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**WITNESS STATEMENT OF JOANNE KATHLEEN ROWLING**

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I, **JOANNE KATHLEEN ROWLING**, of Schillings 41 Bedford Square, London, WC1B 3HX **WILL SAY** as follows:-

1. I make this statement as a Core Participant in the Leveson Inquiry as chaired by the Rt.Hon Lord Justice Leveson ("the Inquiry").
2. I am an author, professionally known as J.K. Rowling. My 'Harry Potter' series of novels were (initially) published over the years 1997 – 2007 and have enjoyed a great deal of commercial success. The novels have also been adapted into a series of feature films. The first film in the series premiered in 2001 with the final film being released worldwide in July of this year. As a result of those successes, for which I am very grateful, I have gone from being what I would describe as 'an ordinary person' to someone who is – to an extent – 'famous'. The purpose of this Statement is to try to explain some of the experiences I have had as a result of my rise in prominence.

## The Leveson Inquiry

3. Before describing some of those experiences, I would like to stress that I do not want to be involved in the Inquiry as a result of any personal vendetta against the press. I have none. On the contrary, I acknowledge and support the vital role that the press plays as part of a free and democratic society. As an author I strongly believe in freedom of expression. I believe that the right to be informed and to share ideas is essential. If I had not been able to freely express my ideas over the years I would not be in the privileged position that I am today.
4. Furthermore, I would be the last to deny that media interest in my story and my work must have had some beneficial effects on the sales of the first Harry Potter book and every one thereafter. I have never forgotten how I was treated with kindness and respect by some of the first journalists who interviewed me. With hindsight, I see that they could tell that I was overwhelmed, utterly unprepared for what had happened to me, and completely lacking in anyone to guide or help me through the media minefield (I had no public relations support until I hired some myself, much later). One journalist actually switched off his tape recorder to give me advice, and was highly supportive of my decision to keep my (then) young daughter firmly out of the spotlight (there had been many requests to be photographed with her). I will never forget this.
5. However, as interest in Harry Potter and myself increased, my family and I became the target of a different kind of journalistic activity. The effect on me, and our family life, truly cannot be overstated. We were literally driven out of the first house I had ever owned (which faced almost directly onto the street) because of journalists banging on the door, questioning the neighbours and sitting in parked cars immediately outside the gate. Old friendships were tested as journalists turned up on their doorsteps, and offered money for stories on me.
6. Despite the success which my work has thankfully achieved, I have at all times done what I could to try to protect my family from media exposure. I believe that my children and my husband should not be prevented from

living normal lives, free from intrusive publicity simply because they happen to be related to someone who is well-known and in the public eye. My husband is a General Practitioner and has a professional practice in Edinburgh. He has absolutely no desire to live a 'celebrity lifestyle' and has always sought to live as normal a life as is possible in the circumstances. I know that he finds publicity embarrassing and uncomfortable. He is also concerned about the impact that press or public interest in him might have on his practice.

7. It is therefore regrettable that on a number of occasions I have felt that I have had no choice but to take action against members of the press both through the Press Complaints Commission ("PCC") and through the law. Even where matters have not escalated so far as requiring me to either seek an adjudication of the PCC or commence formal legal proceedings I have, over the years, had to engage my solicitors to deal with a wide range of matters both on a pre and post publication basis. I consider this action to be a last resort. The number of times I have had to engage my solicitors in this type of case is more than fifty, although the number of occasions upon which I might have had reason to engage my solicitors is certainly more than double this figure. This is because the behaviour of certain journalists and certain publications has made normal family life impossible at times and has had a potentially corrosive effect on even my strongest relationships with family and friends.
8. My hope is that my experience of trying to carve out and protect some semblance of normal private life for my family will go some way to highlighting for the benefit of the Inquiry some of the excesses of the media in its present form. I believe that my experiences of the press and their practices have fallen into three distinct areas:
  - a. Attempts to protect the privacy of my children
  - b. Attempts to protect the privacy of my home
  - c. Attempts to obtain fair treatment in the press

I should also explain that I wish to provide as much assistance to the Inquiry as I usefully can. At the same time, I must try to continue to protect the privacy of my family as best I can. Given that these proceedings are rightly a matter of public record, I try to give meaningful examples of press behaviour without disclosing in detail certain facts relating to (for example) my children and the locations where we live. I do not believe that the absence of this level of detail will restrict the Inquiry in any way and I mean no disrespect to the Inquiry by doing so.

#### **A. PRIVACY OF MY CHILDREN**

9. My life before I became an object of interest to the media was not particularly easy or happy. I was, as the cliché has it, a struggling single mother. It was an existence of total anonymity and obscurity. After my novels started to be published and as their popularity grew, I was inevitably asked to assist in publicising them, for example, by attending readings and giving interviews to the press. From the start, I was determined that I would keep my professional life and my private life separate, particularly as far as my eldest (and at the time, my only) daughter was concerned. The fact that I had written a successful novel as a single mother was an angle journalists immediately latched on to. I was asked on several occasions to have photographs taken of me with my eldest and to disclose information about her. I invariably said 'no', adopting a firm policy from the start: I was proud to be a mother, but, because I wanted her to have a normal upbringing, free from public scrutiny, I would not use my child to promote my books or involve her in their promotion. I believed that, if I allowed my daughter to be pictured in the media or revealed private details about her in interviews, she might be thought of by the press as 'fair game', i.e. that they could take and publish photographs of her on any occasion, irrespective of where she was or what she was doing, or whether I consented to the taking or publication of photographs of her or not, and so on. I believed that by keeping my daughter (and ultimately my children) out of the public eye I could expect the press to properly respect that boundary.

10. This policy extended to taking my daughter with me to book awards ceremonies. Early on in my career as a published writer, I did take my daughter with me to one such event. Whilst there, however, without reference to me, one of the organisers brought her in front of the pack of press photographers assembled there to take part in a group photo. Fortunately, I realised what was going on and removed her before a picture could be taken. That was the last time I brought her with me to an awards ceremony.

11. I also realised fairly early on in my career that, to avoid her becoming 'fair game' for the media, turning down requests to involve her in my publicity would not be enough; I would also have to take positive steps to achieve this. For example, within about a year of the publication of the first Harry Potter novel, after I had declined one of the requests I had received to bring her with me to a photo-shoot, photographers began to locate themselves, from time to time, outside our then home in Edinburgh (which fronted directly onto the street). I made a point of staying in the house with her until they had gone or, on occasion, asked them to leave us alone before going out with her.

12. I acknowledge that, on occasions, I have chosen to speak publicly about one or two matters that I think are important and that I feel passionately about. One of the greatest advantages of becoming well-known is that you can parlay interest in you as a person into publicity for causes that you support (and in my case derived from my own personal experiences) and which may benefit from media attention. The following are causes I support:

- a. The fact that I was a single parent when I completed and published the first Harry Potter book was of great interest to the press. Although I initially found the insistence on my private life difficult, I came to see it as an opportunity to present to the public a positive image of single parents. I became an 'Ambassador' for the National Council of Single Parents (since merged with Gingerbread), and remain the organization's President. As spokesperson for this campaigning charity, and for

people in the difficult – and usually involuntary – position of raising children alone, I felt that discussion of my personal experiences of poverty, stigma, and the difficulties in finding childcare and paid work, might serve a useful purpose (although I do not consider that the public has a ‘right’ to know why, for example, my first marriage broke down).

- b. I was a Patron of the MS Society, Scotland, for several years, and currently fund major neurological research into the condition through the University of Edinburgh. My mother died at 45 due to complications of the disease. I have spoken publically about this experience in the context of awareness and fund-raising for both the MS Society and the university. Although it is never easy to discuss my mother and her condition, I have met many, many people with MS who have expressed their appreciation that I have done so, are delighted to have the issue raised, and to know that research is on-going.
- c. I have spoken about having suffered from depression. Mental illness carries a huge stigma. I know from the letters and personal contacts I have had that people going through similar trials can be inspired by knowing that they can be overcome, and that, indeed, successful and well-known people have also endured them.

I do not accept that my decision to support these causes creates ‘open season’ in relation to my private life, particularly my family life. If it were to do so, anyone who was of interest to the press or who had a public profile would almost certainly be deterred from promoting good causes that they personally believed in. I do not believe that there can be any real public interest in this. Surely it must be the contrary.

- 13. As an adult I have made certain choices in my life and I must accept that certain consequences follow. However, my children have not made any such choices. I consider that they should be allowed to enjoy a normal childhood in which to grow and develop as people in peace, without

outside interference by the media. I do not believe that it is right or fair that my children should be prevented from having a normal childhood free from intrusive publicity simply because they happen to be the children of a mother who is well-known and in the public eye. After the note from a journalist was slipped into my daughter's schoolbag, I was devastated. My fury that her space was being invaded (she was five) was overwhelming. I remember saying to a close friend at the time that I felt as though I were under investigation for a crime I had not committed. With the help of my husband, I have sought to create a space for my children to be able to grow up free from the threat of pictures being taken of them and published in the media against our wishes, without any heed being paid to the detrimental effect that such activities are likely to have on them.

14. I do not believe that my position in relation to these issues could have been made any clearer. My husband and I have taken every step we could think of to prevent the children being photographed by press photographers. We take steps to keep them away from all events or situations where photographers are likely to be present, for instance, at book signings, awards ceremonies, interviews, charitable events and film premieres. When I married my husband in 2001 we did not go on honeymoon. Our decision was strongly influenced by the consideration that, if we went away on honeymoon, it was almost inevitable that my eldest daughter would be photographed by paparazzi, as she had been on our previous family holiday. I have refused innumerable requests to be photographed with my children. In a television documentary about my work, it was a condition of my involvement in the project that no image of any of my children would appear in the programme. I have declined all of the many invitations to write about or give interviews focussing on my children. My husband and I have refused countless requests to give interviews to magazines such as Hello! and OK!, whereby interviewees give journalists and photographers access to their home and families, often allowing their children to be featured in photographs illustrating the interviews. Whilst other well known individuals and their families have featured in such publications (and their decisions for doing so must be respected) this is not what we wanted for our family and our children.

15. Moreover, when groups of press photographers have, on occasion, stationed themselves outside our home, we have resorted to hiding the children under blankets as we enter and leave the premises in a car. When either of us spot a long lens camera apparently pointed in our direction when we are out and about with the children, we take immediate steps to shield them or move them out of the way. When practicable, we have directly asked photographers not to photograph our children or to stop doing so. Being required to take these sorts of steps should not be necessary. It pains me that my family and I do not appear to have the choice of living our lives in the same way that other members of the general public do.
16. In addition, so far as I am aware, on every occasion that it has come to our attention that a photograph of one of our children has appeared in the press, we have taken whatever steps were available for us to take to make clear our objection to such publication and to prevent that photograph or other photographs of our children being published again.
17. By these various means, in addition to us having had recourse to both the PCC and the law, we have sought to emphasise to press photographers, photographic agencies, and picture editors at newspapers, magazines and other media outlets how seriously we take the privacy of our children. I believe that, as a result of taking these steps, the stance we have taken concerning our children's privacy is common knowledge among media professionals and has been ever since the press first came to have an interest in me and my work. There are endless press reports that relate to me which make reference to this very fact. For example, the Sun newspaper published an article on 25 March 2003 reporting the fact that I had given birth to my second child (my son). Within that article the newspaper stated:

*"The 38 year-old author is fiercely protective of her private life and kept details of her son's birth top secret"*



It is beyond any doubt whatsoever that the press are aware of the position that I have taken regarding my privacy and that of my family, especially my children. That being the case, I am of the opinion that there cannot be any justification for the conduct of the press when you balance this against the intrusion that we, as a family, have suffered.

18. To illustrate this for the benefit of the Inquiry I will set out some (non-exhaustive) examples of the types of intrusion that my children have had to endure at the hands of the press.

### **Photographs of my daughter on holiday**

19. In 2001 OK!, the well known magazine specialising in celebrity news, published a picture of my daughter, who was only 8 years old at the time, wearing a bikini on a beach whilst we were holidaying as a family. The beach where the photograph was taken was accessible only to residents of a particular hotel resort. It was not accessible to members of the public. Indeed I had chosen the resort because of its private nature and visited it in the low season when I expected it to be relatively quiet. The photograph had been taken without my consent and with the use of a long lens.

20. Notwithstanding the firm stance that I had taken from the point at which I became of interest to the press with regard to publicity concerning my daughter (see paragraphs 9-11 and 13-16 above), and the fact that the press knew or should have known of my position, photographs of my daughter were published without my consent and without any notice that publication was to occur. I will set out some thoughts on notification below and later in this Statement.

21. I subsequently complained to the PCC regarding OK!'s publication. That complaint was upheld. I feel that it is important at this stage to note the PCC's findings because this will have an impact on the rest of my statement:

- a. The Code entitles everyone, of all ages, to respect for their private and family life and deems unacceptable the use of long lens photography to take pictures of people in places where they have a reasonable expectation of privacy.
- b. There exists greater protection for children. The PCC's Code of Conduct (the "Code") does not allow photographs of children under the age of 16 to be taken where the child's welfare is involved and requires a justification other than the fame of a child's parent for publishing material about the private life of a child. The PCC found that the photographs had shown my daughter, a young child in her swimwear, and were taken without her knowledge and only because she has a well-known parent. My daughter was completely embarrassed by the attention of the photographs. She was extremely vulnerable to comments from her peers, a fact which the PCC accepted – there being no evidence to dispute this. The PCC considered that, in this case, the photographs could reasonably be held to have affected my daughter's welfare.
- c. The PCC noted that the fact that I had gone to considerable lengths in the past to protect my daughter's privacy was not in dispute. They also accepted that my choice of holiday location and the timing of my holiday (so as to avoid any unwanted attention) reflected the lengths that I had gone to in order to protect my family's privacy.
- d. Given the high level of protection afforded by the Code to children, photographs of my daughter should not have been taken or published. The intrusion into my daughter's private family holiday was found to have been unnecessary and therefore breached the Code.

- e. Importantly, the PCC said that it wished to remind editors that publications should take particular care to seek full and proper consent when publishing pictures of children which might embarrass them, intrude into their privacy or damage their welfare in some other way.

22. The publication of photographs of my daughter by OK! was upsetting and distressing for me, my family and especially for my daughter. The PCC's findings, especially with regard to the points I have highlighted above, was welcome. Having felt at the time of OK!'s publication that my earlier efforts to try to protect some sort of private space within which my children could grow up free from intrusions from the press had been in vain, the PCC had reinforced and supported my position. Most important of all was their reminder to editors that publications should seek full and proper consent when publishing pictures of children in the circumstances that they had described which provided me with an assurance that the press could not act in this way again. Their finding gave me some peace of mind.

#### **Murray v Big Pictures litigation**

23. Any peace of mind was soon extinguished. On 8 November 2004 I took my son, who was 18 months old at that time, for a walk with my husband. My son was in his buggy and was being pushed by my husband as I was pregnant with my third child. We went to one of our favourite cafes near to our Edinburgh home. This was precious family time together. During the course of our short journey we were photographed by a paparazzo (and possibly a second paparazzo). The photographer had been waiting somewhere outside and in close proximity to my home. Of the photographs that I have seen (as a result of disclosure in litigation concerning this matter – see below) photographs were taken whilst we were on our way to the café and on our journey home.

24. The photographs that had been taken of us were published by two Scottish newspapers, the Daily Record and the Western Daily Press on 15 January 2005. One of the newspapers had published a photograph that clearly depicted my son's face. The other did not. Having received a

complaint through my solicitors both newspapers provided undertakings that they would not republish the same or similar photographs of my son in the future. Both newspapers had been supplied the photographs by the picture agency, Big Pictures Limited ("BPL"). Having resolved complaints made on my behalf to the two newspapers I instructed my solicitors, Schillings, to engage with BPL who agreed to similar undertakings but said that they could not guarantee there would be no further republications in the future because the publications that received digital images from them would automatically archive them. However they offered to contact all the publications to inform them that the images were no longer available for publication. When Schillings wrote to them some weeks later to request copies of their communications with publications the response indicated that this had in fact not been done. They subsequently notified everyone who might have received the photographs that they were no longer available for publication. That said, on 3 April 2005 the photograph that we had complained of to BPL, namely the photograph which had depicted my son's face, was published in the Sunday Express magazine "S". The photograph appeared with what purported to be a quote that I had given about my approach to motherhood and family life but which was in fact a comment that I had made years earlier in relation to my eldest daughter.

25. Legal proceedings were commenced against Express Newspapers Limited ("ENL") and BPL in June 2005 for breach of confidence, breach of privacy and misuse of private information. The proceedings were brought on behalf of my son with my husband and I acting as his litigation friend (because of his age). An injunction was sought so as to prevent the republication of the photographs or any similar photographs of my son and an injunction to prevent the defendants from obtaining or attempting to obtain photographs of him. The action against ENL was settled before trial. They agreed to provide an undertaking to the court in the same terms as the injunction sought. BPL defended the claim.

26. BPL denied being responsible for the taking of the photograph and did not admit that it was taken covertly and without consent. They claimed that following receipt of the initial letter of complaint on 17 January they immediately contacted all the recipients of the photograph to inform them

that it was no longer available for publication (documents disclosed by them later showed that this was untrue and that they had failed to contact anyone until after the publication in the Express). They said that if they were liable for the publication of the photograph it was justified by the public interest in a "well informed and interesting press generally".

27. On 7 March 2007 BPL applied to strike out my son's claim and for judgment to be entered in their favour. The basis for the application was that even if all the facts pleaded in support of my son's claim were found to be true, he had no legally recognised claim. At a 3 day hearing on 20-22 June 2007 the BPL case was essentially that English law had refused to recognise the right to an individual not to be photographed in a public place unless it involved harassment, distress caused to a child, or the photograph showed some act of an intimate or private nature. BPL argued that the photograph showed no such thing and because it was not suggested that my son had suffered distress (because he was too young to be aware of the photograph), that my son had no reasonable expectation of privacy and the taking and publication of the photograph did not even engage my son's right to respect for his private and family life as guaranteed under Article 8 of the European Convention on Human Rights.

28. In a judgment given on 7 August 2007, the High Court Judge, essentially agreed with BPL and struck out my son's claim. We sought leave to appeal to the Court of Appeal and asked that they step in and protect the right that my son shared with every other child, to be left alone to grow up with his family and friends in private. On 7 May 2008, the Court of Appeal gave a judgment in my son's favour and stated:

*"the purpose of the claim is to carve out for the child some private space in relation to his public appearances"*

The Court made the following points:

- a. That the High Court Judge had focused too much on the taking of the photograph and not enough on the fact that it was taken in order to be published in the media.

- b. That it was reasonable to infer that BPL knew that I would not consent to the taking of the photographs
- c. That BPL took the photograph because it knew there was a commercial value in it and that therefore my perception that, unless this action succeeded, there was a real risk that others would take and publish photographs of my son was entirely understandable.
- d. That if the parents of a child courted publicity by procuring the publication of photographs of the child in order to promote their own interests, the position would or might be quite different from a case like this, where my husband and I had taken care to keep our children out of the public gaze.
- e. That the wish to protect the freedom of the children to live normal lives without the constant fear of media intrusion was (at least arguably) entirely reasonable and, other things being equal, should be protected by the law.

Importantly, the Court of Appeal did not decide that my son's privacy had been invaded, merely that there was an arguable case that his privacy had been invaded and also an arguable case that the invasion was not justified by any public interest. BPL sought permission to appeal the judgment to the House of Lords. Permission was refused. On 4 November 2008 BPL wrote admitting "purely for commercial reasons" that it was liable to my son in the action. BPL submitted to judgment and judgment was entered in my son's favour. A sum of damages and costs were paid.

29. I felt compelled to pursue this litigation for the following reasons:

- a. Our Edinburgh home was frequently besieged by press photographers; in particular I recall that this happened for over a week around the time of my son's birth in 2003. I literally became confined to my house and felt that I could not take my

new born son for a walk. Around this time we even went to the lengths of requiring our daughter to duck down or hide under a blanket on the back seat of the car to avoid being photographed when she left or entered the house in a car. Following the birth of my son, on one particular occasion when I felt able to leave my house, a photographer suddenly appeared out of nowhere whilst I was walking with him and my eldest daughter and began taking pictures of me and the children from across the street. I made the point of pulling my daughter in behind me so as to shield and prevent her being photographed; however, the photographer carried on taking pictures of us before rushing off. I actually tried to chase after him in the hope of persuading him to delete the photographs, but was not able to catch up with him. I was very upset by this incident generally and, in particular, by the fact that, so soon after his birth, someone had managed to take pictures of my son and had got some of my daughter too, for good measure. I often felt constrained by the degree of press interest in my family that I confined us to the house to a much greater extent than I would have liked. This was obviously frustrating and annoying. Day to day life was being affected. I rarely accompanied my children in public places and didn't take them to places where they had been photographed previously. I had had enough and I felt that I had to take a stand. I felt that my hand was forced into bringing these legal proceedings. In the years leading up to the onset of the proceedings my family and I had suffered intrusion from the press and the paparazzi. At a time when I was heavily pregnant I was photographed taking my eldest daughter to school. I had no idea that a photograph had been taken and only became aware of it following the publication and therefore had no opportunity of telling the photographers I objected (although this was clearly something they must already have been aware of) or of taking action before they were published.

- b. I had lost confidence in the PCC and the belief that it could deter further interference with our family life. In effect the 2001 adjudication concerning my daughter may as well have not existed. The press simply went ahead and published what they wanted to without reference to established principles. On occasions I have heard the PCC referred to as being 'toothless'. In my opinion and given my experience of the PCC (see also my comments regarding an adjudication regarding my home at paragraphs 48-49 below), I would have to say that I agree with that. Based on my experience, the press do appear to be free to breach the PCC Code, the very framework that supposedly underpins their operations, without fear of retribution. As far as I am aware, there appear to be no consequences for this bad behaviour. My feeling was that seeking the help of the Court was my only option. This, however, would result in me and my family being involved in a litigation lasting just under three and a half years. One can imagine the anxiety that this caused to me and my husband and, ultimately, the effect that this had on our family.
- c. I had not consented to the photographs being taken nor was any attempt made to obtain my consent. At the time I did not know whether or not the photographer had managed to capture images of my son. I was also not aware at the time of the identity of the photographer and did not know which publisher (if any) he worked for nor did I have any means of finding that out.
- d. The photographs of my son had been taken with the use of a long lens camera. This was in spite of the PCC's finding in their 2001 adjudication involving my eldest daughter that it deemed unacceptable the use of long lens photography to take pictures of people in places where they have a reasonable expectation of privacy. In my opinion my son did have a reasonable expectation of privacy. Any other 18 month old child can expect to be pushed along the street in their buggy without the paparazzi taking surreptitious photographs of them for the



purpose of publication in a national newspaper. I have to question why the position should be any different for my son. The only difference that exists is that my son has a mother who is well known and is of interest to the press. Further, I was not aware that we were being photographed until we were on our return journey home from the café. A member of my security staff who accompanied us on our walk to the café had actually noticed that we were being photographed from distance whilst we were in the café and as we left. I understand that the paparazzo then got into his car, drove past and parked ahead of us and took more photographs. It was only at that point that I actually became aware that we were being photographed. Learning that we were being photographed in circumstances where I was not aware that it was happening felt extremely intrusive. The conduct of the paparazzi in this type of situation feels voyeuristic in nature. It makes you feel that you are being watched constantly by someone and this is a very unnerving and uncomfortable feeling.

- e. On each occasion that a photograph of my son was published I was not contacted prior to publication in an attempt to notify me that the photographs were going to be published. Again, this was in spite of comments made by the PCC in their adjudication concerning my daughter in 2001 requiring editors of publications to "take particular care to seek full and proper consent when publishing pictures of children which might embarrass them, intrude into their privacy or damage their welfare in some other way".
- f. The lack of any obligation upon the media to notify an individual that they are planning to publish a story that will contain private information about them cannot be correct. As someone of interest to the press I personally feel that I am constantly at risk of the publication of private information or misinformation about me and my family. My family are not public figures and cannot be said to be of interest to the press save for the fact that they

are related to me. There cannot be said to have been any public interest whatsoever in publication. The difficulty lies, of course, with the fact that once something private is published and brought to the attention of the public it cannot be made private again. It also places a positive obligation upon an individual to attempt to limit the dissemination of the relevant information before it becomes so widely known and/or accessible.

30. Given the steps that I had taken to protect my children previously and the PCC's adjudication in 2001 concerning my daughter, I firmly believed that the outcome of the litigation against BPL would constitute the last of a series of markers that my husband and I had laid down in an attempt to make it clear that we did not wish for our children's privacy to be intruded upon and that we would not tolerate any longer any such intrusions. However, since the conclusion of that litigation there have been further incidents involving my family:

- a. In July 2006, at a time when I was involved in the BPL litigation, a paparazzo photographer took photographs of me and my family, including my three children, whilst we were on holiday in the USA. These photographs were made available for publication by Splash News (UK) Ltd and shots showing my husband and I were published in the Sun newspaper and in two separate articles in the Daily Mail. My main concern was that the agency may have been in possession of more photographs of my children. I sought the destruction of the photographs, or if not, an undertaking that there would be no further publication. Splash admitted that they held one photograph, and undertook not to sell, licence, disseminate or otherwise publish or cause it to be published further. They also agreed to destroy the photograph. Again, photographs were taken using a long range lens, and on a private occasion.

b. In July 2007 a journalist from the Scottish Sun, contacted the headmaster of my eldest daughter's school. This was in relation to apparent allegations of complaints by fellow pupils that my daughter had caused them distress by telling them that Harry Potter was to die in the last book. These allegations were completely untrue. My eldest daughter had not read the book. I had not told her any details about any plotlines, and the headmaster was not aware of any complaints from other students. In my view the conduct of the journalist was unacceptable. The fact that they had contacted my daughter's school to follow up untrue and in any event spurious allegations about her (or for any other reason) was intrusive in the extreme. I am not aware of any attempts made to contact me or any of my representatives concerning this matter. There could have been no defensible public interest argument as my eldest daughter was just a child and, as such, should be protected against this kind of journalistic tactic.

c. In November 2007, In an incident which was very similar to the one involving my son and BPL, photographs were aggressively taken of me and one of my children by the press and picture agency, Deadline, outside a branch of Starbucks in Edinburgh. My security team had to intervene to prevent further photographs being taken. My solicitors complained to Deadline on my behalf and they confirmed that no photographs were taken of my child, save for one picture of my child's legs which they were not intending to use. They confirmed that the photographs had not been placed in the newspapers. They also agreed not to process or publish any pictures of my children until they reached the age of 18.

31. What these cases highlight is that notwithstanding ongoing litigation concerning my son's privacy, and the PCC adjudication before it, the picture agencies were still conducting themselves in a way which had been found to be unacceptable and the press were clearly still taking steps, whether through their agents or otherwise, to intrude into my

children's privacy. I appreciate that the paparazzi are not signatories to the PCC, however, the way in which they conduct themselves is primarily as a result of the fact that there is a market for paparazzi photographs amongst the press and media. In my experience I believe that the paparazzi feel that they are beyond the reach of regulation and the law, save where an individual is willing to formally commence legal proceedings against them. The bottom line, however, is that if the newspapers adhered to the spirit of the Code and furthermore contacted the individuals before publishing pictures of them taken without consent it would affect how the paparazzi operate because they won't be able to sell photographs which were taken in such circumstances.

32. The actions of the paparazzi have had a real impact on my children. My eldest daughter regularly became upset at being accosted in this way and, as is the way when a child sees his or her parents upset, was also upset because I was upset. The requirement to hide under blankets in cars so as not to be photographed was also very unsettling and stressful for her. As for my son, despite being just less than two years old at the time of the litigation concerning him, he was confused by the constant presence of photographers outside his home and unsettled by the tension of the adults around him, in particular as they tried to shield him from being photographed.

## **B. PRIVACY OF OUR HOME LIFE**

33. I took the step of moving to a secluded part of the Scottish countryside which was something I did deliberately in order to make a clear statement that I wanted to be left alone, and wanted to live in a place where there was space for my family and I to live as normal a family life as possible.

34. I believe that in principle my right to live with my family in peace and in private without having to worry about the world knowing exactly where I live should take precedence, especially given the efforts we have gone to in order to protect our children from being in the media spotlight.

35. The publication of details about where my family and I live and the resulting intrusion has also created the rather alarming practical effect of a potential threat to our personal security. The constant need to deal with this risk in our daily lives naturally causes unwanted distress and anxiety to me and my family. Intrusion of the type indicated in the preceding few paragraphs has occurred on many occasions and I would like to briefly highlight some of them to demonstrate the extent of that intrusion and the resulting risks. With each new private fact which is published there is often a connected security risk.

**Scottish Daily Mail, July 2005**

41. In January 2005 the Scottish Daily Mail published an article about conversion works which were taking place at my home. My full address, without the postcode, was published together with a large photograph of the house in question. Although the Scottish Daily Mail agreed to remove the photograph from their archive so that it could not be used again, apologised to me in writing and paid my legal costs, the publishing of my address with a clear picture of the property was still a breach of my privacy and put me and my family's security at risk.

**The Mirror, July 2005**

42. The Mirror published an article printing the street names and photographs of three of our properties in England and Scotland. This was just before the release of my sixth Harry Potter book. I do not see that any public interest was served in the publication of this information. This was extremely worrying as the publishing of this information made it easy for anyone who read the article to work out where my family properties were located. It also made it easy for anyone to locate me and my family at any point during the week, at weekends or on family breaks (as it indicated when we would be at each property as a matter of routine) so that anyone, the press included, who wanted to harass, intimidate or break in could have been encouraged to do so at any time. Not only this, but the article also showed where security guards and CCTV cameras were located at our two urban homes (in England and Scotland respectively). This

involved a significant risk to my children which I took extremely seriously. I could not believe that the Mirror could be so irresponsible in publishing all of this information as, aside from publishing the security arrangements of my properties, which is confidential, the personal safety of myself and my family was again jeopardised greatly and our privacy breached..

43. The paper persisted in arguing that the addresses were in the public domain as they could be found on the internet and that as result there was no breach of privacy. In fact, the paper continued to disregard my feelings as five days later they published a picture of my eldest daughter as a baby and yet another invasion of my privacy even though they were on notice that I was concerned over the publication of my private information. I strongly disagreed with the paper's justification because although some of the information was "publicly" available through the Land Registry and/or through previous unauthorised breaches of privacy, I do not see that that fact gave the paper the unilateral right to publish it and, in the process, draw unwanted attention to my family and I. I do not accept that just because something is not a secret (or possible to discover) means that it isn't private and can therefore be published in a newspaper.

**Evening Standard, October 2007**

45. The Evening Standard published photographs and information about my homes including descriptions of the properties, details as to their history, details of their location, and, details relating to their security arrangements together with pictures of our homes. Although my lawyers wrote to them complaining, they simply wrote a one line letter back saying that they had noted the contents of the letter. This clearly showed that they simply did not care about their intrusion into my family life, the personal impact upon me of publishing my address details and completely ignored the fact that they have not only breached my privacy by risked the safety of my family and I. The clear display of such an attitude is unfortunate and upsetting.

## **The Mirror, Daily Record, Scottish Mail on Sunday November 2007**

46. In October 2007, the papers, this time the Mirror, the Daily Record and the Mail on Sunday (Scotland) all published articles that identified the precise location of our home in the Scottish countryside showing the name of our home, the name of the neighbouring property we had recently purchased, and the name of the small town that both were situated in, together with pictures.
47. Upon complaining, the papers all argued that all this information was already in the public domain having already been published the day before by the Mail on Sunday (Scotland) and because people already knew that I bought the Scottish country home. The Mirror did agree to remove the articles from its archives but refused to promise not to republish or admit that they had invaded my privacy or broken the PCC rules.

### **PCC Complaints**

48. Following the Mirror's publication in July 2005 (publication of street names and photographs of three of our properties in England and Scotland) and the numerous publications in The Mirror, Daily Record and Scottish Mail on Sunday in November 2007 (publication of details identifying the precise location of our home in the Scottish countryside) I made formal complaints to the PCC. In 2005 The PCC upheld part of my complaint concerning the publication of information identifying the location of our English home because in relation to that property the paper had specifically published the name of the road and a picture of the property. However, much to my dismay and disappointment, they disagreed that the information published in relation to the two Scottish houses was enough to pinpoint the locations. I thought that this was a very peculiar decision given that, as I understand it, the address details found on property registers are not considered to be information which is strictly in the public domain. In any case, the location of the Scottish properties could have been easily identified from what the paper had printed with a degree of local knowledge of those areas. In my view, the PCC failed to realise the potential threat posed by the article to my family and I. I understand that they have to consider the rules,

however, I felt that they were overly pre-occupied with them rather than applying any common sense and confronting the bigger principle of protecting my right to privacy and whether the press should have a right to disclose to the world at large details concerning an individual's home

49. Again, in 2007 the PCC refused to uphold my complaint agreeing with the argument advanced by the papers that the information was already in the public domain, could be discovered easily on the internet, added no further information to what had already been published and that as a result the papers had not breached the rules. The PCC also said that the articles had not published the full address, nor had they used photographs which pinpointed the exact location. I was again very disappointed and decided to appeal the decision, which was rejected although parts of the decision were amended to remove certain references which in themselves repeated private information. I found this unacceptable as it was clear to me that the papers had published information beyond what the PCC had previously said was acceptable, as well as publishing additional details about the location of the house enabling the exact location to be identified. Yet again, on my understanding the PCC had failed to apply the clear legal principles, namely that the publication of the address of a family home constitutes an invasion of privacy. In my view, and given my personal experiences, the PCC cannot be trusted to do its job and regulate the press within the rules of the law as the press seem to be free to act as they wish and publish my private and highly sensitive information without any sanction. This simply cannot be right. Self regulation has not worked well. I should point out the undisputable fact that on this occasion the newspaper had published my entire address except the postcode.

### **C. FAIR TREATMENT IN THE PRESS**

50. In addition to the privacy issues I have already explained in relation to my children and family properties, over the years I have also had to deal with a whole host of other general legal problems, often as a result of the press and their sometimes uncontrollable behaviour. These issues have



included having to take steps to prevent the leak of information and protecting my reputation as a writer.

### **Unlawful use of personal information**

51. In September 2011, the Independent newspaper reported that it had examined files seized by the Information Commissioner's Office (ICO) as part of its 'Operation Motorman' investigation in 2003 and that my personal information appeared as part of that investigation. I understand that Operation Motorman was an investigation by the ICO into the use of private investigators by the press and the unlawful use of individuals' personal information. I have not been given an opportunity to view the files that are referred to within the Independent's report nor have my representatives. The files seized apparently indicate that I was targeted by private investigator Steve Whittamore in summer 2000. I understand that the particular practice that was of concern to the ICO has widely become known as 'blagging' because the individual involved would quite literally 'blag' information from a given source. I understand that I was targeted at the time that Harry Potter and The Goblet of Fire was published. The Independent reported that Mr Whittamore charged £655 for an unspecified search about me.

52. Following this press report I instructed my solicitors, Schillings, to write to the ICO requiring them to disclose information in their possession and/or control as a result of their 'Operation Motorman' investigation and which concerned me and my immediate family. At the time of drafting this statement my lawyers have not yet received a substantive response from the ICO although I understand that the matter is receiving their attention.

53. In fact, during the course of drafting this statement I recalled two occasions on which I believe information concerning my husband and I was 'blagged'. At some point during the course of 1998 I received a telephone call purportedly from the Post Office. The caller explained that they had a package that the Post Office wanted to deliver to me but that they did not have my address. I found this extraordinary; the Post Office had a package that presumably was addressed to me but they did not

have my address. I immediately challenged the caller and they swiftly hung up the telephone. I strongly believe that it was not the Post Office who had called me but a journalist who wanted to obtain my personal information.

54. In late 2000 I started to date my (now) husband. The fact of our relationship became 'public knowledge'. Around that same time my future husband's employment had changed. He subsequently received a telephone call from an individual who he believed was from the tax office. The caller enquired as to my future husband's address and earnings and he duly disclosed that information. As far as my husband was concerned this was a disclosure that he was legally obliged to make. The following day this information was published by a Scottish newspaper and the paparazzi subsequently descended upon my future husband's home. We suspect that this call was not made from the tax office but was, again, made by a journalist seeking to obtain our personal information.

55. The recent reports in the Independent obviously caused me some concern. I am, of course, also aware that a number of individuals who were of interest to the press were targeted by a private investigator engaged by News International on behalf of the News of the World newspaper. I understand that the private investigator routinely intercepted the voicemails (or to put it more bluntly hacked the phones) of individuals he had been instructed to target. I wanted to be sure that I was not a victim of such practices. Accordingly, at the same time as writing to the ICO, I also instructed my solicitors to write to the Metropolitan Police regarding their 'Operation Wheeting' investigation into alleged phone hacking. My solicitors required the Metropolitan Police to disclose any information in their possession and/or control pertaining to me and my husband and their Operation Wheeting investigation.

56. Shortly after writing my solicitors received a response. They were advised that the Metropolitan Police had not found any information that concerned my husband or I in the data that had been examined **to date** as part of their investigation. My agent and my personal assistant made similar requests and they too received a similar response.

## Leaked Information

57. Necessity dictates that strict security arrangements were always put in place before the release of each Harry Potter book. Sometimes copies of my books have been improperly leaked in advance of release. The actions of the press upon being offered stolen copies has made this far worse and my publishers have had to go to extreme lengths to prevent leaked publications before the official release date.

58. The most notable of these was in June 2003 when the Sun came into possession of two copies of the fifth Harry Potter book that had been stolen from my printers. I understand that the Sun had previously come into possession of unreleased Harry Potter books on two other occasions. On one of those occasions I believe that the Sun newspaper sought an interview and a photograph opportunity with me as a condition of their return of the book. Rather than contact me or my representatives, they published an article about how they had been approached and offered the unreleased books. I understand that subsequent to this article copies were also offered to other newspapers including the Daily Mail and also to the Daily Mirror.

59. In order to prevent any of the press publishing extracts of the book or further copies being offered to them, I had no choice but to take out a 'John Doe' injunction against "unknown persons" to stop anyone disclosing copies to the public (as my lawyers and I did not know the identity of the thieves at that stage a 'John Doe' injunction was required). I understand that such an Order had not been obtained in this country for over 150 years which clearly demonstrates the lengths I had to go to protect my intellectual property to prevent, amongst other things, the print media from publishing.

60. This injunction did not include the Sun as they made certain promises not to deal with the stolen copies in their possession. However, they subsequently breached several of these promises and sought to turn the

return of the stolen copies into a photo opportunity. The paper was also very difficult to deal with throughout. They were asked not to disclose material but ignored these requests and published further information. They used material that they knew was confidential. It also became clear that staff at News International had come into possession of the book. They published a review of the book by someone purporting to have read it despite promising not to reproduce plot lines, themes, characters, events or any other information derived directly or indirectly from the book. They also photographed, read and copied parts of the book and ran a story about how they helped catch the thieves of the Harry Potter book which included photographs of a journalist purportedly holding chapters from the book, four pages of which are shown in the photograph. In the end, I was forced to apply to Court to make the Sun provide legal undertakings directly to stop them publishing more information, which they eventually did.

61. In 2005 I had to do the same thing again, this time for my book Harry Potter and the Half-Blood Prince, when copies were stolen by two men. Again, a John Doe injunction was obtained to stop publication. The press continued to go to great lengths to publish parts of my books before release without my consent. In 2007 The Observer published the first few lines of another of my books (Harry Potter and The Deathly Hallows). The journalist involved had requested the reels of a documentary about me called "A Year In The Life Of JK Rowling" and had enhanced a camera shot capturing the first page of the book using special technology. Although The Observer took down the article in question, they had still published my work without my consent at a time when they knew the book had not been released and was under lock and key. They also tried to say that the documentary footage enabled the viewer to see the first page clearly which was impossible without enhancing the shot. Again in 2007 in relation to the same book, before the release Sky News published two images of extracts from the book which turned out not to be extracts but were in fact pictures of the genuine book cover. My lawyers had to write to Sky News requesting that they take down the images.

62. Had it not been for the availability of an injunction in this situation I fear that the information in question (which at that time was obviously

extremely commercially sensitive) would have been disclosed to the world at large. Whilst perhaps satisfying (and likely profitable) for the publisher in question, it would have been costly and distressing to me, my family, my publishers and the commercial enterprises who were (legally) involved in the launch. Of course, had the information been made available prior to the launch, there would have been no way of making the information private again. I find it regrettable that in these situations (and in the case of the photographs of my family referred to earlier in this Statement) that no notice needs to be given by a publisher to the subject of a story prior to publication, yet once the information is 'out there' there is no real effective remedy. The only way in which I could have prevented the publication of those photographs and/or the locations of my family's homes and/or the other private information referred to is by way of an injunction – though in each case I was not given the opportunity because the information was released before I could do anything about it. I do not feel that this is fair.

### **False Attribution**

63. I have also had to deal with the press creating interviews with me that never occurred. In 2001 I refused on several occasions to do an interview with Hello! Magazine. Despite this refusal (or perhaps, because of it), Hello! Magazine went ahead and published an article saying that it was a rare and exclusive interview with me together with pictures, even though such an interview never happened. This false exclusive was republished in the Irish Independent. Hello! Magazine initially stated that the interview had taken place but what had happened was that another company had submitted the false article to Hello! which was actually a re-working of information already in the public domain and which they had put into a question and answer format to make it look like an interview. When my lawyers pursued Hello!, they apologised and admitted that what they had done was false attribution.

64. Hello initially refused to publish an apology, then agreed to do so but then tried to stall and delay printing one. Even though I negotiated with them for a considerable amount of time, they broke their side of the bargain and published the apology much less prominently than had been agreed.

65. I have also had to deal with damage to my reputation as a result of numerous defamatory news stories being published about me. I have taken these very seriously as my personal and professional reputation is very important to me.

**Defamation: private life**

60. The press have also published false allegations related to my private life. In 2004 the Daily Express published an article saying that one of the "slimiest" characters in Harry Potter was based on my ex-husband and that I had admitted basing arrogant wizard, Gilderoy Lockhart on him as an act of revenge. It was even stated in some of the articles that I was prepared to abuse my position as an author in order to humiliate my ex-husband by making this revelations to a national newspaper. This was very upsetting. I was also very worried as a mother on the effect that such allegations would have on my eldest daughter. It was remarkable to see the Daily Express changing their headline throughout the course of the day as later editions that same day carried a different heading. This showed that they became aware that such allegations were totally false. There was no attempt to contact me or my representatives prior to publication of the article. The article had been falsely based on a light-hearted talk I gave once to a group of children at the Edinburgh Book Festival. I did not reveal anyone's true identity when discussing the inspiration for the character. An apology was printed.

**Defamation: school**

61. I have already mentioned in paragraph 30(b) the example of the journalist from the Scottish Sun contacting my daughter's headmaster with a false allegation.

**Defamation: Daily Express Scotland - George Lippert**

62. The press have time and time again published stories about me without checking their facts responsibly and without any recognisable regard for

whether the allegations are true or not. In November 2007, the Daily Express Scotland published defamatory allegations that I was taking legal action against George Lippert who was the author of various fan literature. This was totally untrue. Mr Lippert confirmed that no threats had been made against him to the extent alleged. The article also included fabricated quotes by my (then) literary agent. Following my complaint the Daily Express Scotland agreed to publish a prominent apology

### **Defamation: property purchase**

63. Another example of how the press can fail to carry out even the most cursory checks occurred in 2010 when false and defamatory allegations were published in the Mail on Sunday, Hello!, The Herald, The Scottish Sun, The Scottish Daily Express and the Daily Star Scotland concerning our purchase of our urban Scottish home. These articles claimed that I had paid £300,000 in excess of the purchase price of the property to ensure that the (then) owner of the property moved out within 2 weeks so that I could host a lavish Christmas party and also that I had purchased the property having only viewed a few of the rooms. This, again, was totally untrue in every way and also an invasion of privacy. After legal correspondence, the Mail on Sunday did remove the article from the website and eventually published an apology. The Daily Star Scotland and the Scottish Daily Express also published apologies. The Herald promptly suspended the article from their web archive pending an internal investigation regarding my complaint. However, just four weeks later, the Scottish Times published the very same defamatory allegations and later denied that they were defamatory. I could not believe it, especially in view of the apologies that had already been published by other sections of the press. They did later admit that their article was factually incorrect and published a correction, but had they bothered to contact me, they would have known prior to publication that the allegations were false.

### **Harassment: home life**

64. In August 2011 my PR agents, Stonehill Salt were contacted by the Sunday Times to enquire about the ongoing development at our Scottish

urban home and (somewhat bizarrely) about the kind of trees I would be planting in my garden. When the journalist was denied the information he said that he would simply go and see for himself what kind of trees I had planted. I found this both strange and threatening behaviour emblematic of the increasingly aggressive tactics employed by the press. It is difficult to see how there is any legitimate public interest in the type of trees I plant in my garden. After complaining to the paper, the Sunday Times attempted to justify their journalist's conduct. They said they were concerned that I would be planting a series of trees of 'non native species' which could affect environmental factors such as climate change and even stated that the journalist involved was doing a legitimate piece on the environmental impact of non-native trees planted in Scotland. There is no reason to include me or my home in such an article (I am reliably informed that the trees in my garden are long established in Scotland. The premise struck me as being faintly ridiculous, especially coming from the Sunday Times. It is another example of the extent to which the press are willing to go to publish even the most innocuous titbit of information. No article has yet been published.

## **CONCLUSION**

65. I sincerely hope that the above will prove useful for the Inquiry. I have enjoyed a large amount of success in my professional life. I feel extremely privileged and fortunate for this. The success that I have enjoyed has opened many doors for me and provided me, and my family, with so many opportunities that, otherwise, we would not have had. I also acknowledge that the publicity dedicated to me and my work has, I have no doubt, contributed to the commercial success of my books and the films that they have spawned. I also acknowledge that on occasions I have opened up and have spoken publicly about certain things that I feel are important and will benefit others. As I have explained, the fact that I have been of interest of the press has enabled me to reach many people with my experiences and understanding of issues that I feel passionately about.



66. That said, at the same time, it is a great shame that certain sections of the press seemingly engage in practices which are dishonest, disruptive and invasive. When your bins are being searched (as mine have been), and you are being photographed without your knowledge; when the children you have kept resolutely away from press cameras are likewise being snapped surreptitiously; when journalists are standing outside your gates so that you cannot go in or out without being badgered or photographed, when family and friends are complaining that journalists have got hold of their telephone numbers, too, then it has a very direct effect on your quality of life and even on your personality. It is difficult to describe the constant state of alertness in which you exist outside the house, particularly when with your children, or the corrosive effect it has on relationships. This is despite the numerous steps that my husband and I have taken to prevent this from happening and to ensure that, in particular, my children have space to enjoy their childhood free from intrusion from the press.

67. In my experience the remedies that are currently available to address this problem are either ineffective and/or do not act as a sufficient deterrent to curtail the behaviour of certain sections of the media. Whilst I am supportive of a free press and believe in freedom of expression, I would welcome any development that makes it easier to enjoy private lives free from intrusion. There are a few, very expensive means of escape available. One must literally go where tabloid journalists and paparazzi cannot follow. We have taken these options on occasion, and they have been times of extraordinary relief and relaxation. However, this is not the way we want to raise our children, or live permanently. As I have said, my husband has a medical practise; my children are happy in their school, near friends and family. Britain is the place we wish to live.

I believe that the facts stated in this witness statement are true.

Signed

[Redacted signature box]

JOANNE KATHLEEN ROWLI

2/11/11

[Redacted box]

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