

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 7 October 2016 at 10.30 am
Gate House, 1 Farringdon Street, London EC4M 7LG

Present: Sir Alan Moses, Chairman
Richard Best
Lara Fielden
Janette Harkess
Gill Hudson
David Jessel
Jill May
Neil Watts
Elisabeth Ribbans
Peter Wright (Items 1-5 & 11, 14 & 15)
Nina Wrightson

In attendance: Ben Gallop, Head of Complaints
Michelle Kuhler, PA to CEO and minute taker
Bianca Strohmann, Head of Complaints
Matt Tee, Chief Executive Officer

Also present: Members of the Executive:

Xavier Bastin
Ciaran Cronin
Niall Duffy
Isabel Gillen-Smith
Vikki Julian
Holly Pick
Liam Tedds
Charlotte Urwin
Hugo Wallis

Observers: Jonathan Grun, Editors' Code of Practice Committee
Rick Hill, Board Member

1. Apologies for Absence

Apologies for absence were received from Matthew Lohn.

2. Declarations of Interest

Peter Wright declared an interest in items 6, 7, 8, 9, 12 & 13. He left the meeting for these items.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 7 September 2016 as a true and accurate record.

4. Update by the Chairman

The Chairman gave feedback on the External Reviewer's report, and said that it was a thoroughly independent review of IPSO's first two years in operation. He also thanked IPSO's staff for all their hard work.

5. Matters Arising

There were no items arising.

6. Complaint 04531-16 Murray v Mail Online

The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its rulings appear in **Appendix A**.

7. Complaint 04532-16 Murray v The Sun

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

8. Complaint 04533-16 Murray v Telgraph.co.uk

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

9. Complaint 04551-16 Murray v Daily Mail

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

10. Complaint 04455-16 HRH Princess Beatrice of York v Mail Online

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

11. Complaint 03351-16 A Man v The Argus (Brighton)

The Committee discussed the complaint and ruled that the complaint should not be upheld. Due to ongoing legal proceedings against the complainant, the decision will not be published until those proceedings have concluded.

12. Complaint 03090-16 Graham v Daily Mail

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

13. Complaint 03176-16 Delich v The Sun on Sunday

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

14. Complaint 03069-16 Wyper v Sunday Express

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

15. Complaints not adjudicated at a Complaints Committee meeting

The Committee confirmed its formal approval of the papers listed in **Appendix I**.

16. Any other business

No other business was recorded.

17. Date of Next Meeting

The date of the next meeting was confirmed as Wednesday 14 December 2016.

The meeting ended at 12.05pm

Michelle Kuhler
PA to CEO

APPENDIX A

Decision of the Complaints Committee
04531-16 Representatives of Sophia Murray v Mail Online

Summary of the complaint

1. Representatives of Sophia Murray complained to the Independent Press Standards Organisation that Mail Online breached Clause 2 (Privacy), Clause 3 (Harassment) and Clause 6 (Children) of the Editors' Code of Practice in an article headlined "Baby's first Wimbledon! Kim Murray takes four-month-old daughter Sophia to watch her dad Andy win his first round match in three straight sets", published online on 28 June 2016, and in an article headlined "Murray's three-hour ordeal after his matches: Ice baths, 50 pieces of sushi and a gruelling session with 'The Back Whisperer'", published online on 1 July 2016.
2. The 28 July article reported that Andy and Kim Murray's four-month-old daughter, the complainant, had attended the Wimbledon tennis tournament for the first time. It was accompanied by a number of images of the complainant being pushed in her pram by her mother. In two of these images, the top of the complainant's head was visible, although occupied a relatively small portion of the frame. In two other images, the complainant's mother was pushing the pram, and only the complainant's foot was visible. Two other images simply showed the complainant's mother with the pram.
3. The 1 July article largely reported on the complainant's father's post-match routine. However, the article also reported that "while she may be missing Daddy, there's no question of hardship for baby Murray", and explained that the Wimbledon crèche had recently been upgraded. It was accompanied by two images of the complainant being pushed in her pram by her mother, in one of which, the top of the complainant's head was visible.
4. The complainant's representatives said that the taking of photographs of the complainant in a pram, without the knowledge or consent of her parents, and publication of the photographs, was an intrusion into the complainant's private and family life. They said that Mrs Murray was attending Wimbledon to support her husband, and that in order for her to most appropriately care for the complainant, as a nursing mother, she needed to take her young daughter with her. The complainant's representatives said that the publication's actions interfered with the complainant's right to be cared for in the manner deemed most appropriate by her parents, without being subject to photography, and that as a consequence of the photographs being published, arrangements were made for the complainant to be looked after at home, which disrupted her feeding arrangements.
5. The complainant's representatives said that images of the complainant have not been released by her parents, who had previously made it clear to the publication that their clients objected to photographs of the complainant being taken and published.

6. The complainant's representatives said that the dissemination of a child's otherwise unpublished image, against the express wishes of her parents, was likely to cause harm and distress. In addition, they said that publication of such material creates a market for intrusive photographs of their client, and encourages harassing conduct by paparazzi photographers. They said that when the complainant and her mother arrived and left Wimbledon that day, they were jostled and pushed by a group of unknown photographers. They said that in these circumstances, the taking and publication of the photographs constituted harassment.
7. The publication said that the complainant did not have a reasonable expectation of privacy in the circumstances in which the photographs were taken. It said that the complainant had entered Wimbledon, a high profile public event, via Gate 16, which is an entrance used by the media, and where press are routinely situated. The publication said that the photographer took the photographs from a position where he was entitled to be, standing approximately 50m from the gate when the complainant arrived. The publication said that the photographs of the complainant had been taken from the same spot in previous years. The publication noted that the Wimbledon conditions of entry state that during the tournament, photography takes place in the Grounds, and that "by your presence at The Championships, you grant your permission, free of charge, for your image ...to be included in pictures".
8. The publication said that the photographer did not know that the complainant was being taken to a crèche, but that this did not make her arrival at Wimbledon a private activity. It said that the complainant was not identifiable in the images, and that the images did not contain information about her private life, or relate to her welfare.
9. The publication said that the complainant was not targeted; it said that the photographer who took the photographs subject to this complaint was unaware that the complainant and her mother would be arriving at Gate 16 at the time in question. It said that the photographer made no attempt to follow the complainant, and denied that the complainant was harassed.
10. The publication said that the 1 July article was published before it was made aware of the complaint against the 28 June article. The publication said it was aware of a Private Advisory Notice circulated by IPSO on the complainant's behalf on 29 June, containing the complainant's parents' request that they do not consent to the publication of photographs of the complainant. The publication said that due consideration was given to the notice, prior to publication of the 1 July article, but that it was advisory, and did not prevent photography where in circumstances where the complainant did not have a reasonable expectation of privacy.
11. The complainant's representatives said that before the photograph was taken, and in response to Kim Murray's concern that her daughter not be photographed, Wimbledon had specifically suggested that they use Gate 16 as it would be quiet and free from problems. The complainant's representatives said that Gate 16 is described by Wimbledon as a "private and contractors" entrance, and said that the photographer was not in an approved position.

Relevant Code Provisions

12. 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.
- iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

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 source.

Clause 6 (Children)

- i) All pupils should be free to complete their time at school without unnecessary intrusion.
- ii) They must not be approached or photographed at school without permission of the school authorities.
- iii) Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- iv) Children under 16 must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
- v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

Findings of the Committee

13. Whether an individual has a reasonable expectation of privacy is highly sensitive to the facts of a case. In this instance, the complainant was a very young child. She could not be described as a public figure, and neither had her parents sought publicity for her. In addition, she was, at the time she was photographed, being taken by her mother, in a pram, to the Wimbledon crèche. The complainant's representatives explained that, as a consequence of the publication of the photograph under complaint, the complainant's mother had made the decision that those childcare arrangements had to be changed. All these factors supported the complainant's representative's position that the complainant had enjoyed a reasonable expectation of privacy in relation to the taking and publication of the photographs.

14. At the same time, the complainant was being taken by her mother through a press entrance to Wimbledon; a major sporting event where there would inevitably be a

very large number of spectators, and photographers. While the gate used by the complainant was not a ticket-holders' entrance, it was accepted that it was a public location, and it appeared that photographers were allowed to stand in a position overlooking the gate. Photographers had taken photographs of the complainant's mother entering via this gate in previous years, and the Committee noted that the photographer who took the photographs subject to this complaint had taken a number of other photographs of people entering via this gate on the same morning; there was no suggestion that the photographer had targeted, or sought-out the complainant.

15. At the time of the photography, the complainant was simply being pushed in a pram, and while the Committee accepted that this showed her engaged in a family activity relating to her care, that activity was relatively unremarkable. Furthermore, as a result of the complainant's age, and the fact that her face was only partially visible, the Committee did not consider that the complainant was recognisable from the photographs published by the publication, or that they disclosed any identifying or private information about her.
16. Having regard for all these factors, the Committee concluded that the nature of the photographs and the circumstances and location in which they were taken meant that the complainant did not, at that time, enjoy a reasonable expectation of privacy. As such, neither the taking nor publication of the photographs breached Clause 2. The Committee emphasised that this finding was highly specific to the circumstances of this case, and particularly the fact these photographs were taken within the grounds of Wimbledon during The Championships.
17. The Committee noted that the complainant's parents had made clear their position that they did not consent to publication of photographs via IPSO, prior to the publication of the 1 July article. However, in circumstances where the Committee did not establish that the complainant had a reasonable expectation of privacy, the absence of consent for publication did not give rise to a breach of Clause 2.
18. The photographs subject to this complaint were taken without the knowledge of the complainant's mother, and there was therefore no suggestion that the photographer had continued to photograph the complainant after being asked to desist, or that the photographer's behaviour had otherwise harassed the complainant.
19. The Committee did not consider that the act of publication of the photograph, in the circumstances, constituted harassment under the terms of Clause 3. Clause 3 generally relates to the conduct of journalists in the news gathering process. Publication of information would only represent a course of conduct such as to represent harassment under the terms of Clause 3 in exceptional circumstances. The Committee did not consider that publication's publication of the photograph was such a case, and this aspect of the complaint did not raise a breach of Clause 3.
20. The information the photographs contained about the complainant, her arrival at Wimbledon, or being pushed in a pram on her way to the Wimbledon crèche were not issues involving her welfare, such that consent for the photograph from a parent was required under Clause 6 (iii). The Committee did not establish that the

publication had published details of the complainant's private life, such as to require justification. The terms of Clause 6 (v) were not engaged. There was no breach of Clause 6.

Conclusions

21. The complaint was not upheld.

Remedial action required

22. N/A

Received: 29/06/2016

Concluded: 28/10/2016

APPENDIX B

Decision of the Complaints Committee 04532-16 Representatives of Sophia Murray v The Sun

Summary of complaint

1. Representatives of Sophia Murray complained to the Independent Press Standards Organisation that The Sun breached Clause 2 (Privacy), Clause 3 (Harassment) and Clause 6 (Children) of the Editors' Code of Practice in an article headlined "Andy Baby Show", published on 29 June 2016, and in an article headlined "One Love Kim Murray stuns as she takes daughter Sophie out to experience her first Wimbledon while dad Andy stars on Centre Court", published online on 28 June 2016.
2. The article reported that Andy and Kim Murray's four-month-old daughter, the complainant, had attended the Wimbledon tennis tournament for the first time. It was accompanied by an image of the complainant being pushed in the pram by her mother. The top of the complainant's head was visible in the image, but occupied a relatively small portion of the frame. The words "Andy baby show" were accompanied by an arrow pointing at the complainant's head.
3. The online version of the article contained two additional images of the complainant being pushed in her pram. In one of the additional images, the complainant's mother was pushing the pram, but the complainant was not visible apart from her foot. In the other additional image, only the complainant's feet and forehead were visible.
4. The complainant's representatives said that the taking of a photograph of the complainant in a pram, without the knowledge or consent of her parents, and publication of the photograph in a national newspaper, was an intrusion into the complainant's private and family life. They said that Mrs Murray was attending Wimbledon to support her husband, and that in order for her to most appropriately care for the complainant, as a nursing mother, she needed to take her young daughter with her. The complainant's representatives said that the newspaper's actions interfered with the complainant's right to be cared for in the manner deemed most appropriate by her parents, without being subject to photography, and that as a consequence of the photograph being published, arrangements were made for the complainant to be looked after at home, which disrupted her feeding arrangements.
5. The complainant's representatives said that images of the complainant have not been released by her parents, who had previously made it clear to the newspaper that their clients objected to photographs of the complainant being taken and published.
6. The complainant's representatives said that the dissemination of a child's otherwise unpublished image, against the express wishes of her parents, was likely to cause harm and distress. In addition, they said that publication of such material creates a market for intrusive photographs of their client, and encourages harassing conduct by paparazzi photographers. They said that when the

complainant and her mother arrived and left Wimbledon that day, they were jostled and pushed by a group of unknown photographers. They said that in these circumstances, the taking and publication of the photographs constituted harassment.

7. The newspaper said that the complainant had entered into a public area of the most famous tennis venue in the world via Gate 16, a non-ticket holder's entrance, close to the media centre. It said that the complainant's mother had been photographed entering via Gate 16 in previous years. The newspaper said that the complainant was not identifiable in the photographs it published, and said that there was nothing private about taking a child through a public area to a crèche. The newspaper noted that the Wimbledon conditions of entry state that during the tournament, photography takes place in the Grounds, and that "by your presence at The Championships, you grant your permission, free of charge, for your image ...to be included in pictures".
8. The newspaper said that the photographer who took the photograph was accredited to the Wimbledon Tournament. It said that it was unaware that the complainant was going to a crèche, and that the photographer had no prior knowledge of the complainant's arrival. It said that during the incident, the photographer was working at a distance from the complainant and her mother, and did not follow them or impede their progress. The newspaper denied that any journalist working for, or on behalf of the newspaper had harassed the complainant.
9. The complainant's representatives said that before the photograph was taken, and in response to Kim Murray's concern that her daughter not be photographed, Wimbledon had specifically suggested that they use Gate 16 as it would be quiet and free from problems. The complainant's representatives said that Gate 16 is described by Wimbledon as a "private and contractors" entrance, and said that the photographer was not in an approved position.

Relevant Code Provisions

10. 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.
- iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

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 source.

Clause 6 (Children)

- i) All pupils should be free to complete their time at school without unnecessary intrusion.
- ii) They must not be approached or photographed at school without permission of the school authorities.
- iii) Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- iv) Children under 16 must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
- v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

Findings of the Committee

11. Whether an individual has a reasonable expectation of privacy is highly sensitive to the facts of a case. In this instance, the complainant was a very young child. She could not be described as a public figure, and neither had her parents sought publicity for her. In addition, she was, at the time she was photographed, being taken by her mother, in a pram, to the Wimbledon crèche. The complainant's representatives explained that, as a consequence of the publication of the photographs under complaint, the complainant's mother had made the decision that those childcare arrangements had to be changed. All these factors supported the complainant's representative's position that the complainant had enjoyed a reasonable expectation of privacy in relation to the taking and publication of the photographs.
12. At the same time, the complainant was being taken by her mother through a press entrance to Wimbledon; a major sporting event where there would inevitably be a very large number of spectators, and photographers. While the gate used by the complainant was not a ticket-holders' entrance, it was accepted that it was a public location, and it appeared that photographers were allowed to stand in a position overlooking the gate. Photographers had taken photographs of the complainant's mother entering via this gate in previous years. There was no suggestion that the photographer had targeted, or sought-out the complainant.
13. At the time of the photography, the complainant was simply being pushed in a pram, and while the Committee accepted that this showed her engaged in a family activity relating to her care, that activity was relatively unremarkable. Furthermore, as a result of the complainant's age, and the fact that her face was only partially visible, the Committee did not consider that the complainant was recognisable from the photographs published by the newspaper, or that they disclosed any identifying or private information about her.
14. Having regard for all these factors, the Committee concluded that the nature of the photographs and circumstances and location in which they were taken meant that the complainant did not, at that time, enjoy a reasonable expectation of

privacy. As such, neither the taking nor publication of the photographs breached Clause 2. The Committee emphasised that this finding was highly specific to the circumstances of this case, and particularly the fact these photographs were taken within the grounds of Wimbledon during The Championships.

15. The photographs subject to this complaint were taken without the knowledge of the complainant's mother, and there was therefore no suggestion that the photographer had continued to photograph the complainant after being asked to desist, or that the photographer's behaviour had otherwise harassed the complainant.
16. The Committee did not consider that the act of publication of the photographs, in the circumstances, constituted harassment under the terms of Clause 3. Clause 3 generally relates to the conduct of journalists in the news gathering process. Publication of information would only represent a course of conduct such as to represent harassment under the terms of Clause 3 in exceptional circumstances. The Committee did not consider that the newspaper's publication of the photograph was such a case, and this aspect of the complaint did not raise a breach of Clause 3.
17. The information the photographs contained about the complainant, her arrival at Wimbledon, or being pushed in a pram on her way to the Wimbledon crèche were not issues involving her welfare, such that consent for the photograph from a parent was required under Clause 6 (iii). The Committee did not establish that the newspaper had published details of the complainant's private life, such as to require justification. As such, there was no breach of Clause 6 (v). There was no breach of Clause 6.

Conclusions

18. The complaint was not upheld.

Remedial action required

19. N/A

Received: 29/06/2016

Concluded: 28/10/2016

APPENDIX C

Decision of the Complaints Committee
04533-16 Representatives of Sophia Murray v Telegraph.co.uk

Summary of Complaint

1. Representatives of Sophia Murray complained to the Independent Press Standards Organisation that Telegraph.co.uk breached Clause 2 (Privacy), Clause 3 (Harassment) and Clause 6 (Children) of the Editors' Code of Practice in an article headlined "Wimbledon makes an exception on 'no baby' rule as Kim Sears brings daughter Sophia to cheer on Andy Murray", published online on 29 June 2016.
2. The article reported that Andy and Kim Murray's four-month-old daughter, the complainant, had "entered the All England grounds for her first grand slam tournament". It reported that the complainant was understood to have spent her father's match in the crèche offered to competitors. The article was accompanied by two photographs of the complainant's mother pushing the complainant in her pram. In one of these photographs, the top of the complainant's head was visible, but occupied a relatively small portion of the frame. In the other image, the pram was photographed from the side, such that the complainant was not visible apart from her foot.
3. The complainant's representatives said that the taking and publication of photographs of the complainant in a pram, without the knowledge or consent of her parents, was an intrusion into the complainant's private and family life. They said that Mrs Murray was attending Wimbledon to support her husband, and that in order for her to most appropriately care for the complainant, as a nursing mother, she needed to take her young daughter with her. The complainant's representatives said that the newspaper's actions interfered with the complainant's right to be cared for in the manner deemed most appropriate by her parents, without being subject to photography, and that as a consequence of the photographs being published, arrangements were made for the complainant to be looked after at home, which disrupted her feeding arrangements.
4. The complainant's representatives said that images of the complainant had not been released by her parents. They said that the dissemination of a child's otherwise unpublished image, against the express wishes of her parents, was likely to cause harm and distress. In addition, they said that publication of such material creates a market for intrusive photographs of their client, and encourages harassing conduct by paparazzi photographers. They said that when the complainant and her mother arrived and left Wimbledon that day, they were jostled and pushed by a group of unknown photographers. They said that in these circumstances, the taking and publication of the photographs constituted harassment.
5. The newspaper said that during the Wimbledon fortnight, the All England Club is one of the most filmed and photographed places in the world, and noted that the conditions of entry state that during the tournament, photography takes place in the Grounds, and that "by your presence at The Championships, you grant your permission, free of charge, for your image ...to be included in pictures".

6. The newspaper said that the complainant entered the tournament via Gate 16, an entrance used by the media. It said that the photographer who took the photographs subject to this complaint had no prior knowledge of the complainant's arrival, maintained a distance of approximately 50m from the gate, and made no attempt to follow the complainant and her mother. The newspaper said that once the complainant had entered the gate, she was in an area accessible to anyone authorised to be within the grounds during The Championships. It said that the photographer was permitted to operate in the area from which he took the photographs subject to this complaint. The newspaper said no identifying features of the complainant were visible in the photographs it published, and that the complainant did not have a reasonable expectation of privacy.
7. The newspaper denied that the photographer followed the complainant's mother prior to her arrival at Wimbledon. It denied that the complainant had been harassed by the taking of the published photographs, and noted that the complainant's representatives had said that the complainant and her mother were unaware of the photographs being taken.
8. The complainant's representatives said that before the photographs were taken, and in response to Kim Murray's concern that her daughter not be photographed, Wimbledon had specifically suggested that they use Gate 16 as it would be quiet and free from problems. The complainant's representatives said that Gate 16 is described by Wimbledon as a "private and contractors" entrance, and said that the photographer was not in an approved position.

Relevant Code Provisions

20. 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.
- iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

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 source

Clause 6 (Children)

- i) All pupils should be free to complete their time at school without unnecessary intrusion.
- ii) They must not be approached or photographed at school without permission of the school authorities.
- iii) Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- iv) Children under 16 must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
- v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

Findings of the Committee

21. Whether an individual has a reasonable expectation of privacy is highly sensitive to the facts of a case. In this instance, the complainant was a very young child. She could not be described as a public figure, and neither had her parents sought publicity for her. In addition, she was, at the time she was photographed, being taken by her mother, in a pram, to the Wimbledon crèche. The complainant's representatives explained that, as a consequence of the publication of the photographs under complaint, the complainant's mother had made the decision that those childcare arrangements had to be changed. All these factors supported the complainant's representative's position that the complainant had enjoyed a reasonable expectation of privacy in relation to the taking and publication of the photographs.
22. At the same time, the complainant was being taken by her mother through a press entrance to Wimbledon; a major sporting event where there would inevitably be a very large number of spectators, and photographers. While the gate used by the complainant was not a ticket-holders' entrance, it was accepted that it was a public location, and it appeared that photographers were allowed to stand in a position overlooking the gate. Photographers had taken photographs of the complainant's mother entering via this gate in previous years, and the Committee noted that the photographer who took the photographs subject to this complaint had taken a number of other photographs people entering via this gate on the same morning; there was no suggestion that the photographer had targeted, or sought-out the complainant.
23. At the time of the photography, the complainant was simply being pushed in a pram, and while the Committee accepted that this showed her engaged in a family activity relating to her care, that activity was relatively unremarkable. Furthermore, as a result of the complainant's age, and the fact her face was only partially visible, the Committee did not consider that the complainant was recognisable from the photographs published by the newspaper, or that they disclosed any identifying or private information about her.
24. Having regard for all these factors, the Committee concluded that the nature of the photographs and circumstances and location in which they were taken meant that the complainant did not, at that time, enjoy a reasonable expectation of

privacy. As such, neither the taking nor publication of the photographs breached Clause 2. The Committee emphasised that this finding was highly specific to the circumstances of this case, and particularly the fact these photographs were taken within the grounds of Wimbledon during The Championships.

25. The photographs subject to this complaint were taken without the knowledge of the complainant's mother, and there was therefore no suggestion that the photographer had continued to photograph the complainant after being asked to desist, or that the photographer's behaviour had otherwise harassed the complainant.
26. The Committee did not consider that the act of publication of the photographs, in the circumstances, constituted harassment under the terms of Clause 3. Clause 3 generally relates to the conduct of journalists in the news gathering process. Publication of information would only represent a course of conduct such as to represent harassment under the terms of Clause 3 in exceptional circumstances. The Committee did not consider that newspaper's publication of the photographs was such a case, and this aspect of the complaint did not raise a breach of Clause 3.
27. The information the photograph contained about the complainant, her arrival at Wimbledon, or being pushed in a pram on her way to the Wimbledon crèche were not issues involving her welfare, such that consent for the photographs from a parent was required under Clause 6 (iii). The Committee did not establish that the newspaper had published details of the complainant's private life, such as to require justification. As such, there was no breach of Clause 6 (v). There was no breach of Clause 6.

Conclusions

28. The complaint was not upheld.

Remedial action required

29. N/A

Received: 29/06/2016

Concluded: 28/10/2016

APPENDIX D

Decision to the Complaints Committee 04551-16 Representatives of Sophia Murray v Daily Mail

Summary of the complaint

1. Representatives of Sophia Murray complained to the Independent Press Standards Organisation that the Daily Mail breached Clause 2 (Privacy) and Clause 3 (Harassment) and Clause 6 (Children) of the Editors' Code of Practice in an article headlined "Mini Miss Murray, our new bawl girl!", published 29 June 2016.
2. The article reported that Andy and Kim Murray's four-month-old daughter, the complainant, had attended the Wimbledon tennis tournament for the first time. It was accompanied by two images of the complainant. One depicted Kim Murray pushing the complainant in a pram. The second image was a cropped version of the first image, such that the complainant was its only subject, and dominated the frame. In this image, the complainant was lying in a pram, such that her head was depicted at a low angle; her forehead, nose and one eye were visible. While the article appeared on page 5, the cropped image was published as the main image on the front page of the newspaper, with the headline: "New bawls please...it's little Miss Murray". The article reported that the complainant "spent her father's match...snuggled up in the players' complex creche".
3. The complainant's representatives said that the taking of a photograph of the complainant in a pram, without the knowledge or consent of her parents, and publication of the photograph in a national newspaper, was an intrusion into the complainant's private and family life. They said that Mrs Murray was attending Wimbledon to support her husband, and that in order for her to most appropriately care for the complainant, as a nursing mother, she needed to take her young daughter with her. The complainant's representatives said that the newspaper's actions interfered with the complainant's right to be cared for in the manner deemed most appropriate by her parents, without being subject to photography, and that as a consequence of the photograph being published, arrangements were made for the complainant to be looked after at home, which disrupted her feeding arrangements.
4. The complainant's representatives said that images of the complainant have not been released by her parents, who had made it clear to the newspaper that their clients objected to photographs of the complainant being taken and published.
5. The complainant's representatives said that the dissemination of a child's otherwise unpublished image, against the express wishes of her parents, was likely to cause harm and distress. In addition, they said that publication of such material creates a market for intrusive photographs of their client, and encourages harassing conduct by paparazzi photographers. They said that when the complainant and her mother arrived and left Wimbledon that day, they were jostled and pushed by a group of unknown photographers. They said that in these circumstances, the taking and publication of the photographs constituted harassment.

6. The newspaper said that the complainant did not have a reasonable expectation of privacy in the circumstances in which the photographs were taken. It said that the complainant and her mother were arriving at one of the highest profile sporting events of the year via Gate 16, an entrance to the All England Club used by members of the media, players, and officials. It said that it was a pedestrian entrance, overlooked by an area which is designated for photographers to take pictures. The newspaper said that the complainant's mother had been photographed arriving at Wimbledon via Gate 16 in previous years, and provided images of Venus Williams, Sir Cliff Richard and the complainant's father arriving via this gate in the 40 minutes before the complainant and her mother arrived. The newspaper noted that the Wimbledon conditions of entry state that during the tournament, photography takes place in the Grounds, and that "by your presence at The Championships, you grant your permission, free of charge, for your image ...to be included in pictures".
7. The newspaper said that the photographer could not have known that the complainant was on her way to the crèche, but that this did not render her arrival at the grounds a private activity. It said that the complainant did not have a reasonable expectation of privacy in places where photographers may be expected to be present, and the complainant's mother had chosen to place the complainant in a situation in which it was plainly to be expected that they would be photographed. The newspaper said that the photograph did not engage any issue involving Sophia Murray's welfare, nor did it reveal anything private about the child. The newspaper said that there were other gates at Wimbledon through which VIPs may enter the ground, including one where they can drive through without being photographed. It said that had the complainant's parents wished to take steps to avoid her being photographed, they could have done so.
8. The newspaper said that the photographer who took the photograph was accredited to the Wimbledon Tournament, and was standing in a position photographers are permitted to be. It said that the photographer had no prior knowledge of the complainant's arrival. It said that during the incident, the photographer did not change position, and maintained a distance of approximately 50m from the gate. The newspaper said that the Wimbledon's Photographer Liaison Office had reviewed a complaint from the complainant, and confirmed they had no concerns about the conduct of the photographer. The newspaper denied that any journalist working for or on behalf of the newspaper had engaged in harassment, intimidation or persistent pursuit of the complainant.
9. The complainant's representatives said that before the photograph was taken, and in response to Kim Murray's concern that her daughter not be photographed, Wimbledon had specifically suggested that they use Gate 16 as it would be quiet and free from problems. The complainant's representatives said that Gate 16 is described by Wimbledon as a "private and contractors" entrance, and said that the photographer was not in an approved position. They said it was flawed to suggest that the complainant's parents are required to go to extraordinary lengths to avoid the complainant being photographed, and said that relatives of players and other VIPs are not in fact permitted to be driven within the grounds.

Relevant Code Provisions

10. 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.
- iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

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 source.

Clause 6 (Children)

- i) All pupils should be free to complete their time at school without unnecessary intrusion.
- ii) They must not be approached or photographed at school without permission of the school authorities.
- iii) Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- iv) Children under 16 must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
- v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

Findings of the Committee

11. Whether an individual has a reasonable expectation of privacy is highly sensitive to the facts of a case. In this instance, the complainant was a very young child. She could not be described as a public figure, and neither had her parents sought publicity for her. In addition, she was, at the time she was photographed, being taken by her mother, in a pram, to the Wimbledon crèche. The complainant's representatives explained that, as a consequence of the publication of the photograph under complaint, the complainant's mother had made the decision that those childcare arrangements had to be changed. All these factors supported the complainant's representative's position that the complainant had enjoyed a reasonable expectation of privacy in relation to the taking and publication of the photograph.
12. At the same time, the complainant was being taken by her mother through a press entrance to Wimbledon; a major sporting event where there would inevitably be a

very large number of spectators and photographers. While the gate used by the complainant was not a ticket-holders' entrance, it was accepted that it was a public location, and it appeared that photographers were allowed to stand in a position overlooking the gate. Photographers had taken photographs of the complainant's mother and other well-known individuals entering via this gate in previous years, and the Committee noted that the photographer who took the photographs subject to this complaint had taken a number of other photographs of people entering via this gate on the same morning; there was no suggestion that the photographer had targeted, or sought-out the complainant.

13. At the time of the photography, the complainant was simply being pushed in a pram, and while the Committee accepted that this showed her engaged in a family activity relating to her care, that activity was relatively unremarkable. Furthermore, as a result of the complainant's age, and the fact that her face was only partially visible, the Committee did not consider that the complainant was recognisable from the photograph published by the newspaper, or that it disclosed any identifying or private information about her.
14. Having regard for all these factors, the Committee concluded that the nature of the photograph and circumstances and location in which it was taken meant that the complainant did not, at that time, enjoy a reasonable expectation of privacy. As such, neither the taking nor publication of the photograph breached Clause 2. The Committee emphasised that this finding was highly specific to the circumstances of this case, and particularly the fact that these photographs were taken within the grounds of Wimbledon during The Championships.
15. The photographs subject to this complaint were taken without the knowledge of the complainant's mother, and there was therefore no suggestion that the photographer had continued to photograph the complainant after being asked to desist, or that the photographer's behaviour had otherwise harassed the complainant.
16. The Committee did not consider that the act of publication of the photograph, in the circumstances, constituted harassment under the terms of Clause 3. Clause 3 generally relates to the conduct of journalists in the news gathering process; publication of information would only represent a course of conduct such as to represent harassment under the terms of Clause 3 in exceptional circumstances. The Committee did not consider that the newspaper's publication of the photograph was such a case, and this aspect of the complaint did not raise a breach of Clause 3.
17. The information the photographs contained about the complainant, her arrival at Wimbledon, or being pushed in a pram on her way to the Wimbledon crèche were not issues involving her welfare, such that consent for the photograph from a parent was required under Clause 6 (iii). The Committee did not establish that the newspaper had published details of the complainant's private life, such as to require justification. As such, there was no breach of Clause 6 (v). There was no breach of Clause 6.

Conclusions

18. The complaint was not upheld.

Remedial action required

19. N/A

Received: 29/06/2016

Concluded: 28/10/2016

APPENDIX E

Decision of the Complaints Committee 04455-16 HRH Princess Beatrice of York v Mail Online

Summary of complaint

1. HRH Princess Beatrice of York complained to the Independent Press Standards Organisation that Mail Online breached Clause 2 (Privacy) of the Editors' Code of Practice in an article headlined "Beatrice makes a splash on yet ANOTHER day off! Princess dives into the sea in a very skimpy bikini as she enjoys a sunshine break on a yacht in Monaco", published on 27 June 2016.
2. The article reported that the complainant had been "spotted on board luxury yacht with long term boyfriend". It included a number of grainy photographs of the complainant on board the yacht in a bikini and swimming in the sea near to the boat. The photographs included those which showed the complainant removing a kaftan before swimming, applying sun tan lotion to her boyfriend's shoulders, showering on the deck of the yacht and drying herself with a towel. The photographs were accompanied by captions.
3. The complainant said that the photographs were taken surreptitiously in circumstances in which she had a reasonable expectation of privacy; she was on a private boat when the photographs were taken, and was on a private holiday, undertaking private leisure activities. Those on board the boat were not visible to the naked eye from the shore, and the photographs had been taken with a long lens. The complainant also expressed concern that the photographs showed her wearing a bikini. She said that the article included comments on her appearance, and her attire. She said that to comment on her appearance was a further intrusion.
4. The complainant expressed further concern about readers' comments posted on the article. She said that a number of these had made explicit or abusive reference to her appearance, and that this represented a further intrusion into her privacy.
5. The publication did not accept a breach of the Code. It said that the photographs did not include any private information about the complainant; she had previously been photographed in a bikini on a number of occasions. It denied that the article included intrusive comment on the complainant's appearance, and noted that the only comment on the complainant's appearance was one reference in a caption to her "hourglass curves". It did not accept that this comment was intrusive, and said that the complainant's mother and personal trainer had previously spoken to the press about the complainant's appearance.
6. The publication did not accept that the complainant had a reasonable expectation of privacy with regard to her location when the photographs were

taken. The complainant had been spotted heading out to sea the previous day, and so the photographer had gone to the port to photograph the yacht. The photographs had been taken from the shore using a 600mm lens, and had been cropped by the agency prior to submission. The boat had been anchored approximately 200m from the shore, with the public areas of the deck facing the shore, and visible to the naked eye. The complainant had been swimming from an area of the yacht that was at sea level, and not obstructed from view. There had been another boat in the vicinity at the time the photographs were taken. The photographs had been taken from public land, close to the port of Monaco, and the boat was visible from a public foot path, as well as apartments, villas and other boats. The publication noted that Monaco was a popular summer location for celebrities, and those holidaying there might expect photographers to be present.

7. The publication noted that user-generated comments did not fall within IPSO's remit until they were brought to the publication's attention. In this case, while it regretted that the complainant had been upset by unflattering comments about her appearance, it did not believe that these breached the terms of Clause 2. Nonetheless, it had removed the comments on receipt of the complaint. It also offered to remove the photographs as a means of resolving the complaint.
8. The complainant did not accept this offer. She said that the publication should apologise for publishing the photographs.

Relevant Code provisions

9. 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.
 - (iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Findings of the Committee

10. The Code does not prohibit the use of long-lens photography. However, the use of a long lens may be a relevant factor when the Committee considers whether there has been an intrusion into an individual's privacy in a particular situation.
11. The photographs did not show the complainant engaged in any official duties. The series of images showed her undressing, preparing to swim, jumping into the sea, swimming, showering, drying herself with a towel, socialising with friends, and applying sun tan lotion to her partner's shoulders while dressed

in a bikini. These were activities which formed part of her private life, and the effect of publication of a large number of images was to show in considerable detail the activities in which she was engaged.

12. It was accepted, by the publication, that the boat had been anchored around 200m from the shoreline, and that it had been necessary to use a long lens in order to photograph the complainant. The fact that the photographs had been taken with professional equipment but yet were of low quality, and had been cropped prior to submission by the agency, indicated that they had been taken from a considerable distance. The Committee was not therefore satisfied that the complainant had been identifiable to those on the shore, notwithstanding the fact that it was possible to see the yacht itself with the naked eye, and that there was another boat in the vicinity. The complainant had not been aware that the photographs were being taken.
13. Having regard for all these factors, the Committee was satisfied that the complainant had a reasonable expectation of privacy at the time the photographs were taken.
14. The taking and publishing of these photographs of the complainant, wearing a bikini, which the Committee noted placed a gratuitous and invasive focus on parts of the complainant's body which would not ordinarily be subject to public scrutiny, represented a serious intrusion into her privacy.
15. As the Code makes clear, photographing an individual in such circumstances is unacceptable unless it can be justified in the public interest. The publication had not argued that there was a public interest in the publication of the photographs. Rather, it argued that there had been no intrusion, as the complainant had been photographed wearing a bikini in the past and had not complained. The complainant was entitled to be concerned about details of her private life being exposed to scrutiny without her knowledge or consent, and the fact that photographs had previously been published showing her engaged in similar activities did not alter her right to privacy in these specific circumstances. The publication had not been able to justify the extent of the intrusion, and the complaint under Clause 2 was upheld.
16. User-generated content, including reader comments, falls within IPSO's remit once it has been reviewed or moderated by the publication. In this case, readers' comments were removed from the article once they had been brought to the publication's attention and subjected to review. This content therefore fell outside of IPSO's remit.

Conclusions

17. The complaint was upheld.

Remedial action required

18. Having upheld the complaint, the Committee considered what remedial action should be required.
19. Where the Committee has upheld a complaint as a breach of Clause 2, the appropriate remedial action is the publication of an adjudication.
20. The adjudication should be published on the publication's website, with a link to it (including the headline) being published on the homepage for 24 hours. It should then be archived in the usual way. 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 publication should contact IPSO to confirm the amendments it now intends to make to the online article to avoid the continued publication of material in breach of the Editors' Code of Practice.
21. The terms of the adjudication to be published are as follows:

Following an article published on Mail Online on 27 June 2016 headlined "Beatrice makes a splash on yet ANOTHER day off! Princess dives into the sea in a very skimpy bikini as she enjoys a sunshine break on a yacht in Monaco", HRH Princess Beatrice of York complained to the Independent Press Standards Organisation that Mail Online breached Clause 2 (Privacy) of the Editors' Code of Practice. IPSO upheld the complaint and has required Mail Online to publish this decision as a remedy to the breach.

The article reported that the complainant had been "spotted on board luxury yacht with long term boyfriend". It included a number of grainy photographs of the complainant on board the yacht in a bikini, and swimming in the sea.

The complainant said that the photographs were taken surreptitiously in circumstances in which she had a reasonable expectation of privacy; she was on a private boat when the photographs were taken, and was on a private holiday, undertaking private leisure activities. Those on board the boat were not visible to the naked eye from the shore, and the photographs had been taken with a long lens. The complainant also expressed concern that the photographs showed her partially clothed and were accompanied by comments on her appearance, and her lack of clothing.

The publication did not accept a breach of the Code. It said that the photographs did not include any private information about the complainant, as she had previously been photographed in a bikini. It did not accept that the complainant had a reasonable expectation of privacy with regard to her location when the photographs were taken. It said that the photographs of the boat, which was anchored approximately 200m from the shore, had been taken using a 600mm lens, and had been cropped by the agency prior to submission.

It said the public areas of the deck had been facing the shore, and were visible to the naked eye, and that the photographs had been taken from public land. It also noted that the complainant had been swimming from an area of the yacht that was at sea level, and not obstructed from view, and that there had been another boat in the vicinity at the time the photographs were taken.

The Committee noted that while the Code does not prohibit the use of long-lens photography, the use of a long lens may be a relevant factor when the Committee considers whether there had been an intrusion into an individual's privacy. The photographs did not show the complainant engaged in any official duties, and displayed her taking part in activities which formed part of her private life. The fact that the photographs had been taken with professional equipment but yet were of low quality, and had been cropped prior to submission, indicated that they had been taken from a considerable distance. The Committee was not therefore satisfied that the complainant had been visible to those on the shore, or had been aware that the photographs were being taken. Having regard for all these factors, the Committee was satisfied that the complainant had a reasonable expectation of privacy at the time the photographs were taken. The taking and publishing of these photographs of the complainant, wearing a bikini, which the Committee noted placed a gratuitous and invasive focus on parts of the complainant's body which would not ordinarily be subject to public scrutiny, represented a serious intrusion into the complainant's privacy. As the Code makes clear, photographing an individual in such circumstances is unacceptable unless it can be justified in the public interest. The publication had not argued that there was a public interest in the publication of the photographs, and had been unable to justify the extent of the intrusion; the complaint under Clause 2 was upheld.

Date complaint received: 28/06/2016

Date decision issued: 01/11/2016

APPENDIX F

**Decision of the Complaints Committee
03090-16, Graham v Daily Mail****Summary of complaint**

1. David Graham complained to the Independent Press Standards Organisation that the Daily Mail breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Migrants spark housing crisis", published on 20 May 2016.
2. The article reported that the European Commission had warned that the UK was "heading for an 'acute' housing crisis caused by population growth". It said that "rather than acknowledging the clamour in the UK for stricter border controls to ease demand, the Commission had ordered Britain 'to take further steps to boost housing supply'". It quoted MP Chris Grayling saying "what we have is the EU telling us we are not building enough houses yet telling us also that we have to accept unlimited migration from elsewhere in the European Union". The article appeared with the sub-headline "Now EU tells Britain to build more homes as open borders send population soaring".
3. The article was published in substantially the same form online.
4. The complainant considered that the article's headline was unsupported by the accompanying text, which had not explained how migration had "sparked" a crisis in housing. He said that the European Commission had not said that it was necessary for the UK to build houses to cope with EU migration, and it had not attributed the housing shortage to population growth or EU migration. Rather, the Commission's report had noted that there was a housing shortage in the south-east and recommended that the UK ensured that its own national policies were implemented. He considered that the inaccurate impression given by the front-page article had been compounded by a comment piece, which had said "Britain is facing an acute housing crisis caused by massive population growth. No, that's not the Daily Mail speaking..., but the European Commission".
5. The complainant also said that the article had inaccurately stated that the European Commission had "ordered" the UK to build more houses; it did not have the power to do so.
6. The newspaper acknowledged that the article had quoted from two European Commission reports, and not one as suggested; it amended the online article accordingly.
7. The newspaper did not consider that the headline was misleading or unsupported by the text. The article had centred on an interview with MP Chris Grayling who had "uncovered" the European Commission report, which was published in May, and it was to comments made by him that the headline referred.
8. The newspaper noted that in the interview, Mr Grayling had made a link between the EU report, migration and the shortage of housing in the UK. He had said "We have got the Office for National Statistics (ONS) saying that our population is going to rise from 63 million to 76 million over the next generation. Not all of that

is from immigration, but they have always said that a substantial part is...If we have migration on this scale, the European Commission has put its finger on it: we have to build more..."

9. The newspaper said that the headline was also supported by comments made by MP Liam Fox, which were also included in the article. Mr Fox had said that ordinary people were aware of EU migration "in their daily lives by the lack of school places, the difficulty seeing a GP and competition in housing".
10. The newspaper considered that the European Commission report had further substantiated the headline. Its May report had said "Despite the government's various housing initiatives, housing demand continues to outstrip supply and this is reflected in high and rising housing prices. The shortage in housing is most acute in the rapidly-growing regions of London and the South-East". The newspaper said that this finding had fed into the Commission's formal recommendation that the UK "takes further steps to boost housing supply, including by implementing the reforms of the national planning framework".
11. The newspaper said that it was a fact that the increase in the UK's population was due in "large part" to migration. It noted that the European Commission's February report had included a reference to an ONS report, which had stated that the UK's population was set to increase to 9.7 million over the next 25 years, with net migration accounting for 51% of the projected increase, or 68% of the projected increase when the impact of migration on birth rate was taken into account. The newspaper considered that the ONS figures could also be a "massive under-estimate" because the ONS had based its calculations on an assumed net migration level of 185,000 a year, when for the last six quarters, net migration had been running at more than 300,000.
12. The newspaper said that it was "no surprise" that, as the European Commission had reported, and Mr Grayling had observed, "largely migration-driven" population growth was leading to a "housing crisis".
13. The newspaper did not accept the complainant's contention that it was misleading to state that the European Commission had "ordered" the UK to build more houses. It noted that the dictionary definition of "to order" was "to request something to be made or supplied" or "to give an authoritative instruction to do something". It said it was doubtful that the Commission would make recommendations without expecting them to be acted upon. Furthermore, the article had said that the Commission's report had referred to "recommendations".

Relevant Code provisions

14. 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.

- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

15. The Committee noted that the article quoted from two reports published by the European Commission, and not one as suggested by the original article. It welcomed the newspaper's decision to clarify this point in the online version of the piece.
16. The Committee did not consider that the headline was unsupported by the accompanying text. The article had reported that MP Chris Grayling, who had "uncovered" the European Commission report, had considered that the report indicated that the European Union was "telling us we are not building enough houses and yet telling us also that we have to accept unlimited migration from elsewhere from the European Union". He was also quoted as saying "if we have migration on this scale, the European Commission has put its finger on it: we have to build more...". The Committee was satisfied that the headline was supported by these comments. There was no breach of Clause 1 on this point.
17. The Committee noted the complainant's concern that the accompanying comment piece had supported the suggestion that it was the European Commission that had said that the UK needed to build more houses to cope with EU migration. However, although the Commission had not explicitly stated in either of its reports that migration had contributed to the housing shortage, ONS statistics, to which its February report referred, had stated that 68% of the projected increase in the UK's population over the next 25 years was either directly attributable to future migration or indirectly attributable to it through its effect on births and deaths. Furthermore, both the Commission reports had referred to the pressure that an increasing population puts on housing demand: the February 2016 report had stated that "population increases may result in further upward movement on household formation and add to upward pressure on demand"; and the May 2016 report had said "despite the government's various initiatives, housing demand continues to outstrip supply...the shortage in housing is most acute in the rapidly growing regions of London and South-East". In this context, it was not significantly misleading for the newspaper to assert that the European Commission had attributed the housing shortage to population growth, or to suggest that the Commission had said that population growth was caused by migration. There was no failure to take care over the accuracy of the article on this point.
18. The Committee also noted the complainant's concern that the newspaper had reported that the Commission had "ordered" the UK to build more houses. However, the Commission's recommendation was made on the basis that it would have an effect on the government's approach to the housing shortage. In the context of this article, which had reported Mr Grayling's position that the EU was "telling us we are not building enough houses", and had also described the Commission's position as a "formal recommendation", the assertion that the Commission had "ordered" the UK to build more houses was not significantly misleading.

19. There was no failure to take care over the accuracy of the article. The complaint under Clause 1 was not upheld.

Conclusions

20. The complaint was not upheld.

APPENDIX G

**Decision of the Complaints Committee
03176-16 Delich v The Sun on Sunday****Summary of complaint**

1. Jenna Delich complained to the Independent Press Standards Organisation that The Sun on Sunday breached Clause 1 (Accuracy) and Clause 12 (Discrimination) of the Editors' Code of Practice in an article headlined "Don't let them in", published online on 10 April 2016, and "Don't let them in: As Bosnia bids to join EU, expert says ex-Yugoslav state is now 'breeding ground' for terrorism", published online on 10 April 2016.
2. The article reported that Britain's security would be at risk if Bosnia joined the EU, as it had become a "breeding ground for terrorists". It said that Bosnia, a country which it said was "home" to a Muslim population of 3 million, had applied for EU membership after being recognised as a candidate country and if successful, its citizens would have greater freedom to come to the UK. The article listed a number of factors that could potentially put Britain at risk, reporting that 300 "radicals" had left to fight with jihadis in Syria and Iraq, and that Bosnian weapons were used in recent terror attacks. The article quoted Peter Bone MP, who said the EU should not be considering Bosnia as a member and that the only way British citizens "can be sure Bosnian terrorists won't come here freely, and our money will not be sent there, is by voting to leave the EU on June 23". It also quoted a "Balkan expert" who described the country as a "safe house for radicals", and the International Crisis Group who warned that Islamism and nationalism were "dancing a 'dangerous tango'" in the country.
3. The online article was substantively similar to the version that appeared in print.
4. The complainant highlighted a number of inaccuracies in the article. She said that there has never been a single incident linking Bosnian Muslims to terrorism, and it was inaccurate to report comments that Bosnia's future membership of the EU would bring a threat of terrorism to the Britain. She said that it was inaccurate to report that Bosnia was home to three million Muslims, as the true figure was 1.76 million. She said that youth unemployment in the country was 40%, not 60% as reported, and it was inaccurate to say that the country's economy was struggling; she also said that it was misleading to suggest that Britain would have to pay for Bosnia to join the EU as it was only one of 28 countries that would have to contribute.
5. The complainant said it was inaccurate to report that there were 300 Bosnian Muslims fighting with jihadis in Syria, and cited the Bosnian Security Minister, who said the figure for all Bosnians fighting abroad was 130; she also said the article was misleading because it did not mention how many Bosnians of other ethnicities were fighting abroad. She said that the people quoted in the article could not be categorised as "experts" in the region. She also said that the content of the article discriminated against Bosnians.
6. The newspaper said that the original idea for the story came from a contact at the "Grassroots Out" movement, which was campaigning for Britain to leave the UK; it said the article was compiled as part of the newspaper's coverage of the

referendum debate. It denied that it was inaccurate to report that the country was “home” to 3 million Bosnian Muslims; it said that when Bosnian Muslims outside of the country who still considered the country to be ‘home’ were taken into consideration, the figure was accurate. It said that the figure of 300 Bosnians fighting in Syria and Iraq had come from a report from Lancaster University, as well as another specialist website. It also highlighted a number of sources which it said supported the claim made in the article that Bosnia had become a breeding ground for terrorists.

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.

Clause 12 (Discrimination)

- i) The press must avoid prejudicial or pejorative reference to an individual’s race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability.
- ii) Details of an individual’s race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story

Findings of the Committee

8. The Committee did not accept the explanation offered by the newspaper as to why it was accurate to report that Bosnia was home to three million Muslims; the second line of the article strongly implied that the figure related to people who lived in the country. However, in circumstances where the true number of Bosnian Muslims was close to two million, the figure cited in the article was not significantly misleading in the context of a piece which focused on why Britain’s security would be put at risk if Bosnia joined the EU. There was no breach of Clause 1.
9. The newspaper had relied on sources from the diplomatic and intelligence service, as well as a report from a British university, in reporting that “around 300” Bosnians had gone to fight with jihadis in Syria and Iraq. In relying on these sources, there was no failure to take care not to publish inaccurate information. While the Committee noted the statement provided by the complainant from Bosnia’s Security Minister that the figure for the number of Bosnian’s fighting in Syria and Iraq was closer to 100, it did not consider that any discrepancy on this point would be significant, particularly as any figure in this area would be difficult to establish. There was no breach of Clause 1.
10. The Committee recognised that the article’s description of Bosnia as a “breeding ground for terrorists” was the newspaper’s characterisation of the country’s

political climate. Such an assessment is a matter of opinion, which is something to which the Code grants considerable latitude; however this does not absolve a newspaper of its obligations under Clause 1. The newspaper quoted a Balkan expert who said that the country was a “safe house for radicals”, as well as the International Crisis Group, who warned about the convergence of Islamism and nationalism in the country; it also reported Bosnian weapons were used in recent terrorist attacks, and that 300 radicals from Bosnia had travelled to fight in Syria and Iraq. The Committee wished to make clear that it was not making an assessment on whether Bosnia was a “breeding ground for terrorists”; rather it had to decide whether the newspaper had provided a sufficient basis to characterise the country in this way. Overall, it believed that the newspaper had provided a sufficient basis for the characterisation considering the assessment that had been provided by a number of experts on the topic. There was no breach of Clause 1.

11. The Committee noted the complainant’s position that youth unemployment in Bosnia was 40%, not 60%. However, it did not consider that any inaccuracy on this point would have been significant given that the complainant conceded the figure was at least 40%. Similarly, the Committee did not consider that the assertion in the article that Britain would have to pay for Bosnia to join the EU was misleading. There was no breach of Clause 1 on either point.
12. The article did not contain any pejorative or prejudicial references to the race of an identifiable individual; there was no breach of Clause 12.

Conclusions

13. The complaint was not upheld.

APPENDIX H

**Decision of the Complaints Committee
03069-16 Wyper v Sunday Express****Summary of complaint**

1. James Wyper complained to the Independent Press Standards Organisation that the Sunday Express breached Clause 1 (Accuracy) of the Editor's Code of Practice in an article headlined "12M Turks say they'll come to UK" in print, published on 22 May 2016, and headlined "Exclusive poll: 12 million Turks say they'll come to the UK once EU deal is signed" online, published on 23 May 2016.
2. The sub-headline reported that "those planning to move are either unemployed or students according to shock new poll". The first paragraph explained that "more than 12 million Turkish citizens plan to move to Britain when the country joins the EU, a Sunday Express poll has revealed". The article said that "almost 16 per cent of those questioned would consider relocating", and that "2600 adults [...] across all 27 provinces of Turkey" had been surveyed. It explained that the poll had been carried out on the basis of face-to-face interviews with 2,685 Turkish people aged 18 and over between 7 and 8 May, and that it showed "15.8 per cent of the population – the equivalent of 12.6 million people – would like to make a home for themselves and their families in Britain". It said that "each person was asked [...]: "if Turkey becomes a full member of the EU, would you, or any member of your family, consider relocating to Britain"?"
3. The findings of the poll were presented in the context of concern about "Turkey's pressing its case to become a full EU member". The article said that this would give Turkish citizens "the right to free movement across the whole continent with unfettered access to Britain", and that David Davis MP had argued that Turkey's plan was the "strongest argument" for the UK to leave the EU because it would "unleash a new wave of migration that would push down wages in the UK and threaten our security".
4. The article appeared in substantively the same form online.
5. The complainant said that the headline was inaccurate. He also said that, particularly when read together with the sub-headline, it misleadingly suggested that 12 million Turks "will" come to the UK, whereas the poll only asked respondents whether they would "consider" moving. He said that the headline was therefore not supported by the text.
6. The newspaper said that there was a genuine interest in reporting how many Turkish citizens would consider relocating to the UK if Turkey became a full member of the EU, and had therefore commissioned the poll. It had sought to determine whether there was a general desire for Turkish citizens to move to the UK should Turkey become an EU member. The question it had drafted for the poll

was broad, so that it could allow respondents to answer not only on their own behalf, but also on that of their extended family.

7. The newspaper said that following publication, it had received a number of complaints about the article and the poll. It had made enquiries with the polling company, and concluded that the question was flawed, and that the data could not be relied upon; the results of the poll could not be used to support the suggestion that a defined number of people were considering moving to the UK. It said that it had made a genuine mistake, and wished to set the record straight as soon as possible following receipt of the complaints, and ahead of the EU Referendum. It said that it had wanted to clarify it in a manner that was more prominent than publishing a short correction on its letters page. It therefore published the following clarification article on page 2 in print of the final edition of the newspaper before the EU Referendum, and as a standalone article on its website homepage for 24 hours, after which it was archived:

Turkey poll findings were flawed – clarification

IN our article '12 m Turks Say They'll Come to the UK', published May 22, we stated that millions of Turkish citizens would move to Britain should Turkey accede to the EU and Britain remain a member.

The figure of 12 million has been questioned by statisticians and readers alike.

The number was arrived at after an exhaustive poll carried out on behalf of the Express by Konda, a Turkish research group with more than 25 years of experience.

Konda questioned 2685 people, face to face, in 153 neighbourhoods and villages of 104 districts.

Quotas on age and gender were enforced to ensure balance.

Of these, 15.8 per cent answered yes to the question "if Turkey becomes a full member of the EU, and Britain remains in the EU, would you, or any members of your family, consider relocating to the UK?"

We accept that this question was flawed and that the results of the poll were inaccurate as a result.

The headline figure was arrived at by extrapolating that 15.8 per cent of the entire Turkish population [we used the figure of 77 million, based on population numbers cited by Turkish leader Recep Erdogan in his presidential acceptance speech] would be 12,166,000.

Such extrapolation from a sample survey is usual practice in reporting poll results and is the basis, for example, of the percentage figures currently being cited in the referendum debate.

The sample size of 2685 is considerably above the usual sample size. We considered 12 million to be a low estimate because it only referred to individuals and not potential family members who may be joining them.

However, the question is open to interpretation and therefore cannot be used to make a definite prediction of numbers.

This is because the poll did not ask respondents whether they were referring to themselves when they confirmed a consideration of moving to the UK, or to a family member.

This omission meant that if, for example, two brothers were asked the question – and only one was planning to go to the UK – both would answer yes to the question as posed, whereas only one brother intended to travel.

It also meant that if a respondent 's entire family was planning to head to the UK, he or she would answer 'yes' to the question as posed – but would only be counted as one person.

This means that statistically the true number of those considering migrating cannot be accurately gauged from the question as asked. It could be lower than the 12 million stated or it could be higher.

We arrived at the figure quoted in good faith. We provided a link to the full polling data online.

The article makes it explicit that it is talking about a hypothetical situation that could only arise IF the UK stays in the EU and IF Turkey accedes to the Union. It states that the predicted migration would occur if, and only if, those conditions were met and Turks were allowed free access to the UK.

To further emphasise that it was a hypothetical situation the article quoted extensively from Malcolm Rifkind, of Britain Stronger in Europe, who gives the opinion that Turkish membership of the EU is 'simply not on the cards' and that it would take more than 1000 years for Turkey to accede.

Our honest intent was to accurately find the number of people who were genuinely likely to move to Britain. However the number remains unknown.

8. The complainant acknowledged the publication of the clarifying article, but did not consider that it was sufficiently prominent, given that the 12 million figure had

appeared on the front page. Neither did he consider that the newspaper had addressed the concern that the headline was unsupported by the text.

Relevant Code provisions

9. 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

10. It was not possible to state on the basis of the results of the poll how many Turkish citizens would want to move to the UK. The question asked in the poll extended broadly to “any member” of a respondent’s family; it would therefore have been possible for a respondent to be able to provide a positive response in a variety of situations. In addition, it would have also been possible for multiple respondents to reply on behalf of the same person, potentially resulting in double-counted figures.
11. The article reported that a defined number of people – approximately 16% of respondents, extrapolated to 12 million of the total population of Turkey – would “like to make a new home for themselves and their families in Britain” or to “come to the UK”. It was not, however, possible to make these claims on the basis of the poll’s results. In circumstances where all the information about the poll and its findings had been available to the newspaper prior to publication, presenting the findings in this manner represented a failure to take care not to publish inaccurate information. The Committee upheld the complaint as a breach of Clause 1 (i). Claiming that it was known that 12 million Turkish citizens would consider moving to the UK represented a significant inaccuracy that required a correction in order to avoid a breach of Clause 1 (ii).
12. The newspaper had recognised that this coverage was inaccurate soon after it had received complaints about the article. It sought to set the record straight promptly and prominently in a clarification article on page 2 in print, and online as a standalone piece. The clarification identified that the claims in the original article, that a defined number of Turkish citizens would consider moving to the UK, could not be supported by the results of the poll. It also corrected the position, namely that it remained unknown how many Turkish people would consider relocating.
13. The inaccuracy had been corrected promptly; the Committee then considered whether the clarification article was sufficiently prominent as to meet the requirements of Clause 1 (ii), given that it had been published on page 2, but that the inaccuracy had appeared on the front page. The Committee had regard for the fact that the newspaper had sought to correct the position prior to the EU

Referendum. The newspaper had recognised the need for urgency in correcting the error in this context: given that the newspaper is published weekly, there were only a few opportunities for it to be able to correct the position after receiving complaints, and before the Referendum. It had also wanted to provide a more considered and fuller explanation of the error than would have been possible by publishing a clarification in the regular manner. The clarification it had decided to publish had occupied a significant portion of page 2, and had run to almost 600 words; it had explained in detail why the question in the poll had been too broad to support the article's claims that a defined number of Turkish citizens were considering moving to the UK. It had done so in a manner that was accessible, and had put into context why such a poll had been commissioned prior to the Referendum. The steps the newspaper had taken to correct the position quickly and comprehensively in the limited time before the Referendum were therefore appropriate.

14. Further, while the results of the survey could not support a claim that any specific number of Turkish citizens wished to move to the UK, they could potentially be used to support the claim that there was a general desire amongst some members of Turkey's population to do so. In these circumstances, and in the context of an article that expressed concern over the strain on the UK that a sudden influx of people from a new EU member state might cause, the error in reporting that a specific number of Turkish citizens were considering relocating was not so significant as to require correction on the front page.
15. In the full circumstances, the Committee took the view that the page 2 clarification was sufficiently prominent, given its comprehensive nature, and bearing in mind that the newspaper had acted in a pro-active manner and, crucially, before the Referendum to address the inaccuracy quickly. The Committee therefore considered that the clarification published by the newspaper was sufficient, and there was no further breach of Clause 1 on this point.
16. The Committee then considered the complainant's outstanding concern that the headline did not make clear the exact nature of the question, and that it was therefore unsupported by the text. It noted that, in addition to setting out the exact wording of the question asked of respondents in the body of the text, the second paragraph made clear that those asked "would consider relocating" were Turkey to join the EU. In these circumstances, and notwithstanding the inaccuracy over the 12 million figure, reporting in the headline that this number of Turkish citizens "[w]ill come to the UK" rather than "would" come to the UK did not give a significantly misleading impression of the question asked in the poll. There was no breach of the Code on this point.

Conclusions

17. The complaint was upheld.

Remedial action required

18. Having upheld the complaint, the Committee considered what remedial action should be required.
19. The newspaper had promptly published a correction in print and online, and it had removed the original online article from its website. The clarification article had identified the inaccuracy and made the correct position clear. Both online and print corrections had appeared in a sufficiently prominent location.
20. No further action was required.

APPENDIX I

Paper No.	File Number	Name v Publication
741	03062-16	InFacts v Daily Express
742	03056-16	InFacts v The Daily Telegraph
743	02750-16	Moss v Surrey Comet
744	00879-16	Coutts v Daily Mail
745	00876-16	Coutts v Sunday Post
746	02740-16	Yorke v The Scottish Sun
747	03058-16	InFacts v The Daily Telegraph
748	02532-16	Cort v Bury Free Press
749		Third party
750		Request for review
751	02566-16	Rodger v Scottish Daily Mail
754	02991-16	Craig v The Mail on Sunday
755	00519-16	The Al-Khair School v The Sunday Times
758	03063-16	InFacts v Daily Express
761		Request for review
762		Third party
765	03528-16	Versi v Mail Online
766		Request for review
767	03307-16	Murray v Bristol Post
768	03958-16	Halley v The Sun
769	03361-16	British National Party v Mail on Sunday
770	07182-16	Scott v Mail Online
771		Third party
772		Request for review
774	04002-16	Various v Daily Star
778		Third party
779		Request for review
790	04921-16	Bailey v The Mail on Sunday
794	04562-16	Pearce v Daily Star Sunday
796	04091-16	Fletcher v The Sun
798	03290-16	McInally v North Norfolk News