Commission has consistently ruled that 'fishing expeditions' where newspapers employ subterfuge and use clandestine devices without sufficient justification are unacceptable. The issue of how journalists make use of subterfuge deserves scrutiny, and indeed goes much wider than the Telegraph's actions on this occasion. The PCC takes this subject seriously and will issue further guidance on this area with a view to ensuring high standards across the industry."

The Daily Telegraph have published this ruling in full today (Tuesday 10<sup>th</sup> May 2011) on page 4 and online.

To read the adjudication click [here](#).

**ENDS**

**Notes to Editors**

1. The PCC is an independent body which administers the system of self-regulation for the press. It does so primarily by dealing with complaints, framed within the terms of the Editors' Code of Practice, about the editorial content of newspapers and magazines (and their websites, including editorial audio-visual material) and the conduct of journalists.

2. Ian MacGregor, Editor of The Sunday Telegraph is a member of the Commission. He took no part in the PCC's deliberations in this complaint, and left the room when it was discussed. He did not see any correspondence connected to the case. This is in line with the PCC's normal procedures. For more information please see [here](#)

3. For more information, please contact Jonathan Collett on 020 7438 1246 or 07740 896805.

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