
MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 13 April 2016 at 10.30 a.m.
Gate House, 1 Farringdon Street, London EC4M 7LG

- Present:** Sir Alan Moses, Chairman
Richard Best
Lara Fielden
Janette Harkess (**items 1-7 via conference call**)
Gill Hudson
David Jessel
Matthew Lohn
Jill May
Neil Watts
Elisabeth Ribbans
Peter Wright (**items 1-6, 11-15 and 17-22**)
Nina Wrightson
- In attendance:** Elizabeth Bardin, Executive Assistant to Chairman
Ben Gallop, Head of Complaints
Michelle Kuhler, PA to CEO and minute taker
Bianca Strohmman, Head of Complaints
Matt Tee, Chief Executive

Also present: Members of the Executive

Xavier Bastin
Ciaran Cronin
Niall Duffy
Isabel Gillen-Smith (**Items 8-22**)
Robyn Kelly
Holly Pick
Charlotte Urwin
Hugo Wallis

- Observer:** Anne Lapping, Board Member
Sir Joseph Pilling, Independent Reviewer

1. Apologies for Absence

No apologies were received.

2. Declarations of Interest

Peter Wright declared an interest in items 8, 9, 10 and 16 due to his employment with Associated Newspapers. He left the meeting for these items.

Jill May declared an interest in item 13, given her personal connection to the complainant. She left the meeting for this item.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 2 March 2016 as a true and accurate record.

4. Update by the Chairman

The Chairman informed the Committee of the sad passing of Kevin Hand, member of IPSO's Board, and explained that condolences had been sent to the family on behalf of IPSO.

External Affairs

The Chairman updated the committee on recent events, including a breakfast meeting with the NCVO, at which members of the Executive met with representatives of a number of charities.

He also discussed the recent IPSO Twitter Q&A session with the Deputy Chairman of the Complaints Committee, Richard Best. The session lasted for one and a half hours and we received a large number of good questions from the public.

The Chairman concluded by mentioning his Lecture, and thanked all that attended to support him.

5. Matters Arising

There were no matters arising.

6. Complaint 01584-16 HM The Queen v The Sun

The Committee discussed the complaint and ruled that the complaint be upheld. A copy of its ruling appears in **Appendix A**.

7. Complaint 00026-16 Foy v The Sun on Sunday

The Committee discussed the complaint and ruled that the complaint not be upheld. A copy of its ruling appears in **Appendix B**.

The Committee adjourned for 5 minutes

8. Complaint 11939-15 HRH Prince Henry of Wales v Daily Mail
The Committee discussed the complaint and ruled that the complaint not be upheld. A copy of its ruling appears in **Appendix C**.
9. Complaint 00849-16 HRH Prince Henry of Wales v Mail Online
The Committee discussed the complaint and ruled that the complaint not be upheld. A copy of its ruling appears in **Appendix D**.
10. Complaint 00849-16 HRH Prince Henry of Wales v Daily Star
The Committee discussed the complaint and ruled that the complaint be upheld. A copy of its ruling appears in **Appendix E**.
11. Complaint 06095-15 A woman v Sunday Life
The Committee discussed the complaint and ruled that the complaint not be upheld. A copy of its ruling appears in **Appendix F**.
12. Complaint 06095-15 A woman v Irish News
The Committee discussed the complaint and ruled that the complaint not be upheld. A copy of its ruling appears in **Appendix G**.
13. Complaint 00671-16 Soames v The Sunday Times
The Committee discussed the complaint and ruled that the complaint be upheld. A copy of its ruling appears in **Appendix H**.
14. Complaint 11843-16 Muslim Council of Britain v The Times
The Committee discussed the complaint and ruled that the complaint not be upheld. A copy of its ruling appears in **Appendix I**.
15. Complaint 12114-15 Tooze v The Sun
The Committee discussed the complaint and ruled that the complaint not be upheld. A copy of its ruling appears in **Appendix J**.
16. Complaint 00306-16 Portes v Daily Express
The Committee discussed the complaint and ruled that the complaint be upheld. A copy of its ruling appears in **Appendix K**.
17. Complaints not adjudicated at a Complaints Committee meeting:
The Committee confirmed its formal approval of the papers listed in **Appendix L**.

18. Discussion paper: Use of personal pronouns in decisions.

It was discussed and agreed that a paper supporting the use of personal pronouns in decisions should be drafted and brought to the board at the next scheduled meeting.

19. Discussion: Visit to member publications

Members expressed their satisfaction at recent visits to newsrooms, which were considered to be informative and worthwhile.

20. Any other business

A question was raised regarding the current arrangements for delivery of confidential papers to Committee Members. The Chief Executive agreed to keep these arrangements under review.

21. Date of Next Meeting

The date of the next meeting was confirmed as Wednesday 18 May 2016

The meeting ended at 13.15pm

**Michelle Kuhler
PA to CEO**

APPENDIX A

Decision of the Complaints Committee 01254-16 Buckingham Palace v The Sun

Summary of complaint

1. Buckingham Palace complained to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Queen Backs Brexit" published on 9 March 2016.
2. The article was published on the newspaper's front page. The headline appeared beneath the strapline "Exclusive: bombshell claim over Europe vote", and above the sub-headline "EU going in wrong direction, she says". Accompanying the headline was an official photograph of the Queen in ceremonial dress. The article continued on page two, beneath the strapline "Monarch backs Brexit". It was accompanied by a comment piece by the newspaper's political editor, which argued that, if the Queen has a view on "Brexit", voters should have the right to know what it is.
3. The article reported that two unnamed sources had claimed that the Queen made critical comments about the EU at two private functions: a lunch for Privy Counsellors at Windsor Castle in 2011, and a reception for Members of Parliament at Buckingham Palace said to have taken place "a few years ago".
4. The article claimed that, at the lunch, the Queen had "firmly told" the then Deputy Prime Minister, Nick Clegg that "the EU was heading in the wrong direction" in a "reprimand that went on for some time". It also claimed that, at the reception, she had told MPs, "with quite some venom and emotion" that she "did not understand Europe". The article said that Mr Clegg and Buckingham Palace had tried to "pour cold water" on the story, but said that neither had "expressly denied a heated debate took place".
5. The text of the article appeared online in substantially similar form, beneath the headline "Revealed: Queen backs Brexit as alleged EU bust-up with ex-Deputy PM emerges".
6. The complainant said that the headline meant that the Queen was a supporter of the Leave campaign in the forthcoming referendum, and wanted to see Britain leave the EU. This was supported by the use of an official photograph. The headline was misleading, distorted, and unsupported by the text.
7. The complainant noted that, on 1 January 2016, IPSO had adopted a revision to Clause 1 of the Editors' Code of Practice, which makes specific reference to "headlines not supported by the text" as an example of inaccurate, misleading or distorted information which the press must take care not to publish. The complainant argued that this required the text of the article to both clearly identify the factual basis for the headline, and provide clear evidence of its accuracy. Allegations about comments made at a lunch taking place long before the decision to hold a referendum on EU membership could not be relied upon as evidence of

the Queen's views in relation to that referendum. The article therefore breached Clause 1.

8. The complainant said the Queen was unable to comment on the accuracy of the reports of the alleged conversations which formed the basis for the article as, by convention, the Monarch does not comment on private conversations. However, the newspaper should not have taken a 'no comment' response from the Queen's spokesperson as supporting the truth of the article; neither could it rely on Mr Clegg's comment, that he could not recall such a conversation having taken place, as suggesting its source's account was accurate.
9. The newspaper said that readers would have seen the prominent strapline and sub-headline which accompanied the headline, and would have known from these that the headline referred only to a claim that the Queen backs Brexit. The text of the article set out the basis for that claim: the accounts of apparently Eurosceptic views said to have been expressed by the Queen on two previous occasions.
10. The newspaper said it was legitimate for it to report speculation about the Queen's views. The article explained that her true views were a "secret", and the fact that this was speculation was supported by comments from Jacob Rees-Mogg MP, that he would be "delighted if this were true and Her Majesty is a Brexiter". This was a story of genuine public interest and the Code should not impose unrealistic expectations on how editors present stories, providing that readers are not misled. The revision to Clause 1 of the Code did not prevent newspapers from publishing editorialising or hyperbolic headlines.
11. The newspaper argued that such headlines are a defining characteristic of tabloid journalism. Sun readers understood that similar headlines questioning whether Tony Blair was "the most dangerous man in Britain" (in relation to the adoption of the single currency) or stating "If Kinnock wins today will the last person to leave Britain please turn out the lights" were not to be taken literally.
12. In this instance, there could be no suggestion that readers had been misled: the newspaper noted that the furore which followed publication of the article related to the publication of the account of the lunch in 2011 and not the headline.

Relevant Code Provisions

13. Clause 1 (Accuracy)

- (i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- (ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- (iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment conjecture and fact.

Findings of the Committee

14. Clause 1 requires that the Complaints Committee scrutinises headlines, given their prominence and potential to mislead, to see whether they are sufficiently supported by the contents of the story: a publication may breach Clause 1 where the headline lacks a sufficient basis in the text.
15. The newspaper had highlighted its history of publishing playful, hyperbolic headlines which were not intended to be read literally. Such headlines are a powerful tool, used to convey the heart of a story, or as part of campaigning journalism in the public interest. The Committee recognises their importance as a feature of tabloid journalism, and emphasised that the revision to the Code does not prohibit editorialising or the use of the sort of celebrated headlines to which the newspaper had drawn the Committee's attention.
16. However, the print headline went much further than referring to a claim about what the Queen might think. It was a factual assertion that the Queen had expressed a position in the referendum debate. This was supported by the sub-headline, which gave the misleading impression that she had made a contemporaneous statement that the EU was "going in the wrong direction". The same assertion was made by the online headline, which was not capable of being construed as a claim.
17. In contrast to the examples the newspaper had given, there was nothing in the headline, or the manner in which it was presented on the newspaper's front page, to suggest that this was the newspaper's conjecture, hyperbole, or not to be read literally.
18. The headline – both in print and online – was not supported by the text and was significantly misleading. The headline contained a serious and unsupported allegation that the Queen had fundamentally breached her constitutional obligations in the context of a vitally important national debate.
19. Furthermore, it did not follow from the comments the article reported that the Queen wanted the UK to leave the EU as a result of the referendum: that suggestion was conjecture and the Committee noted that none of those quoted in the story were reported as making such a claim.
20. Publication of the headline represented a failure to take care not to publish inaccurate, misleading or distorted information in breach of Clause 1 (i). The complaint under Clause 1 was upheld.
21. The consequence of the convention that the Queen would not comment on private conversations is that there was no denial that the alleged conversations had taken place. In the Committee's view, the manner in which the complainant's comments, and Mr Clegg's qualified response, were published did not demonstrate a failure to take care over the accuracy of the article. The complaint as it related to the text of the article did not raise a breach of the Code.

Conclusions

22. The complaint was upheld.

Remedial action required

23. In considering the proportionality of remedial action, the Committee had regard for the prominence of the breach, the significance of the headline claim which failed to comply with the requirements of the Code, and the need to provide an effective remedy.
24. It also had regard for the fact that the newspaper had not taken any steps to mitigate the effects of the breach, by offering to publish a correction.
25. The Committee concluded that the appropriate remedial action was the publication of an adjudication. It directed that this be published in full on page two under the headline "IPSO rules against Sun's Queen headline". That headline must also be published on the newspaper's front page - directing readers to the adjudication on page two and should appear in the same position, and same size, as the sub-headline which appeared on the front page, within a border distinguishing it from other editorial content on the page. The adjudication should also be published online, with a link to the adjudication (including the headline) being published on the newspaper's homepage for 24 hours. If the newspaper intends to continue to publish the online article without amendment, the full text of the adjudication should also be published on that page, beneath the headline. If amended, a link to the adjudication should be published with the article, explaining that it was the subject of an IPSO adjudication.
26. The terms of the adjudication to be published are as follows:

Buckingham Palace complained to the Independent Press Standards Organisation (IPSO) that The Sun breached Clause 1 (Accuracy) of the Editors' Code of Practice, in an article headlined "Queen Backs Brexit" published on 9 March 2016.

IPSO upheld the complaint, and has ordered The Sun to publish its decision as a remedy.

The article was published on the newspaper's front page. The headline appeared beneath the strapline "Exclusive: bombshell claim over Europe vote" and above the sub-headline "EU going in wrong direction, she says". Accompanying the headline was an official photograph of the Queen in ceremonial dress.

The article reported that two unnamed sources had claimed that the Queen made critical comments about the EU at two private functions: a lunch for Privy Counsellors at Windsor Castle in 2011, and a reception for Members of Parliament at Buckingham Palace said to have taken place "a few years ago".

The complainant said that the headline meant that the Queen was a supporter of the Leave campaign in the forthcoming referendum, and wanted to see Britain leave the EU. The complainant said this was misleading, distorted, and unsupported by the text.

The newspaper said that readers would have known that the headline referred to no more than a claim that the Queen backs Brexit. The text of the article set out the basis for that claim: the accounts of apparently Eurosceptic views said to have been expressed by the Queen on two previous occasions. This was a legitimate public interest story, and its readers were entitled to know the Queen's views.

In IPSO's view, while the complaint about the article itself did not raise a breach of the Code, the headline went much further than a claim about what the Queen might think. It was a factual assertion that the Queen had expressed a position in the referendum debate, and there was nothing in the headline, or the manner in which it was presented on the newspaper's front page, to suggest that this was conjecture, hyperbole, or was not to be read literally.

IPSO acknowledged the importance of headlines in tabloid newspapers. However, it did not follow from the comments the article reported that the Queen wanted the UK to leave the EU as a result of the referendum: that suggestion was conjecture and the Committee noted that none of those quoted in the story were reported as making such a claim.

The headline was not supported by the text. It was significantly misleading – given that it suggested a fundamental breach of the Queen's constitutional obligations – and represented a failure to take care not to publish inaccurate, misleading or distorted information in breach of Clause 1 (i). The complaint under Clause 1 was upheld.

APPENDIX B

Decision of the Complaints Committee 00026-16 Foy v The Sun on Sunday

Summary of complaint

1. Barbara Foy complained to the Independent Press Standards Organisation that the Sun on Sunday breached Clause 3 (Harassment), Clause 8 (Hospitals), Clause 10 (Clandestine devices and subterfuge), Clause 13 (Financial journalism) and Clause 14 (Confidential sources) of the Editors' Code of Practice in an article headlined "Cosmetic op shock", published on 3 January 2016.
2. The article was also published online under the headline "Clinics offer surgery and lipo to woman trying to get over love split".
3. The article reported the findings of an undercover investigation carried out by the newspaper into private cosmetic surgery clinics. It said that private clinics were offering cosmetic surgery to young women who did not need it. The newspaper's undercover reporter, aged 20 and described as slender, had visited four clinics telling each one that she was a "hard-up student", but that she wanted surgery to increase her confidence following the breakup of a relationship. She also told each clinic that her mother objected to her undergoing surgery because of her age. The newspaper reported that three of the four clinics had told its reporter that she could "undergo thousands of pounds worth of arguably unnecessary ops"; while one had said that it would be "morally wrong" to offer her surgery. The article quoted former health minister, Dr Dan Poulter MP, who had said that the investigation had shown that "more needs to be done in order to make sure clinics properly evaluate the reasons why a person wants to undergo cosmetic surgery. If there are underlying emotional issues then it would clearly be inappropriate to operate".
4. The complainant was a Sales Team Leader for The Hospital Group, one of the clinics visited by the undercover reporter. The article reported that during a consultation, the complainant had told the reporter, "you're a young girl, you want to get out there and look the best you can. Wait till you've had this done – he doesn't know what he's missing!" The article reported that she had quoted £6,495 for breast enlargement and liposuction.
5. The complainant said that the reporter had used a clandestine recording device and had engaged in misrepresentation in breach of Clause 10. While accepting that the consultation with the reporter had taken place in an office, and not a hospital, the complainant considered that the reporter's failure to identify herself had also represented a breach of Clause 8. She said the reporter's misleading conduct and the subsequent publication of the article, which had named her, had amounted to harassment and intimidation in breach of Clause 3.
6. In addition, the complainant said that the article had included selective extracts from the consultation: she was not a "pushy" salesperson, and she did not engage in "pressure selling" or prey on patients' emotions. She considered that the reporter had damaged her professional reputation, while profiting from the story in breach of Clause 13. She said the repetition of information that she had provided during a private consultation had also breached Clause 14. She

speculated that the newspaper's source was from a rival company who had sought to damage her employer's reputation.

7. The newspaper said that one of its reporters had been contacted by a reliable source who had worked in healthcare for many years and had "extensive knowledge" of the cosmetic surgery industry. The source was not from a rival firm as contended by the complainant. She did not have first-hand experience, but she had been told by colleagues that they were concerned that "vulnerable" young women, who wanted liposuction because it was "fashionable", were being offered and encouraged to have procedures as an "ego boost", putting their health at risk. She said that rather than being told to take time to think about their decisions, "they [were] taken advantage of in some cases, sold extra treatments". For example, a "particularly slim" girl, with no need for breast enlargement or liposuction, had asked for surgery as a "pick-me-up" after breaking up with her boyfriend. The contact's account was supported by information provided by a second source who also worked in the cosmetic surgery industry.
8. As the General Medical Council (GMC) had at that time been reviewing guidelines on how clinics should deal with patients, taking into account their psychological needs – and particularly looking at the issue of cosmetic surgery and young people – the newspaper decided that this was a suitable subject for an investigation. Figures from the British Association of Aesthetic Plastic Surgeons (Baaps) had also indicated that there had been a "dramatic increase" in the popularity of plastic surgery in the UK – with liposuction recording a 41% rise, and breast augmentation being the most popular treatment. An investigation to establish whether it was true that these treatments were being offered to "vulnerable and emotionally low" patients was therefore justified in the public interest.
9. The reporter's source had mentioned The Hospital Group, in particular, as offering liposuction to young women who did not "fit the criteria" for surgery. To establish whether there was a nationwide trend, the newspaper also approached three other "big name" clinics that had been on television or had received publicity.
10. The newspaper said that it had decided that the information required could not be obtained by open means. Straightforward approaches would have provided the clinics' polished versions of events, and specific case studies could not be found in any other way. The Managing Editor and the legal department agreed that an undercover investigation was therefore required, and the subterfuge to be employed was proportionate to the public interest identified.
11. A slender, 20-year-old reporter was selected to carry out the investigation. She visited the clinics telling each one the same backstory, and that she would like to have breast enhancement and liposuction. The meetings were recorded with a video key fob and a dictaphone, which was necessary to support the reporter's findings and the article. The newspaper provided a copy of the recording, which it considered demonstrated that no real consideration had been given to the reporter's age, "really tiny frame", and state of mind.
12. In the recording, the reporter had explained that her mother was concerned about her deciding to have surgery so soon after her breakup with her boyfriend. The complainant had said "was it in your mind before?", to which the reporter replied

“well yeah, I’d always thought about it, just never really acted on it, and now I’m like why not”. In a follow-up meeting, the complainant had said that, like the reporter’s mother, she had been concerned when her daughter had asked for similar treatment, and she offered to meet the reporter’s mother to discuss the matter before she made a decision. The reporter also met with the surgeon and asked for breast implants that were “as big as possible”, to which he replied “that’s alright...but I can’t put anything bigger than what your body can take”.

13. The newspaper said that the complainant had been quoted accurately in the article, and the piece included The Hospital Group’s response, which made clear that a surgeon reviews each case before a patient is submitted for surgery. The newspaper said that the complainant’s job was clearly to offer surgery to young women; there appeared to be no consideration given to whether the patient genuinely needed the surgery; anyone who booked an appointment would be offered treatment.
14. The newspaper said that the reporter had not persisted to question or telephone the complainant once asked to desist; she had not taken advantage of insider knowledge for her own financial gain; the newspaper had not betrayed a confidential source; and the consultation had not taken place in a hospital. As such, there was no breach of Clause 3, Clause 8, Clause 13 or Clause 14.
15. On receipt of the recording, the complainant considered herself “exonerated”. She had clearly offered to speak to the reporter’s mother about her concerns regarding the treatments; she did not make assumptions or decisions regarding treatments on behalf of her clients; they were able to make their own decisions.

Relevant Code provisions

16. Clause 3 (Harassment)

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.
- iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

Clause 8 (Hospitals)

- i) Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.
- ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

Clause 10 (Clandestine devices and subterfuge)

- i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held information without consent.
- ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

Clause 13 (Financial journalism)

- i) Even where the law does not prohibit it, journalists must 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 must 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 must 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.

Clause 14 (Confidential sources)

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

The public interest

1. The public interest includes, but is not confined to:
 - i. Detecting or exposing crime, or the threat of crime, or serious impropriety.
 - ii. Protecting public health or safety.
 - iii. Protecting the public from being misled by an action or statement of an individual or organisation.
 - iv. Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.
 - v. Disclosing a miscarriage of justice.
 - vi. Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.
 - vii. Disclosing concealment, or likely concealment, of any of the above.
2. There is a public interest in freedom of expression itself.
3. The regulator will consider the extent to which material is already in the public domain or will or will become so.
4. Editors invoking the public interest will need to demonstrate that they reasonably believed publication – or journalistic activity taken with a view to publication – would both serve, and be proportionate to, the public interest and explain how they reached that decision at the

Findings of the Committee

17. In determining whether the newspaper's use of subterfuge was justified, the Committee first considered whether it had a reasonably credible belief that subterfuge would uncover material in the public interest, and whether the level of subterfuge employed was proportionate to the public interest the newspaper believed would be served.
18. A contact working in the healthcare profession had informed the newspaper that there were concerns in the industry that vulnerable people were being sold unnecessary cosmetic surgery procedures by private clinics. The source had made specific reference to the practices at the clinic where the complainant worked, which was a high-profile and nationwide cosmetic surgery provider.
19. The source's claims coincided with a substantial increase in the number of cosmetic surgery operations taking place in the UK. In addition, the General Medical Council had launched a review of guidelines for doctors who were paid to carry out such procedures, with specific reference made to how vulnerable and young people should be treated. In this context, an investigation to find out whether people were being exploited and sold unnecessary medical treatments, which often involved major surgery, was in the public interest. The newspaper could not have tested the clinic's practices by open means.
20. The subterfuge to be employed involved the reporter misrepresenting herself during a private consultation with the complainant. Although the Committee understood the complainant's concern that the misrepresentation had been intrusive, the reporter had appropriately limited the discussion to matters under investigation, exploring the duty of care owed to a prospective client. This level of subterfuge was proportionate to the public interest the newspaper had identified.
21. The recording of the consultation did not demonstrate that the complainant had acted improperly. Nevertheless, there was still a public interest in reporting on the reporter's experience at the clinic, and the ease with which a person in her position had been offered cosmetic surgical procedures costing almost £6,500. Contrasting those findings with the reporter's experience at other clinics informed a debate about whether the practices taking place nationwide were acceptable, which was in the public interest.
22. The newspaper had justified its methods, and its decision to publish the material it obtained. The complaint under Clause 10 was not upheld.
23. While the complainant had found the newspaper's use of subterfuge and the inclusion of her name in the article intimidating, this did not represent harassment under the terms of the Code. There was no breach of Clause 3.
24. The complainant was a sales person, not a patient; the reporter had not used financial information to make a profit; and the newspaper had not identified a confidential source. There was no breach of Clause 8, Clause 13 or Clause 14.

Conclusion

25. The complaint was not upheld.

APPENDIX C

Decision of the Complaints Committee 11939-15 HRH Prince Henry of Wales v Daily Mail

Summary of complaint

1. HRH Prince Henry of Wales complained to the Independent Press Standards Organisation that the Daily Mail breached Clause 1 (Accuracy), Clause 2 (Opportunity to reply) and Clause 3 (Privacy) of the Editors' Code of Practice in an article headlined "Harry and Pippa in love says US magazine", published on 10 December 2015.
2. The article reported that a magazine, published in the US, had claimed that the complainant and Pippa Middleton were in "a budding romance". It said that the magazine had made "extraordinary allegations that the Duchess of Cambridge found her sister and brother-in-law 'snogging in a bathroom' at the royal wedding". It said that the magazine had "breathlessly" claimed that there had always been "sexual tension" between the pair, but now that they were single they were "free to act on their mutual attraction". The piece concluded by stating that the Palace had yet to comment on the claims, "though it may not bother" as the US magazine had a "history of 'revealing' celebrity couplings hotly denied by those involved".
3. The complainant said that the newspaper had repeated claims made in a US magazine that were "completely untrue", and the newspaper had failed to corroborate the facts before publication. He noted that the article had called the claims "extraordinary" but considered that it had not asserted categorically that they were false. He argued that the newspaper could not justify the publication of inaccurate information simply by attributing it to a third party. As the US magazine was not considered to be a reliable source of information in the US and the newspaper attached no credence to the claims, it should not have repeated them. In addition, it had republished the magazine's front page, which showed an image of him that had been doctored to give the appearance that he had been partially clothed on a beach with Ms Middleton; there was no mention of the fact that the image had been altered.
4. The complainant said that despite the falsity of the claims, the story had concerned private – in particular sexual – information about which he had a reasonable expectation of privacy. He did not accept that this expectation had been reduced because the claims had already been published by a magazine with a limited hard-copy circulation in the US. In contrast, this newspaper had circulated the claims in the UK and worldwide, and numerous publications had followed suit. The complainant requested the removal of the online article and a prominent apology.
5. The newspaper said that its article had made clear that it was not an account of a relationship between the complainant and Ms Middleton; it was a report about an article, which had appeared in a prominent US magazine. It noted that its piece had contained seven references – including in its headline – to the fact that these were claims made by the magazine. It noted that its piece had also said that the

magazine had no substantiation for the claims and that they had not been confirmed or commented on by the complainant's representatives.

6. The newspaper said that Mail Online had covered the story separately, and the website's journalist had sought comment from the complainant's representatives before publication. That opportunity had not been taken, and this had been reflected in the newspaper's article. It rejected the complainant's position that Mail Online had been told that the claims were a "complete fiction". In fact, the complainant's representative had said that they had not read the US article, but that the magazine "regularly reports complete fiction like this". Following publication of the Mail Online article, a member of the website's staff had offered to publish the Palace's response to it, but had been told that there were "no circumstances where we would provide comment for a story like that".
7. The newspaper did not consider that it was acceptable for Kensington Palace to dictate what it could report. It said that it was also unacceptable for the Palace to respond to claims by issuing denials, which it refused to confirm on the record, thereby making the denials unreportable. Had a denial been issued, it would have published it.
8. The newspaper said that it had reported claims made by a magazine with a readership of 4.4 million; the allegations were clearly already in the public domain. It also argued that the fact of a relationship between two unmarried individuals was not private, particularly when one of those individuals was a senior member of the royal family; the relationship between the complainant and Ms Middleton had been the subject of widespread comment since the royal wedding.
9. The newspaper did not accept any inaccuracies and therefore it did not consider that an opportunity to reply was required. It said it would be happy, however, to publish a follow-up article or the following wording in the Corrections & Clarifications column on page two:

In common with many other publications and global digital news sites, on December 10 we reported that a major American magazine had claimed there was a relationship between Prince Harry and Pippa Middleton. Our article was clearly sceptical about the veracity of the magazine's claims. We are also happy to make clear that Prince Harry's spokesman has since confirmed for the record there is no truth whatsoever in the magazine's story.

Relevant Code provisions

10. Clause 1 (Accuracy)
 - i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
 - ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.

iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Opportunity to reply)

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

Clause 3 (Privacy)

i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.

ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.

Findings of the Committee

11. These were unsubstantiated claims, which were reported as such. The newspaper had taken care to ensure that the claims were reported with due scepticism. For instance, the first line of the article had said "it all sounds rather too much like a plot dreamed up in a Hollywood movie"; the second line had described the claims as "extraordinary allegations"; and the final line had said that the US magazine had a "history" of reporting claims about celebrity relationships that were "hotly denied".
12. The newspaper had published the article in the knowledge that Kensington Palace had no intention of commenting on the story. However, the article had emphasised that the newspaper attached no credence to the claims, and it alerted readers to the fact that there were good reasons to doubt their accuracy. In such circumstances, there was no failure to take care over the accuracy of the article in breach of Clause 1(i). The article was not significantly misleading in breach of Clause 1(ii).
13. It was clear that the "doctored" image formed part of the cover of the US magazine, and where doubt was cast on the truth of its claims, the republication of the cover was not significantly misleading. The complaint under Clause 1 was not upheld.
14. The claims made about the complainant and Ms Middleton had the potential to intrude into his private life. The terms of Clause 3 were engaged, regardless of the accuracy of the allegations.
15. The article, however, had clearly suggested that the claims were not to be believed. The fact that the newspaper was clearly dismissive of the speculation, and the tone it had adopted in the piece, diminished any intrusive effect that the speculation may have had. Furthermore, the claims had already been published by a magazine with a circulation of 4.4 million readers. The level of intrusion did not amount to a breach of Clause 3. The complaint under Clause 3 was not upheld.
16. The terms of Clause 2 provide people with the opportunity to reply to published inaccuracies. No inaccuracies had been established by the Committee, and the

complainant had not requested an opportunity to reply. There was no breach of Clause 2.

Conclusions

17. The complaint was not upheld.

APPENDIX D

Decision of the Complaints Committee
00849-16 HRH Prince Henry of Wales v Mail Online

Summary of complaint

1. HRH Prince Henry of Wales complained to the Independent Press Standards Organisation that Mail Online breached Clause 1 (Accuracy), Clause 2 (Opportunity to reply) and Clause 3 (Privacy) of the Editors' Code of Practice in an article headlined "American tabloid OK! claims 'Prince Harry and Pippa Middleton are enjoying a secret romance' after 'snogging in a bathroom at the royal wedding in 2011'", published on 9 December 2015.
2. The article reported that a US magazine had claimed to have "exclusive knowledge" that the complainant and Pippa Middleton were "romantically involved". It reported a number of claims from the US magazine, including that Ms Middleton had "spent the night several times"; that Prince William had "found the pair in a compromising position"; and that the complainant had played "Adele, Ellie Golding, and Bruno Mars" during their first date, and served pasta carbonara which he had prepared himself.
3. The article noted that the US magazine claimed that this relationship had begun at the time of the wedding of the Duke and Duchess of Cambridge, but that "it is only now that OK! has managed to get the 'scoop'". It concluded with examples of other stories the magazine had published, including one that claimed that Kate Middleton was pregnant with twins, in which the magazine had "even [gone] so far as to say the palace has confirmed the news, despite the fact that no other confirmation has been given to any other media outlet".
4. The complainant said that the publication had repeated claims made in a US magazine about his private life that were "completely untrue". He argued that the newspaper could not justify the publication of inaccurate information simply by attributing it to a third party.
5. He said that the publication had requested Kensington Palace's response to the claims at 3.30pm on 9 December. At 4.48pm, the Palace responded and clarified that the claims were a "complete fiction", and that they should not be repeated. The publication published the article at 4.41pm, before it had received the Palace's comments. As such, the complainant considered that the approach for comment had been "entirely perfunctory". He also considered that this represented a failure to provide a fair opportunity to reply.
6. The complainant said that the magazine was not considered to be a reliable source of information in the US, and so its claims should not have been republished. He considered that by repeating the claims, the publication had given weight to them and had aided their circulation. In addition, it had republished the magazine's front page, which showed an image of him that had been doctored to give the appearance that he had been partially clothed on a beach with Ms Middleton; there was no mention of the fact that the image had been altered.

7. The complainant said that despite the falsity of the claims, the story had concerned private – sexual – information about which he had a reasonable expectation of privacy. He did not accept that this expectation had been reduced because the claims had already been published by the magazine. Publication by Mail Online had circulated the claims in the UK and worldwide, and numerous other publications had followed suit.
8. The publication said that the article had been commissioned and written by its US editorial team following the publication of the article in the US magazine. The claims made by the magazine had been published to a wide audience, including online, and the story was followed up by many news outlets globally. It said it was “perverse” for the complainant to argue that its readers should not be informed that a prominent magazine had made such claims to its readers.
9. It did not accept that the article was misleading: the article had given clear reasons for doubting the allegations. None of its readers could have thought that it was endorsing or adopting the claims.
10. The publication said that its US office had contacted Kensington Palace for comment before the article was published, but said it was not obliged to wait for a response before publishing the piece. The Palace’s initial response had not described the claims as “a complete fiction”; it had said that the US magazine “regularly reports complete fiction like this”, and that the Palace had not read the article. It said that the Palace had also acknowledged that the claims would not be reported as fact: the Palace had said “I realise you’re not reporting it as fact, but by [sic] you would be indirectly reporting an article that is completely made up”.
11. The publication said that its US office had emailed the Palace a second time, 29 minutes after publication, had provided a link to the article and asked again for comment. The response received stated that there were “no circumstances where we would provide a comment for a story like that”. The publication said that the Palace could not determine what it could report. It said it was inappropriate for the Palace to respond to claims by issuing denials with a refusal to confirm them on the record. It asked why the public should be prevented from being informed that the claims made in the magazine were wrong.
12. The publication said that Clause 2 of the Code was not engaged pre-publication. However, the publication had offered to add the Palace’s comment to the article as a bulleted subheading and as a footnote. It also offered to publish a follow-up piece linking to the original item. It would not remove the article, as requested.
13. With regards to the publication of the “doctored” image, the publication said that it had merely republished the front cover of the US magazine.
14. The publication said that the claims about the complainant’s private life were already in the public domain: they had been published by the magazine and followed up globally. In addition, it said that the fact of a relationship was not private, and the article had not included any unnecessarily graphic information or sexual content. The publication also considered that there was a public interest in reporting on what was being said about the royal family abroad.

Relevant Code provisions

15. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.
- iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Opportunity to reply)

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

Clause 3 (Privacy)

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.

Findings of the Committee

16. The publication had clearly attributed the claims about the complainant to the US magazine; and, on balance, the Committee considered that the article's tone had cast doubt over the claims. The publication had asked pointed questions about how such a sensational story had become known only to a tabloid magazine in the US; it had referred to the claims as a "scoop" in inverted commas; and described the alleged first "date" in a tongue-in-cheek manner. The article concluded with a summary of other unlikely stories that the magazine had published, indicating that the claims in question were to be placed in the same category.
17. The publication had contacted the complainant's representatives for their comments on the claims, but had published the article before receiving a response. In circumstances in which the claims had not been adopted as fact, and where reasons had been given for doubting them, this did not represent a failure to take care over the accuracy of the article in breach of Clause 1(i). There was no breach of Clause 1 on this point.
18. It was clear that the "doctored" image formed part of the cover of the US magazine, and where doubt was cast on the truth of its claims, the republication of the cover was not significantly misleading. The complaint under Clause 1 was not upheld.
19. The claims made about the complainant and Ms Middleton had the potential to intrude into his private life. The terms of Clause 3 were engaged, regardless of the accuracy of the allegations.

20. However, the tone of the article had given the impression that the claims were not to be believed, which diminished any intrusive effect that they may have had. Furthermore, the claims had already been published by a magazine with a circulation of 4.4 million readers. The level of intrusion did not amount to a breach of Clause 3. The complaint under Clause 3 was not upheld.
21. The terms of Clause 2 provide people with the opportunity to reply to published inaccuracies. No inaccuracies had been established by the Committee, and the complainant had not requested an opportunity to reply. There was no breach of Clause 2.

Conclusions

22. The complaint was not upheld.

APPENDIX E**Decision of the Complaints Committee
11941-15 HRH Prince Henry of Wales v Daily Star****Summary of complaint**

1. HRH Prince Henry of Wales complained to the Independent Press Standards Organisation that the Daily Star breached Clause 1 (Accuracy), Clause 2 (Opportunity to reply) and Clause 3 (Privacy) of the Editors' Code of Practice in an article headlined "Harry and Pippa 'secret romance'", published in print and online on 10 December 2015.
2. The article said that a magazine, published in the US, had claimed that the complainant and Pippa Middleton had been involved in a "secret romance". It stated that "shock reports" had said that the pair "first snogged" at the royal wedding in 2011 when they "hooked up" in a bathroom, and that they had been "caught in the act" by their older siblings. The article concluded by stating that "Clarence House declined to comment last night". It was also published online.
3. The complainant said that the claims made in the article were "completely untrue", and the newspaper had not contacted Clarence House for comment before publication. The complainant said that, had the newspaper contacted his representatives, it would have been informed that the claims were fictitious and should not be published. By repeating the false claims, the newspaper had given weight to them and had significantly aided their circulation. He did not consider that attributing the claims to the US magazine had absolved the newspaper from its duty to independently corroborate them.
4. The complainant said that the publication of false claims about his personal relationships and sexual activities represented an intrusion into his private life. He did not consider that the publication of the claims in the US had eroded his right to privacy: the US magazine had limited hard-copy circulation in North America; whereas the newspaper's print and online presence had led to the claims being widely read in the UK. He said that there was no public interest in reporting the claims, not least because they were inaccurate.
5. On the day of publication, the complainant wrote to the newspaper and requested the removal of the online article. It was removed the following day, but the newspaper did not acknowledge or respond to his letter, it did not offer an opportunity to reply, explain its actions, or offer assurances that the claims would not be repeated. The complainant said that subsequent correspondence from the newspaper had not addressed the substance of his complaint or explained its reasons for publishing the article.
6. The newspaper said that the article had been removed from its website as requested, and it offered its assurances that the claims would not be repeated. It had also circulated a notice to staff to that effect, and had placed a warning in its cuttings file. It considered that the remedial action that it had offered, and carried out, should satisfy the complainant.

7. The newspaper did not otherwise respond substantively to questions about the article's compliance with the Code, or defend its publication.

Relevant Code provisions

8. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.
- iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Opportunity to reply)

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

Clause 3 (Privacy)

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.

Findings of the Committee

9. The article had clearly attributed the claims about the complainant and Ms Middleton to the US magazine. While it had not contained a positive assertion of their truth, there was no suggestion that there was reason to doubt their veracity.
10. Furthermore, the article had stated that "Clarence House had declined to comment" but the newspaper had not argued – in response to the complaint – that such an approach had been made. The only conclusion which the Committee could draw from this was that the newspaper had not sought to verify the claims, as reported. This inaccurate assertion had given further weight to the claims, by suggesting that the newspaper had sought to stand up its story. The manner in which the claims were presented was significantly misleading.
11. The Committee was very concerned that the newspaper had failed to engage substantively with IPSO's investigation into the complaint. The newspaper had offered no basis for the Committee to believe that it had taken care to ensure the article was published in compliance with Clause 1(i) of the Code. Neither had it made any offer to correct the story, as it had been obliged to do under Clause 1(ii). The complaint under Clause 1 was upheld.
12. The article had concerned the complainant's private life: it had repeated claims that he was in a "secret" relationship with Ms Middleton, and it had speculated on

the nature of the alleged relationship. The terms of Clause 3 were engaged, regardless of the accuracy of the allegations.

13. The newspaper, however, had repeated allegations that had been made in the US by a magazine with a large circulation, and which had been republished in a number of newspapers – and online – in the UK. Given the extent to which the claims were already in the public domain, and the nature of the claims themselves, the complaint under Clause 3 was not upheld.
14. The terms of Clause 2 provide individuals with the opportunity to reply to published inaccuracies. The complainant had requested the removal of the article. He had not requested an opportunity to reply. There was no breach of Clause 2.

Conclusions

15. The complaint was upheld under Clause 1.

Remedial action required

16. Having upheld the complaint, the Committee considered what remedial action should be required. The newspaper had not defended its article, and it had not offered to publish a correction. It had therefore failed to comply with the obligations of Clause 1(ii), and the Committee required the publication of an adjudication.
17. The Committee considered the placement. The article had appeared in full on page five, but the misleading information was also published on the front page, accompanied by a photograph of the complainant and Ms Middleton, and their names in a heart. As the article had been prominently referenced on the front page, and in light of the seriousness of the breach established, the Committee required that a reference to the adjudication also be published on the front page, the same size and placement as the headline and text on page one. This reference should direct readers to the full adjudication, which should appear on page five or further forward. Both the headline to the adjudication inside the paper and the front-page reference should make clear that IPSO has upheld the complaint, and refer to its subject matter. The headline, the placement on the page, and the prominence, including font size, of both the adjudication and the front page reference must be agreed with IPSO in advance.
18. The adjudication should also be published on the newspaper's website, with a link to the full adjudication appearing on the homepage for 24 hours; it should then be archived online in the usual way.
19. The terms of the adjudication to be published are as follows:

Following the publication of an article in the Daily Star on 10 December 2015, headlined "Harry and Pippa 'secret romance'", HRH Prince Henry of Wales complained to the Independent Press Standards Organisation that the Daily Star breached Clause 1 (Accuracy) of the Editors' Code of Practice. The complaint was upheld, and IPSO required the newspaper to publish this adjudication.

The article said that a magazine, published in the US, had claimed that the complainant and Pippa Middleton had been involved in a “secret romance”.

The complainant said that the claims made about his relationship with Ms Middleton were “completely untrue”. The newspaper had also not contacted Clarence House for comment, as reported.

In response to the complaint, the newspaper removed the article from its website; offered its assurances that the claims would not be repeated; and circulated a notice to staff to that effect. It did not defend the claims as accurate.

The article had clearly attributed the claims about the complainant and Ms Middleton to the US magazine. While it had not contained a positive assertion of their truth, there was no suggestion that there was reason to doubt their veracity.

Furthermore, the article had stated that “Clarence House had declined to comment” but the newspaper had not argued – in response to the complaint – that such an approach had been made. The only conclusion which the Committee could draw was that the newspaper had not sought to verify the claims, as reported. This inaccurate assertion had given further weight to the claims, by suggesting that the newspaper had sought to stand up its story. The manner in which the claims were presented was significantly misleading.

The newspaper offered no basis to suggest that it had taken care to publish accurate information, nor had it made any offer to correct the story. The complaint under Clause 1 was upheld.

APPENDIX F

Decision of the Complaints Committee 06095-15 A woman v Sunday Life

Summary of complaint

1. A woman complained to the Independent Press Standards Organisation that the Sunday Life breached Clause 1 (Accuracy) and Clause 3 (Privacy) in an article headlined "We know who killed 'Jock'", published on 24 May 2015.
2. The article reported on the killing of Gerard "Jock" Davison in Belfast. The sub-headline stated that "cops know the identity of the ex-IRA hitman who gunned down Provo chief Jock Davison, but have nowhere near enough evidence to charge him". It reported a number of details about how the shooting had been carried out. It did not name the suspect, but provided information about his past, including that he had "once served a jail sentence for his involvement in a plot to murder a soldier" and that he worked "under Davison's command in the Provo-controlled DAAD vigilante group".
3. The complainant said that although the article had not named the alleged "hitman", it was obvious to her, her local community and friends that the subject of the piece was Kevin McGuigan. He had been identified by reference to his alleged past, his age, the area of Belfast in which he had lived, and his own previous shooting. The article had followed a similar piece published by another newspaper.
4. The complainant said that the newspaper had inaccurately reported that Mr McGuigan had been a suspect in the murder. The police had interviewed him as a witness on 29 May 2015, but he had been informed that he was not a suspect, and he was never arrested in relation to the investigation. She said Mr McGuigan was one of a number of people who the police had spoken to about the murder. These meetings had not taken place under caution. The police had used a prepared script, and had asked of his knowledge of Mr Davison and whether he had ever fallen out with him.
5. The complainant questioned how the newspaper had come to the conclusion that Mr McGuigan had been a police suspect, when the police had come to the opposite point of view. She considered that as the police had not suspected him, those briefing the newspaper must have been republicans with their own interests and agenda.
6. She also denied that Mr McGuigan had been an "ex-IRA killer", as reported; he had not been convicted of any murder, and was not arrested in relation to any murder associated with the Direct Action Against Drugs group (DAAD).
7. The complainant said that the newspaper had failed to respect Mr McGuigan's family life and health in breach of Clause 3. The inaccurate article had led to rumour and speculation locally, and his murder had been an "inevitable consequence".

8. The complainant said that on 16 May, the police had visited Mr McGuigan's address, which was also connected to two others named Kevin McGuigan. The police would not confirm who they wished to speak to, but asked Mr McGuigan to pass on a verbal message, which was "republicans believed to be carrying out some form of attack upon Kevin McGuigan of 5 Comber Court". She said that on 19 May, the police visited Mr McGuigan again, but made no mention of any threat to his safety. On 25 May, the day after the article's publication, the police had visited again, and this time confirmed that it was Kevin McGuigan Senior who was under threat. The complainant considered that the article under complaint had clearly reinforced local perception that Mr McGuigan Senior had murdered Mr Davison.
9. The newspaper rejected the suggestion that those responsible for murdering Mr McGuigan had received their intelligence from its report. It said republicans had carried out their own investigation into the matter. The media generally had been briefed by republicans, as well as security sources, that Mr McGuigan was a suspect. His involvement had been widely reported, along with the fact that the police had warned him that his life was under threat. It said that given the principle of open justice, the fact that an individual is a suspect in a murder inquiry is not information over which they have a claim of privacy.
10. The newspaper noted that the complainant had confirmed that the police had visited Mr McGuigan eight days before its article was published and had warned him of the threat to his life. It did not accept that there had been any confusion over which Kevin McGuigan the threat concerned; the visit followed the murder of Mr Davison on 5 May, and was in the context of the "bitter history" between Mr McGuigan Senior and Mr Davison.
11. The newspaper considered that there was a clear public interest in reporting on the search for those responsible for the murder of Mr Davison. His death had devastated his family, and caused shock and anger in his community where he had been a prominent figure.
12. The newspaper denied that its reference to Mr McGuigan as an "IRA killer" had been inaccurate. It said it was a matter of public record that Mr McGuigan had been a member of the IRA, a terrorist organisation responsible for thousands of deaths, who had been jailed for 10 years for kidnapping a Territorial Army soldier. He was a "designated assassin" understood to be responsible for at least one murder. It said that "well-placed sources" had also informed it that following his release from prison, Mr McGuigan had been involved in the leadership of the DAAD group, which had been responsible for the murder of alleged drug dealers. His involvement in this gang had also been widely reported.
13. The newspaper noted that the book "Godfathers: Inside Northern Ireland's Drugs Racket, published in 2001, had referred to two men from Mr McGuigan's area of Belfast as the "hit team" in the DAAD group. It provided a written statement from the book's author confirming that the two individuals he had referred to were Mr Davison and Mr McGuigan. The newspaper also noted a number of examples of media coverage after Mr McGuigan's death that described him variously as "a former Provisional IRA assassin"; "a key hitman in the Prover cover group, DAAD"; one of two "most experienced hitmen"; part of a "deadly duo"; and that he had "shot a number of people". It argued that if Mr McGuigan had not been a member

of the IRA, then its article, which had not named him, could not have identified him.

Relevant Code provisions

14. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.
- iii) The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 3 (Privacy)

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.

Findings of the Committee

15. The violent deaths of Mr Davison and Mr McGuigan were matters of important public interest in Northern Ireland, where Mr McGuigan's death – in particular – had significant political ramifications. These were major news events, and the newspaper was entitled to report developments in the story, as well as reaction to the deaths from within the police and republican community.
16. The article had not named Mr McGuigan, but it had included details that might have led readers to identify him as the individual to which the coverage related. The Committee proceeded with its consideration of the complaint on that basis.
17. The complainant was not in a position to dispute that the newspaper had been informed by its confidential sources within the police that Mr McGuigan had been a suspect in their murder investigation. Indeed, following the article's publication, Mr McGuigan was questioned as a witness in relation to the police investigation, and he was asked whether he had ever fallen out with the deceased. The nature of the questions demonstrated that Mr McGuigan had been of interest to the police's murder inquiry. There was no breach of Clause 1 on this point.
18. The Committee noted that the complainant considered that Mr McGuigan had been informed by police that he was not a suspect. The newspaper had stated in the first line of the article that the police had "nowhere near enough evidence to charge him", and said that the police had "hardly any forensic evidence or witnesses available". In the full context, the reference to him as a "suspect" did not breach Clause 1.
19. It was accepted that Mr McGuigan had not been convicted of any murder. However, it was not in dispute that Mr McGuigan had been a prominent figure within paramilitary organisations, including the IRA, who had been imprisoned for

ten years in relation to his involvement in the kidnapping of a Territorial Army soldier. It was also not disputed that he had been a member of the DAAD group, or that the group had been responsible for a series of murders. In the context of his previous conviction and the wider allegations about his activities and associations – which were made before and after his death – it was not significantly misleading for the newspaper to refer to Mr McGuigan as an “ex-IRA hitman”. The article had not stated that he had been convicted of murder. There was no breach of Clause 1 on this point.

20. While the Committee understood the complainant’s concern that the piece had put Mr McGuigan’s life in danger, Mr McGuigan had been aware of threats to his life before its publication. It was accepted that police had already visited his address, and had warned him of a threat from republicans to someone of his name. In addition, his possible involvement in Mr Davison’s murder had already been widely reported at the time of publication. The newspaper had not failed to respect Mr McGuigan’s private life in breach of Clause 3.

Conclusion

21. The complaint was not upheld.

APPENDIX G

Decision of the Complaints Committee 05858-15 A woman v Irish News

Summary of complaint

1. A woman complained to the Independent Press Standards Organisation that the Irish News breached Clause 1 (Accuracy) and Clause 3 (Privacy) of the Editors' Code of Practice in an article headlined "Ex-IRA killer is Davison murder suspect", published on 20 May 2015, and in an article headlined "Former Provos claim witness told them McGuigan was at scene of Davidson murder" published on 18 August 2015.
2. The 20 May article reported on the killing of Gerard "Jock" Davison in Belfast. It stated that it was believed that a "former IRA killer" – who was not named – had shot Mr Davison. It included a number of details about how the shooting had been carried out, and said the gunman had "local knowledge". It also stated that the suspect was "once a high-ranking republican ... in his early fifties [who] was jailed for the attempted murder of a soldier during the Troubles", and that previously, "following an altercation with Davison ... he was shot in both legs in a paramilitary-style attack and expelled from the IRA".
3. The 18 August article reported on the killing of Kevin McGuigan. It stated that Mr McGuigan had been "shot dead by alleged former IRA members after eyewitnesses told republicans he was seen leaving the location of the Gerard ... Davison attack". It explained that Mr McGuigan's "murder came after he was warned by police that his life was in danger from republicans amid speculation he was involved in the shooting of former IRA commander Davison". It also noted that "while [Mr McGuigan] was widely named as the leading suspect in the killing, the PSNI said they spoke to him in the wake of the murder of the IRA commander only as a witness", and that "Mr McGuigan had also denied involvement in the murder".
4. The complainant said that while the 20 May article had not named Mr McGuigan, it had contained a number of details which had identified him to the local community as the subject of the story. The complainant said that it was inaccurate to suggest that Mr McGuigan had been a suspect. On 29 May, the PSNI had confirmed that he was not considered a suspect, and he was never arrested by the police in connection with the murder. The complainant promptly informed the newspaper of this position, but it had repeated the inaccurate claim in its article of 18 August.
5. In addition, the complainant said that it was inaccurate in breach of Clause 1 for the 20 May article to describe Mr McGuigan as a "former IRA killer", given that he had never been convicted of any killings.
6. The complainant considered that the publication of details that identified Kevin McGuigan had represented an intrusion into his family life and health in breach of Clause 3. She said that the article had put his life in danger and had "ultimately resulted in his death".

7. The complainant said that on 16 May, the police had visited Mr McGuigan's address, which was home to two others also named Kevin McGuigan. The police had asked the deceased to pass on a verbal message, which was "republicans believed to be carrying out some form of attack upon Kevin McGuigan of 5 Comber Court". On 19 May, the police visited again, but made no mention of any threat to Mr McGuigan's safety. On 25 May, five days after the article's publication, the police visited again, and this time confirmed that the threat concerned Mr McGuigan Senior, and that republicans intended to take retaliatory action against him.
8. The newspaper said that the 20 May article had not suggested that Mr McGuigan had been officially regarded as a suspect by the police. The article had made clear that Mr McGuigan had previously fallen out of favour with the IRA, and said that he had been subject to a paramilitary-style attack after an altercation with Mr Davison. When considered in this context, the reference to the gunman as a "suspect" related to the threat from the IRA that he would be under following Mr Davison's death. The newspaper noted that on 29 May, the complainant's solicitor had informed it that the police had said that Mr McGuigan was not a suspect in Mr Davison's murder "at this point in time". It considered that it had never said otherwise, but that the police's position on this matter had been clearly subject to change.
9. The newspaper also argued that it was not misleading for its 18 August article to suggest that Mr McGuigan had been a suspect in the killing of Mr Davison, particularly given that it had been widely reported by many news outlets that Mr McGuigan had been killed in relation to Mr Davison's murder.
10. The newspaper said that before it published the 20 May article, it had been informed by reliable sources that the police had warned Mr McGuigan about threats to his life following the murder of Mr Davison. It said it was well known and not disputed that Mr McGuigan had been involved in a long-running dispute with Mr Davison. It said the complainant's contention that its article had prompted Mr McGuigan's murder was entirely without foundation. The newspaper noted that it had not named Mr McGuigan in the 20 May coverage in order to avoid putting any lives at risk.
11. The newspaper said that while the article had made reference to the gunman as a "former IRA killer", it had not stated that he had ever been convicted of murder. It noted that the complainant did not dispute that Mr McGuigan had a long association with the IRA. It said that the terrorist organisation was estimated to have been responsible for around 1,800 killings, and it was accepted that active IRA membership had involved participation in shootings and bombings. In addition, Mr McGuigan had served a significant jail sentence for kidnapping a Territorial Army soldier, and was involved in the leadership of the Direct Action Against Drugs group (DAAD), which was responsible for murdering at least 15 alleged drug dealers. The reference to the "former IRA killer" was therefore not misleading.
12. Furthermore, the newspaper argued that reporting on the murders of Mr Davison and Mr McGuigan was in the public interest. It noted that the government of Northern Ireland was still vulnerable to perceived and actual instances of paramilitary activity. In this instance, the deaths of Mr Davison and Mr McGuigan

had contributed to the withdrawal of the Ulster Unionist Party from the Northern Ireland Executive.

Relevant Code provisions

13. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.
- iii) The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 3 (Privacy)

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.
- iii) It is unacceptable to photograph individuals in private places without their consent. Note - Private places are public or private property where there is a reasonable expectation of privacy.

Findings of the Committee

14. The violent deaths of Mr Davison and Mr McGuigan were matters of important public interest in Northern Ireland, where Mr McGuigan's death – in particular – had significant political ramifications. These were major news events, and the newspaper was entitled to report developments in the story, as well as reaction to the deaths from within the police and republican community.
15. The 20 May article had not named Mr McGuigan, but it had included details that might have led readers to identify him as the individual to which the coverage related. The Committee proceeded with its consideration of the complaint on that basis.
16. Before the publication of the 20 May article, the newspaper had been informed by confidential sources in the republican community that, following Mr Davison's murder, republicans had suspected that Mr McGuigan had been involved. In addition, sources had said that the police had warned Mr McGuigan about a possible threat from the republican community. The complainant had also confirmed that on 16 May, the police had visited Mr McGuigan's home, and had told him that republicans were planning an attack on a man of his name at his address.
17. The 20 May article had not stated that the individual at the centre of its claims was an official police suspect. It had referred to him as a "suspect", and included details of his dispute with members of the IRA, including Mr Davison. Given the information provided by the newspaper's sources in the police and in the republican community, the Committee did not consider that it was significantly

misleading for the newspaper to refer to him as a “suspect” in the murder investigation. The fact that these allegations were not attributed to any one source did not render them significantly misleading. There was no breach of Clause 1 on this point.

18. Similarly, the newspaper had not stated that Mr McGuigan had been an official police suspect in its article of 18 August. It had made clear that he had been interviewed by police as a witness, and included his denial of any involvement in Mr Davison’s murder. In the full context, the reference to him as a “suspect” did not breach Clause 1.
19. It was accepted that Mr McGuigan had not been convicted of any murder. However, it was not in dispute that Mr McGuigan had been a prominent figure within paramilitary organisations, including the IRA, who had been imprisoned for ten years in relation to his involvement in the kidnapping of a Territorial Army soldier. It was also not disputed that he had been involved in the leadership of the Direct Action Against Drugs group, or that the group had been responsible for a series of murders. In the context of his previous conviction and the wider allegations about his activities and associations, it was not significantly misleading for the newspaper to refer to him as an “ex-IRA killer”. The article had not stated that he had been convicted of murder. There was no breach of Clause 1 on this point.
20. While the Committee understood the complainant’s concern that the 20 May article had put Mr McGuigan’s life in danger, Mr McGuigan had been aware of threats to his life before its publication. The publication of the story did not represent a failure to respect his private life in breach of Clause 3.

Conclusions

21. The complaint was not upheld.

APPENDIX H

Decision of the Complaints Committee 00671-16 Soames v The Sunday Times

Summary of complaint

1. Sir Nicholas Soames MP complained to the Independent Press Standards Organisation that The Sunday Times breached Clause 2 (Privacy) in an article headlined "Soames's mystery weight loss has Commons chewing the fat", published in print and online on 7 February 2016.
2. The article reported that Sir Nicholas Soames MP had "noticeably slimmed down following a spell away from the Commons". It said that "regulars in the House of Commons tearoom have their own theory" over Sir Nicholas' sudden weight loss, namely that he had been "fitted with a gastric band". It said that "whatever the cause, colleagues report that the bon viveur is uncharacteristically off his food". It included the comments of an unnamed Tory frontbencher who said that in the tearoom, Sir Nicholas had been "complaining that he can't even look at food"; further an unnamed "friend and former frontbencher" said that "Soames had been advised to lose weight to ease a back ailment that had been causing him pain". It said that "if such an order has been issued, it will be a serious blow to Soames" who was reputed to have become a director of a restaurant in Central London. The article also reported that after having been contacted twice "Soames declined to confirm or deny details of his weight loss regime or the presence of a gastric band", and that he had simply issued a "brief and unprintable two-word statement" in both instances. The text of the print and online articles was the same.
3. The complainant said that the article's speculation about his health intruded into his privacy. He said that the article's specific references to gastric band surgery and back problems – and the speculation that these medical matters had resulted in weight loss – were particularly intrusive. The complainant acknowledged that as a public figure, he was subject to press attention; this did not however mean that he did not have a right to privacy in relation to his health. The complainant said that he had not discussed matters relating to his health publicly.
4. The newspaper denied that the article intruded into the complainant's privacy. Sir Nicholas' physical appearance had always been a central part of his public image, and it was not intrusive for the article to speculate over the reasons for the sudden visible weight loss of a prominent political figure. The article made reference to Sir Nicholas' having undergone gastric band surgery and having had a back problem in the context of such speculation, and did not report as fact that he had undergone any such procedure.
5. The newspaper said that in any case, according to one of the unnamed sources, the complainant had openly discussed the reasons for his loss of appetite with his colleagues in the House of Commons tearoom, which it argued was a public place.

6. The newspaper provided a copy of a text message the reporter had sent to the complainant prior to publication. This made clear the reporter's assumption that since Sir Nicholas appeared to have been happy to discuss the reasons for his weight loss openly with colleagues, he would not object to discussing the matter further. The newspaper said that the complainant merely responded "fuck off". The newspaper said it considered the response to mean "no comment", and noted that the complainant did not provide a warning that he would consider publication an intrusion into his privacy. The complainant argued that the newspaper should have assumed that the characteristically robust response meant that the complainant considered the matter to be private. The newspaper also noted that the complainant had publicly commented on his weight loss after publication, referring to himself in a tweet as a "pie free zone sadly".

Relevant Code provisions

7. Clause 2 (Privacy)
 - i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
 - ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.

Findings of the Committee

8. It was not intrusive to report the mere fact that the complainant had recently lost weight, given that he is a figure in the public eye, and the change in his appearance was visible. However, the article went further than this, and speculated about possible medical causes for his weight loss, including questioning whether the complainant had undergone an invasive surgical procedure, which may have been due to back pain. This was information in relation to the complainant's health about he had a reasonable expectation of privacy and the Committee was not satisfied that the newspaper had demonstrated a sufficient public interest to justify publication. The speculation about this private medical information without the complainant's consent raised a breach of Clause 2.

Conclusion

9. The complaint was upheld.

Remedial action required

10. Having upheld the complaint, the Committee considered the remedial action that should be required. Given the nature of the breach, the appropriate remedial action was the publication of an upheld adjudication. The headline of the adjudication must make clear that IPSO has upheld the complaint, and refer to its subject matter; it must be agreed in advance. The original article had appeared on page 3, and the adjudication should appear on this page or further forward. It should also be published on the newspaper's website, with a link to the full

adjudication appearing on the homepage for 24 hours; it should then be archived in the usual way. Should the newspaper continue to publish the article online, without amendment, in light of this decision it should publish the adjudication in full, beneath the headline.

11. The terms of the adjudication to be published are as follows:

Following an article published in The Sunday Times on 7 February 2016 headlined "Soames's mystery weight loss has Commons chewing the fat", Sir Nicholas Soames MP complained to the Independent Press Standards Organisation that The Sunday Times had intruded into his privacy in breach of Clause 2 (Privacy) of the Editors' Code of Practice. IPSO upheld the complaint and has required The Sunday Times to publish this decision as a remedy to the breach.

The article reported that the complainant had "noticeably slimmed down following a spell away from the Commons", and that "regulars in the House of Commons tearoom have their own theory" over Sir Nicholas' sudden weight loss, namely that he had been "fitted with a gastric band".

The complainant said that the article's speculation about his health, and specific reference to gastric band surgery, intruded into his privacy. He said that he had not discussed matters relating to his health publicly.

The newspaper denied that the article intruded into the complainant's privacy. His physical appearance had always been a central part of his public image, and it was not intrusive to speculate over the reasons for the sudden visible weight loss. The article made reference to the complainant's having undergone surgery in the context of speculation, and did not report as fact that he had undergone any such procedure.

The Committee noted that simply reporting the complainant's visible weight loss was not intrusive. However, the question of whether he had undergone an invasive surgical procedure was a private matter. The speculation about this private medical information without the complainant's consent raised a breach of Clause 2.

APPENDIX I

Decision of the Complaints Committee 11843-15 Muslim Council of Britain v The Times

Summary of complaint

1. The Muslim Council of Britain complained to the Independent Press Standards Organisation that The Times breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Muslims 'silent on terror'", published on 26 December 2015. The article was also published online.
2. The article reported that figures from the National Police Chiefs Council (NPCC) showed that out of a total of 3,288 referrals in a six-month period, there were fewer than 300 community 'tip-offs' to Prevent, the Government's anti-extremism scheme. It explained that Prevent places people at risk of radicalisation into support programmes, and that as part of the scheme, community members are being encouraged to report activity indicating extremist or radical tendencies. It included comments from the NPCC that "the figures may not accurately capture the nature of the original source because in many cases members of the community will report in the first instance to the police". The article reported that there was a campaign by mosques and community bodies for a national boycott of Prevent, after Waltham Forest Council of Mosques announced a boycott of the scheme, and Muslim leaders in Newham had criticised the scheme. It explained that the Prevent scheme was associated with spying and criminalising Islam, and has been criticised as being akin to a "McCarthyite witch-hunt".
3. The newspaper explained that when the article was first published on the newspaper's website between 10:30pm and midnight, it had the same headline as the print version of the article. The article was then tailored for the website, which in this case included changing the headline to "Muslims 'stay silent' on extremism scheme", and adding a photograph of a woman wearing a niqab, captioned: "Muslims in Waltham Forest have announced a boycott of the Government's Prevent programme". The online article was otherwise the same as the print version of the article.
4. The complainant said that Muslims and Muslim organisations were outspoken on terror, and the headline claim that Muslims were "silent on terror" was therefore inaccurate. In addition, it said that the public may report potential threats of terrorism to the police or the national anti-terror hotline, rather than to Prevent. It was therefore misleading to suggest that Muslims are not reporting potential acts of terrorism on the basis of the proportion of community referrals to Prevent, and the fact that some Muslim organisations were boycotting the scheme. In addition, the complainant said it was not only Muslims that boycotted Prevent; this is a position taken by individuals and organisations of many faiths. The complainant also said that the large number of referrals to Prevent from public bodies was a result of the statutory duty on public bodies to make referrals; it was therefore misleading to claim that there was a lack of community response to the program on the basis of the lower proportion of community referrals.

5. The complainant said that the proportion of women wearing the niqab is extremely low, and unlikely to be even close to 0.1% of UK Muslims. The photograph was not an accurate representation of Muslims in the UK or in Waltham Forest.
6. The newspaper said that headlines do not exist in isolation, and that the article's sub headline ("Community boycotts anti-extremism scheme as racist") and the first two sentences of the article made the meaning of the headline immediately clear. The newspaper said that the effect of quotation marks varies according to context, but they can be used to caution readers that a phrase is not what it might seem, and that they should 'take care'. In the context of the sub headline and the article's introduction, "Muslims 'silent on terror'", was an accurate summary of the substance of the article, which was that the low number of community tip-offs to the Prevent scheme would raise concern that the police are being denied information that might prevent terrorist attacks. The newspaper said that the core tenet of the UK's anti-terrorism strategy is that there is an observed progression from non-violent extremism to violence, and that the former must be tackled to prevent the latter. It said that on this view, an apparent failure to fully engage with the UK's counter-extremism strategy raises concern that information would be withheld which might prevent a terrorist attack.
7. The newspaper noted the complainant's concern in relation to the photograph. It said it was making efforts to improve its choice of "generic" images, and had raised the issue with its picture desk.

Relevant Code Provisions

8. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.
- iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

9. "Muslims 'silent on terror'" was a claim capable of a number of interpretations in the absence of any context. However, it was immediately clear from the prominent sub headline and the text of the article that the reference to Muslims being "silent on terror" was a reference to the alleged boycotting of the Government's Prevent programme. In relation to the online article, the picture caption and first sentence immediately made clear the basis of the claim in the headline. However, while it did not raise a breach of the Code in this instance, the Committee expressed concern that the newspaper's practice of uploading print articles to its website without the sub headline risked significant clarifying information being omitted.

10. The article explained how the Prevent program worked. It included the figures released by the NPCC, explaining that some community 'tip-offs' might be made directly to the police, and that these 'tip-offs' were therefore not included in the figures. In addition, the article described how some members of the Muslim community had criticised the Prevent programme, and called for a boycott. In these circumstances, the article made clear the basis for claiming that "Muslims are boycotting the country's key anti-radicalisation programme", which was, in turn, the claim being made in the article's headline. In this context, the headline claim was not significantly misleading, and there was no failure to take care not to publish inaccurate information. In addition, the headline did not claim that Muslims or Muslim organisations were not otherwise outspoken about terrorism, and the article did not contain the alleged inaccuracy. There was no breach of Clause 1 on this point.
11. The photograph accompanying the online article did not suggest that the niqab is widely worn by UK Muslims, or by Muslims in Waltham Forest. The article was not misleading in the manner alleged, and this aspect of the complaint did not raise a breach of Clause 1. Nevertheless, the Committee welcomed the newspaper raising the issue of the choice of "generic" images with its picture desk.

Conclusion

12. The complaint was not upheld.

APPENDIX J**Decision of the Complaints Committee
12114-15 Tooze v The Sun****Summary of complaint**

1. Steve Tooze complained to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Coke in loo at Jez bash", published in print on 21 December 2015, and "Hard left Labour group in drug shame as Sun investigation finds coke in loos at Corbyn bash", published online on 21 December 2015.
2. The articles reported that traces of cocaine had been found in the toilets of a pub where Momentum members – a group which it said had close links to Jeremy Corbyn – held a Christmas party. It said that its reporter had used special detection wipes in the toilets at the end of the party which confirmed the presence of Class A drugs. It said that the party was a "private" Christmas party and "ticket-only". The article reported that Momentum had declined to comment on the publication's findings.
3. The articles were identical in print and online except for the headline.
4. The complainant said that the headline on the online article, the sub-headline on the print version – which read "drug shame" – and the article itself implied that the Momentum members in the pub that night were users of Class A drugs. He pointed out that the venue was a busy urban pub and that the traces of cocaine found could well have been present from other events. He said that the event was not only open to Momentum members, and that members of the public without any links to the group could have paid on the night to attend. While he accepted that it appeared as though the wipes detected the presence of Class A drugs, he said that this on its own did not prove that the drug use was recent, or that it was linked to Momentum members attending the event. He said that the article was a classic example of "smear-by-implication", and part of the publication's attempts to undermine Jeremy Corbyn.
5. The newspaper denied that the online headline, sub-headline on the print version and the article itself implied that Momentum were responsible for the drugs found at the venue. It said that the word "shame" in the headline referred to the fact that traces of cocaine were found at the event, and did not state that Momentum members had taken the drugs; however, it said that somebody at the party had. It said that the reporter had used the wipes, reported the results and presented the facts; it said that readers of the article were perfectly capable of coming to their own conclusions on this basis.
6. The newspaper explained that the pub's manager had confirmed that the toilets had been thoroughly cleaned before the Momentum event, and did not believe it was credible that traces of the drug would still be left on the cisterns from previous events after the toilets had been cleaned. It also said that it was unlikely that strangers with no affiliation with Momentum would have turned up on the night of the event and paid an entrance fee. It pointed out that the complainant had not been at the event in question.

Relevant Code Provisions

7. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.

Findings of the Committee

8. The article reported that traces of cocaine had been found in the toilets at the venue at which the Momentum Christmas party had taken place, and implied that drugs had been taken by an attendee of the party: this was the "shame" referred to in both versions of the article. The Committee acknowledged that the test used by the newspaper could not conclusively show that drugs were taken by an attendee at the party that night. However, the manager of the pub had said that the toilets had been cleaned before the party, the only attendees present in the venue that night were attending the Momentum event, and traces of drugs had been detected. This was a reasonable basis on which to infer that drugs had been used by an attendee. In these circumstances, the Committee was satisfied that the newspaper had not failed to take care not to publish inaccurate, misleading or distorted information. There was no breach of Clause 1.

Conclusions

9. The complaint was not upheld.

APPENDIX K

**Decision of the Complaints Committee
00306-16 Portes v Daily Express****Summary of complaint**

1. Jonathan Portes complained to the Independent Press Standards Organisation that the Daily Express breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Europe's leaders have no plan to cut immigration", published on 18 January 2016.
2. The article was an opinion piece in which the author expressed his view that Britain should leave the European Union. The article referred extensively to the "new migrant disaster", and suggested that as long as Britain remained in the EU, it would have no control of immigration. The author supported his view by referring to a "revelation" at the weekend that "at least 20,000 Indians have been allowed to settle in Britain by using Portuguese passports since their homeland of Goa was once a colony of Portugal", and said that this figure was "just part of an annual tidal wave of 228,000 non-EU migrants who use European passports to gain access to Britain".
3. The print and online versions of the article were identical.
4. The complainant said that it was inaccurate to report that 228,000 EU citizens born outside of the EU gained access to Britain on an annual basis; he said that the total number of non-EU migrants coming to Britain annually, the vast majority of whom do not have EU passports, was only about 300,000.
5. The newspaper accepted that the 228,000 figure was inaccurate in that it should have referred to the total number of EU citizens born outside of the EU who were living in Britain. It said that that figure had been taken from a report in another newspaper which had referred to Office of National Statistics (ONS) figures, and had been misread. The newspaper said that it was common practice for columnists to use statistics from other publications in their pieces. It denied that the inaccuracy rendered the article significantly misleading. Nonetheless, it corrected the online article and added the following footnote:

This article was amended on 4 March 2016. It previously stated that the "annual tidal wave of non EU migrants who use European passports to gain access to Britain" was 228,000. This number is the total known number of non-EU migrants that entered with European passports not the annual figure.

6. The complainant accepted that the figure of 228,000 was an accurate figure for the total number of EU citizens born outside the EU living in Britain. However, he said that the inaccuracy was significantly misleading, the online correction was unclear and believed that a correction should also be published in print. He also criticised the newspaper for copying figures from other publications.

Relevant Code Provisions

7. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

Findings of the Committee

8. The article was a polemic which expressed the view that Britain should leave the EU. This view was supported by several arguments based around the issue of immigration. The newspaper had explained that the figure for EU citizens born outside the EU had been misread from an article in another newspaper as an annual, rather than total, number. This figure was used to illustrate the author's assertion that Britain would have no control of immigration while it remained in the EU. In this context, it was a compelling statistic which added credence to the author's point in respect of immigration, as well as to the strength of his overall argument that Britain should leave the EU. The error which led to the statistic being incorrectly reported represented a failure to take care not to publish misleading information in breach of Clause 1(i), and was significantly misleading such as to warrant correction under Clause 1(ii).
9. The newspaper had removed the inaccuracy from the online article, and published a footnote explaining that the article had been amended. The wording of this footnote recognised the inaccuracy; there was no breach of Clause 1(ii) in relation to the online article. However, the newspaper had failed to correct the inaccuracy in print, and this represented a further breach of the Code.

Conclusions

10. The complaint was upheld.

Remedial Action Required

11. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or adjudication, the nature, extent and placement of which is determined by IPSO. The newspaper had published a correction online, which met the requirements of Clause 1(ii); however, it had not corrected the inaccuracy in print, and had failed to comply with its obligations under this Clause. In this case, the Committee required the newspaper to publish a correction in its established Amplifications and Clarifications column which mirrors the text of the correction already published online; it should also explain that that the correction is being published following a ruling by IPSO.

APPENDIX L

Paper No.	File Number	Name v Publication
551		Request for review
552		Third party
574	06593-15	Clarke v Daily Express
577	10510-15	Alsafar v Fife Free Press
578	12311-15 / 12348-15	Downes v Shropshire Star / Shrewsbury Chronicle
579	10080-15	Cleghorn v Telegraph.co.uk
580	08346-15	Rangers Supporters Trust v Dundee Courier and Advertiser
581	08102-15	Levick v The Times
582	04727-15	Hanks v Ayrshire Post
583		Third party
584		Request for review
586	07065-15	House v Grimsby Telegraph
587	06220-15	House v Daily Mail
588	07060-15	House v The Times
589	07054-15	House v The Daily Telegraph
590	07064-15	House v Daily Mirror
591	07056-15 / 07063-15	House v Daily Star Online / Daily Express Online
593	05983-15	Beggs v The Scottish Sun
595		Request for review
596		Third party
597	11970-15 / 11996-15	Gerrard v Runcorn Weekly News / Liverpool Echo
600		Third party
601		Request for review
603	11947-15	Boswell v Scottish Mail on Sunday
606	12290-15	Bakehouse v Bristol Post
607	07557-15	Towers v Northern Echo
609		Third party
610		Request for review
613	00328-16	Herry v Sunday Mercury
614	00555-16	Best v Sunday Life
615	12322-15	Heaps v Nottingham Post
616	00545-16	Elan-Cane v The Spectator
617		Third party
618		Request for review
619	11861-15	West Sussex County Council v The Argus
620	11868-15	Versi v Daily Star on Sunday

621	00050-16	Lisle-Mainwaring v Mail Online
622	11847-15	Khason v Hastings & St Leonards Observer
624		Third party
625		Request for review
626	12223-15	Proudman v The Times
627	12281-15	Nartey v Mirror.co.uk
628	12340-15	Nartey v Telegraph.co.uk
630	08076-15	Foxhall v Express & Star
633		Third party
634		Request for review