



IPSO Annual Statement 2018

Newsquest Media Group

This is the annual statement of Newsquest Media Group to the Independent Press Standards Organisation for the year 2018. It is made pursuant to clause 3.3.7 and Annex A of the Scheme Membership Agreement and the numbered references below are references to the numbered paragraphs of Annex A.

1. Factual information about the Regulated Entity

1.1 List of titles

Appendix 1 to this statement contains a list of Newsquest Media Group titles across the UK.

1.2 Responsible Person

The Responsible Person (as defined in clause 3.3.9 of the Scheme Membership Agreement) is Simon Westrop, the Group Head of Legal and Company Secretary for Newsquest Media Group Limited.

1.3 The nature of the Regulated Entity

Local newspapers are changing but they continue to thrive. They are still delivering and innovating for an eager and expanding audience against the greatest technological and commercial headwinds they have faced in decades. Journalists are under pressure to deliver fair and accurate reporting quickly, often to multiple outlets both in print and online, frequently in live feeds to the newspaper website or through social media for instant consumption. But the record shows that our journalism remains firmly anchored to the traditional values and standards which are laid down in the Editors' Code.

Newsquest Media Group is a significant regional publisher, embracing more than 200 local news and magazine brands in print and online. We report the triumphs and tragedies of everyday life in cities, towns and villages across the geographical length and breadth of the UK, from Alloa in the north off Scotland and Enniskillen in Northern Ireland to *The Echo* titles in the communities along the south coast of England or *The Packet* at the westernmost tip of the country in Falmouth. Nearly 30 million readers are served by our digital products every month, while ink-on-paper continues to defy the doomsayers and maintains a loyal readership at around 6 million every week.

The communities we serve are culturally as well as geographically diverse and range from challenging urban centres like Glasgow, Blackburn and Bradford to scattered rural populations where the livestock sometimes outnumbers the people. Quality does not go unnoticed in these greener corners of England: the *Westmorland Gazette* and *Hexham Courant* were commended in the latest national News Awards, and the *Hereford Times* was highly commended as a "powerful news package" and one of the best performing weeklies in the country.

The Group has been expanding energetically in recent years, adding a dozen weekly titles on the North Wales borders and, in the South, one of the biggest selling weeklies in the UK, the *Isle of Wight County Press*. In 2018, we complete the acquisition of CN Group and its seven titles in Cumbria, including the *News & Star* in Carlisle. CN Group's lineage dates back to the Battle of Waterloo in 1815 with the first publication of the *Carlisle Patriot*, the forerunner of the *Cumberland News*. On completion of the acquisition, Newsquest's CEO, Henry Faure Walker said:

"We will bring benefits of scale, particularly in activities such as production, purchasing, technology and digital marketing services, enabling them to continue to excel at what they have done so well for many years – delivering first class journalism and great advertising solutions for local people and local businesses."

There are now 21 daily titles in the Group, among them of course the proud Scottish voices of *The Herald* and *The National*, which are being heard loudly in the thick of the debate on Scotland's future.

Our magazines do not just serve a supporting role. They are highly successful in their own right. The stable of county-based luxury lifestyle magazines under the "*Living*" masthead grew and grew in 2018, so that there are now 26 of them with a readership of 828,000. And farmers and businessmen appreciate the specialist sector-focused reporting of long-established industry authorities like *The Scottish Farmer* and *Insurance Times*. You are also bound to find a few well-thumbed copies of *The Strad* magazine left in the seat pockets of orchestra touring buses around the world, or *Boxing News* on the ring-side seats at any major international bout (being a 2018 award winner in the British Sports Journalism Awards for best special sports edition with its "*100 Greatest Boxers*").

Newsquest has come a very long way from its earliest origins in *Berrow's Worcester Journal*, which is believed to be the oldest surviving newspaper in the world, first published in 1690. Although Newsquest Media Group itself is little more than 20 years old, its titles reflect the entire history of the free press in the UK. These days our publications are delivered in print and electronically online, via websites and social media and in versions adapted for mobile telephones and other portable devices, as well as in digital facsimile and feeds to third party history electronic databases. We also operate a number of purely digital services, such as *S1* for homes and jobs, and the *Exchange & Mart* brand for motors.

The Group operates five presses, located in Glasgow, Oxford, Weymouth, Southampton and Deeside. As well as printing Newsquest titles, the presses provide contract printing services to business and the public sector. Newsquest Direct offers specialist marketing services and delivery of marketing materials door-to-door. Newsquest Specialist Media have cultivated an international conference business and many of our newspapers and magazines also organise exhibitions, fairs, competitions and other events in their local communities.

In 2018, Newsquest once again demonstrated its commitment to the communities it serves by delivering charitable grants from the Gannett Foundation UK in support of worthwhile local causes. More than £300,000 was distributed to more than 50 registered charities. Among the biggest awards was a £10,000 grant to purchase and fit out a caravan for a scheme providing holidays to young people with special needs in Glasgow. A similar amount went to South Lakeland Carers in Cumbria to give desperately needed respite to those, often young, people looking after sick or disabled relatives. Awards totalling £18,00 are going to provide vital kitchen equipment or repair the windows of centres for the homeless in Blackburn and St Helens. And a cheque for £5,000 will enable Colchester Sea Cadets to refurbish two cabins on their training ship. But it is often smaller

sums spent in the right way that make a big difference. We are looking forward to hearing how a community gardening project in Pollockshaws in Scotland is getting on with the polytunnel and other equipment it bought with our grant of £1,500.

In each annual statement, we invite a local editor to give us a glimpse of the newspaper and the life of the community it represents. This year we take a glimpse of the work of the CN Group in Cumbria, recent arrivals in the Newsquest Media Group:

"I am Paul Williamson, associate editor at the Times & Star and the Whitehaven News, based at Lillyhall in West Cumbria. We produce both weekly newspapers and their websites. The Times & Star comes out every Friday and is based on the Allerdale area, without going as far up as Wigton. The Whitehaven News covers much of Copeland, centred around Whitehaven. We also supply copy on a daily basis to the News & Star, which is produced in Carlisle and sells across north and west Cumbria. Reporters can find themselves uploading one story to three websites, if the story applies to both Allerdale and Copeland.

"While there are often general interest stories, we try not to share too much, as it can create a social media backlash: 'why do we have Workington news on the Whitehaven website?'

"Both communities, despite being only seven miles apart, have a historic grudge against each other - in fact both refer to each other as Jam Eaters, an insult which has its origins lost in the mists of time, although there are some good theories.

"We work from one office on the outskirts of Workington, at Lillyhall. Although reporters do have their own areas to cover, we also have a 'one team' ethic.

"The most difficult thing is being stretched in many directions, with two weeklies and a daily to contribute to, two websites plus the News & Star website, not to mention three semi-professional sports teams to cover (Workington football, Whitehaven and Workington rugby league). But our weekly websites have both shown growth well over target every month so far this year, so we have a lot to be positive about."

Newsquest first emerged as an entity in 1995 when Reed Regional Newspapers were bought by its own management. It has grown solidly by accretion ever since, acquiring a series of major regional publishers on the way, including Westminster Press, News and Communication Media on the South coast, and the newspaper business of Scottish Media Group. Until recently we operated through a series of local publishing companies, but a reorganisation has simplified the group structure so that Newsquest Media Group Ltd is now the principal publisher. Its registered office is at Loudwater Mill in High Wycombe. The CEO's office is in Lincoln's Inn Fields in central London. Newsquest's ultimate holding company in the UK is Gannett U.K Limited, which is a wholly-owned subsidiary of Gannett Co., Inc, a US company listed on the New York stock exchange. Gannett is itself a leading media and marketing company in the US with titles across 34 states.

2. Copies of internal manuals, codes or guidance used by journalists

Newsquest issues policies on many matters relevant to the work of its employees and the interests of its readers. Some of them are required by statute and published on our corporate website, such as our policy to guard against 'modern slavery' and people trafficking. Others are for guidance internally to sales teams and managers, including for instance guidance and policies on competition issues and commercial practices. A large part of our training is now delivered electronically, particularly by means of online courses in areas such as ethical conduct (towards our customers and our employees), IT security and data protection. For the purposes of this statement to IPSO, we

attach at Appendix 2 internal guidance entitled “Principles of Ethical Newsgathering”, which is specific to the work of journalists. It is of many years standing and borrows from the experiences of our colleagues in the US. It is guidance only and has no binding effect, but we use it to help journalists to follow the Editors’ Code and good practice generally.

Our journalists use the laws and the 2018 Editors’ Code in their everyday work. They understand that law and regulation change from time to time and they must consult the up-to-date provisions. They receive training in the Code in preparation for NCTJ examinations and updates from external trainers and Newsquest Media Group Legal in refresher training when resources allow. We always use the most up-to-date versions. The up-to date Code is also available on Newsquest Media Group’s intranet pages and on paper in newsrooms, as well as in newsroom media law text books, such as McNae’s.

Newsquest Media Group Legal is available for legal and regulatory advice to journalists on demand, supported by external solicitors to cover absences or as otherwise required. In 2018, our retained external solicitors for editorial matters in England and Wales were Exeter-based Foot Anstey, while Levy & McRae covered Scotland and Northern Ireland from their offices in Glasgow. Written guidance on legal and regulatory matters is issued by the in-house legal department from time to time and distributed by means of an intranet. In 2018, we produced a manual for journalists explaining the EU General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018 (“DPA 2018”), in particular their effect on the work of the newsroom. This included, of course, guidance on the correct application of the public interest exemption for journalism, which remains largely unchanged under GDPR and the DPA 2018 from the original provisions of the Data Protection Act 1998.

3. The compliance process

Newsquest titles advertise their adherence to the Editors’ Code and IPSO regulation (online and on an inner news page in print) and publish a complaints procedure by which any reader may claim breach of the Code by email or post. Complaints are handled personally by Editors, Group Editors (in charge of a series of titles) or Digital Content Editors (in the case of online story complaints). Subject to any relevant internal advisory policies, our complaints handlers are not restricted in their conduct of the process or the discretion they may use. Flexibility is encouraged in order to achieve a resolution. If agreement cannot be achieved or has not been achieved within 28 days, complainants are reminded of their right to take the matter to IPSO. Legal claims are referred to Newsquest Media Group Legal. Published corrections and apologies, fresh stories, follow-ups, published letters, deletions or annotations to archived online stories, private letters and personal meetings are some of the various resolutions which might be offered. However, an Editor will stand firm if he or she is confident that a story is justified under the law and the Code. An Oversight Committee of senior editors will consider from time to time matters relating to standards and the Code across the Newsquest Media Group. A meeting of the Committee is planned but overdue from 2018 and the Editorial Director and Group Head of Legal are considering an agenda.

In reality most complaints we receive are of a minor nature or not well-founded, falling below the threshold of a Code complaint. Often they are from people who, for one reason or another, have become involved in a legitimate news story but simply resent the unwanted exposure. Many others are from people who accept a story is accurate but they have a different view as to how it should have been handled. But whatever the complaint, we always respect the opinions and collective wisdom of our readers and we try to learn from them. After all, news is essentially about people.

We listen and, where we reasonably can, we act, because a satisfied customer is a customer we keep.

Case study

We met associate editor Paul Williamson in Cumbria earlier. Here he explains how his titles handle compliance.

"In West Cumbria we produce the weekly *Times & Star* and the *Whitehaven News* - we also supply copy to the daily *News & Star* which is produced in Carlisle. Both weekly papers are produced using the same design, so both contain a templated piece about press complaints on page 20 (the letters spread) every week. The *Whitehaven News* comes out on a Wednesday, and the *Times & Star* on a Friday. The panel reads:

Press complaints: The Whitehaven News (or Times & Star) abides by the Independent Press Standards organisation code of practice. Readers who wish to make representations should write in the first instance to The Editor, The Whitehaven News (TS), CN Media Centre, Energus, Lillyhall, CA14 4JW. If not satisfied, complainants can then contact the IPSO at Gate House, 1 Farringdon Street, London, EC4M 7LG. Email inquiries@ipso.co.uk Tel 03001232220 Website: www.ipso.co.uk

"There is a separate box on the letters spreads every week, headed 'Errors and Explanations'. It reads: *We strive to get things right, but when mistakes do happen it is our policy to correct them as soon as possible. If you spot a mistake please email letters.wn@cnmedia.co.uk (or TS) or call our newsdesk on 01900 608600.*

"We keep an electronic document to record complaints and outcomes. These are usually at a low level and last year saw successful resolution in every case. Here is one, not untypical, example:

Contact: By phone.

Complaint: Mrs B left a voicemail on Friday, March 22 asking for someone to call her back about the story on p3 of the Times & Star about Dearham Primary School being Makaton friendly, linked to International Down Syndrome Day. She was very pleased with the story and the fact that it had been covered but said she and a lot of other people had been upset that it referred to "Down's children" etc. rather than "children with Down syndrome" - something campaigners had spent a long time trying to change.

Action taken: Story amended online and agreed that [REDACTED] at her request, would submit a draft clarification for consideration to use in print. This was used in the following week's edition."

3.1 Pre-publication guidance (Regulation 4.5)

Newsquest editors are generally receptive to non-binding pre-publication discussions with IPSO where a person affected by a proposed story has raised concerns. However, in practice the public use of this facility is low, at least as far as regional newspapers are concerned. We have experienced very few approaches of this kind and we are not aware of any in 2018. However, whenever a story arises that might lead to controversy or confrontation, the regulator's voice is in our minds: IPSO rulings are frequently consulted before publication as helpful precedents to guide the writing of a story. On the other hand, except for points of Code interpretation, a strong attachment to editorial independence makes local newspapers less likely to make a pre-publication approach to IPSO themselves, especially as IPSO might ultimately be judge in the same cause at a later date.

Nevertheless, we recognise that IPSO can serve as peacemaker, even where no issue arises under the Editors' Code. Readers have in the past contacted IPSO with concerns about the effect of publicity, typically in relation to a child or other vulnerable person. In these circumstances, IPSO will engage with editors to find a practical and balanced solution wherever possible. These 'off-book' transactions go mostly unrecorded and unnoticed by the public, and yet they are in many ways central to the idea of voluntary self-regulation.

3.2 Verification of stories

We want to be trusted by our readers and we realise that trust has to be earned. Newsquest's approach to verification is discussed variously in the Newsquest guidance entitled "Principles of Ethical Newsgathering" at Appendix 2.

If journalism is the first draft of history, then it is necessarily a rough draft, written very often against obstructions (deliberate or otherwise) and the pressure of deadlines. Where there are errors we will correct them, before or after publication. We welcome interaction with our readers because it is in co-operation with them that the full story may be revealed.

Many stories are generated from third party sources and there is no direct obligation in the Editors' Code requiring journalists to contact the person who is actually the subject of a story. That must always be a question of editorial judgment. Sometimes it would be inappropriate; for instance, we would not feel a need to approach a defendant convicted after trial in a serious criminal case. But often it will be good journalistic practice and common sense, because the subject may know something that casts the story in a different light.

While readers deserve clarity of course, journalists must resist the temptation to over-simplify a story just to make it more compelling. Reliance on cliché is not only lazy but also legally dangerous. Not every landlord is a wicked landlord and not every bad outcome is the product of someone's dishonesty. In the wider world, incompetence is a more likely explanation than conspiracy. We advise our journalists against imposing their own interpretation on uncertain facts or the use of too many colourful adjectives. Let the known and verified facts tell their own story.

So we encourage journalists in a healthy scepticism. They should stand back, assess their evidence, and question the premise and tone of their story before it goes to press. Better still, they should discuss it with an independent person who has not been involved in collecting the information. Or refer it to Newsquest Media Group Legal.

Accuracy is the first duty of the journalist. It serves our commercial interests and it is also the surest legal protection, so we have every interest in getting it right. Newsquest Media Group CEO Henry Faure Walker has said:

"Our content is produced by highly skilled local journalists, it is regulated, it relies on human judgement and discretion as opposed to blind algorithms, and it reaches and engages millions of people in communities throughout the UK. As a result, our advertising environment is trusted, safe and highly responsive.

"What's more, advertising in local news brands continues to fund much needed high quality journalism across the UK. We hope that ad agencies and national advertisers will better recognise the value we provide and will agree that local news brands are worth standing up for".

3.3 Compliance with the Editors' Code

Complainants are first expected to seek resolution with the newspaper and only if that fails should they go to IPSO. If the regulator is approached first, then the complainant will be directed to the newspaper and 28 days allowed for resolutions outside the regulatory process. If resolution is not achieved the complainant may ask IPSO to intervene.

IPSO subjects the complaints it receives to an initial review and may reject a complaint at this stage if it does not disclose a potential breach of the Code. If IPSO considers that a complaint may involve a breach of Code, it is referred for investigation by a case officer. Crucially at this point, the case officer can suggest a mediated resolution (the value of which is discussed further below). If it is not then resolved by mediation, it will be passed to the Complaints Committee for adjudication. On an adverse finding, the newspaper is likely to be required to publish the detailed adjudication both in print and online. In serious cases of systemic failure, the regulator can impose a fine of up to £1 million and order the publisher to pay the costs of the investigation.

There were 28 cases investigated by IPSO in respect of Newsquest Media Group titles in 2018. Bearing in mind the increasing size of the Group, this is in line with the 24 cases in the previous year. (Two of these complaints were brought in respect of stories used in more than one Newsquest title, and we have counted them as single complaints, otherwise the number is 31). Six complaints were resolved by mediation without finding of fault. Of the 22 referred for adjudication, 16 were not upheld. Six complaints were upheld, as against three upheld complaints last year.

As noted above, resolutions were mediated by IPSO in six cases. The titles involved were *The Herald* in Scotland, the *Bucks Free Press*, the *Worcester News* (in two cases) and the *Daily Echo* in Southampton. There was a further mediated case in a story published in the *Oxford Mail* and its sister weeklies, the *Oxford Times* and *Wallingford Herald*.

Mediation is an often overlooked facility offered by the regulator, but it allows a wide degree of flexibility for the sensible resolution of reader concerns beyond the bounds of the Code, and in many ways it epitomises the purpose of the media industry's system of voluntary regulation. Editors will always be anxious to protect the freedom of the press to report the world as they see it without being held to account for trivial errors or omissions. In the process it is sometimes the case that toes are trodden on and sensitivities offended, though without breach of the Code. Mediation is a very valuable way in which editors can reach beyond the confines of the Code and accommodate those concerns without a finding of fault or any compromise of principle. So we can then help the man who wanted the *Worcester News* to make clear he was not in charge of the department that caused the problems, or the bereaved wife still mourning her husband's death who wanted the *Oxford Mail* to know that her husband was snorkelling and not scuba diving when he died, because for her every detail of the inquest was important.

We summarise and review the adverse findings below and explain any steps taken in response.

Because of the number of titles published by Newsquest, and therefore the number of different stories, the potential number of complainants (at least from among the subjects of those stories) is far greater than would be the case, for instance, for a publisher producing a single national newspaper. In addition to complaints taken to IPSO, Newsquest Media Group titles receive many more comments, questions (and occasionally words of thanks or support too) and sometimes legal claims. These are dealt with by Editors using their general discretion and, with regard to legal claims, advice from Newsquest Media Group Legal and external solicitors.

3.5 Editorial training

All trainee journalists are entered for the National Journalism Qualification from the National Council for the Training of Journalists. An external trainer prepares trainees for the qualification, tutoring approximately 50 young journalists during the year. Each course contains an introduction to IPSO, including case studies. In addition, the trainees undertake three practical tests in which they are asked to consider scenarios that might involve breaches of the Editors' Code. Each clause of the Code is explained and discussed, using real-life examples. Trainees are also issued with pocket-sized versions of the up-to-date version of the Code for them to carry at all times. Trainees are reminded they have access to advice from Newsquest Legal, and they are also encouraged to use guidance such as "Reporting Restrictions in the Criminal Courts" from the Judicial College and of course McNae's "Essential Law for Journalists", as well as the "Principles of Ethical Newsgathering", mentioned above.

Newsquest Legal provides in-house editorial training for Newsquest regions as time allows during the year, covering primarily legal matters, but also briefing on the work of IPSO and compliance with the Editor's Code. Editors are encouraged to read the editorial section of the Group legal report, which covers IPSO adjudications as well as news of legal matters. External trainers are commissioned, as each region may determine necessary, to deliver media law refresher seminars to senior journalists.

4. Steps taken in response to adverse adjudications

A review of complaints upheld in 2018

Paul Evans v The Argus, Brighton

The complainant, Paul Evans, had been convicted of criminal possession of indecent pictures of children. A trainee reporter had been entrusted with the story and, in ignorance, breached the provisions in clause 12 of the Editor's Code against discriminatory content. That was because the story highlighted the defendant's disability as a person with one leg, under the unedifying headline: "Man with one leg had child porn". The finding acknowledged that the reference was not pejorative, but it was irrelevant to the court case and the Committee concluded that it amounted to a "serious and unjustified" breach of the Code.

However, it was the subsequent failure of the newspaper to handle the complaint fairly and effectively that jarred even more with the Committee and embarrassed the publisher. In particular, the regulator was "deeply concerned" that the newspaper had attempted to make resolution of the complaint conditional on Mr Evans giving up his entitlement to take it further. Settlements based on a "full and final" resolution are of course part of the ordinary course of dealing with disputed legal claims, but the Committee found that it was unacceptable to try to exclude IPSO's regulatory process in this way, especially where there was an obvious and indefensible breach of the Code and a concomitant obligation on the newspaper to provide a remedy. Publication of the strongly-worded adjudication was ordered.

The local managing director was alerted to IPSO's serious finding and held a review into what had gone wrong. Three areas of concern were identified: first; apparent lack of knowledge of certain provisions of the Code among staff; second, lack of sufficient supervision of trainees; and third, a failure to handle the complaint as we and the regulator would expect. The Editor, Arron Hendy, says:

"We took a hard look at the way we respond to complaints. We realise that we were being over-defensive and had to see the issue from the complainant's point of view as well as our own. We have now put policy into place to ensure that we deal openly with complaints and focus more on what the problems are, then rectify them promptly where necessary. We were distracted in this case by our own interest in bringing the complaint to a swift end.

"We have also taken steps to make sure that the newsdesk and reporting team fully understand why the complaint was made and why it was upheld and how we can prevent this in future. That includes better review of content by the newsdesk before publishing and supervision of all reporters, not just trainees. Above all, we have to remember this lesson and embed it in our daily practices."

To that end, the newspaper has established a particular slot in the agendas of its news conferences and daily editorial pitch meetings between the news editor and reporting team, when all participants are encouraged to raise any legal or Editors' Code issues.

At the request of the publisher, two members of IPSO came to *The Argus'* office in Brighton and talked through different parts of the Code in two workshops with the whole newsdesk and reporting team, giving illustrative examples of where journalists have gone wrong in the past. The newspaper welcomed the training visit and felt it had refreshed and reinforced their knowledge of the Code and the newspaper's wider regulatory obligations.

A woman v The Northern Echo, North East

The article in question was a follow-up report after an outbreak of food poisoning at a hotel. It said that a group of unnamed women who had become ill after a birthday celebration at the hotel had earlier taken part in a "booze-fuelled orgy with sex toys and candle sticks", some of it caught on CCTV. The reporter ascertained that Public Health England ("PHE") had largely cleared the hotel of any responsibility for the outbreak and so the newspaper's story questioned "what really happened?" at the hotel that evening.

The complainant was one of the women in the group. She denied there had been an "orgy" or excessive drinking. She said that PHE had also discounted any connection between the food poisoning and drink or the antics of the party-goers, and the newspaper was making a false connection in breach of clause 1 of the Code. She also complained of intrusion into privacy under clause 2 and unwarranted clandestine recording under clause 10.

The Committee concluded that the story had exaggerated by characterising the party as an "orgy" because it involved sexual posing with sex toys rather than real sexual activity. This was judged to be a breach of the clause 1 requirement of accuracy. But the complaints on other grounds were not upheld. There was no intrusion into privacy, especially as none of the women had not been identified. And there was no subterfuge or clandestine recording – hotel signage had advertised the use of CCTV on the premises.

The Northern Echo was disappointed by the finding under clause 1 because it had carried out a careful investigation, but the newspaper understood and accepted IPSO's reasoning. The newsroom was warned always to consider the context and whether the use of colourful epithets could be fully justified in the context of the available evidence.

Lynne Little v The Oxford Mail and the Witney Gazette, Oxfordshire

The headline to a story about a controversial local mayor said she had been "forced" to step down from office, whereas Ms Little said she had simply come to the end of her term and had voluntarily decided not to run again. The newspapers had correctly described the background circumstances of Ms Little's departure, who had been subject to serious criticism and a vote of 'no confidence' shortly before stepping down, but the Committee decided that the headline was inaccurate in breach of clause 1 of the Code because the decision not to run again had still been hers in spite of the pressures on her. The offered correction offered was deemed sufficient and it was ordered to be published.

The newspapers noted the finding and reminded journalists on sub-editing duties always to read the story carefully and to ensure that they fully understand it before writing a headline.

Lisa Blakemore v Richmond & Twickenham Times, London

By coincidence we received, and IPSO upheld on the ground of inaccuracy, a remarkably similar complaint from another former local mayor. Ms Blakemore had been Mayor of Richmond-on-Thames, and left office in May last year. She had been a councillor for North Richmond but decided not to run again in the local elections. It was therefore wrong for the newspaper to say she had been "ousted".

Again, the adverse finding was communicated to staff, who were told always to consider the meaning of chosen words in context.

Lorna Dey v The Herald, Scotland

This complaint arose from a strained attempt to find a more local angle in a published inquiry into wealth inequality under a headline "Scotland's widening inequality gap is 'out of control'". The article apparently suggested it was based on a newly-released report from Oxfam. But the complainant pointed out that the new report did not focus on Scotland in the manner implied; its observations were actually about the UK generally and a range of other countries around the world. *The Herald* acknowledged that it had combined elements of the new report with figures from an earlier Oxfam report in 2015 and the verbal comments of an Oxfam researcher. IPSO said there was insufficiently clear attribution of the information and the result was a misleading representation about the nature and purpose of the latest Oxfam report, amounting to a breach of the requirement of accuracy under clause 1 of the Code.

The facts should always come before the story, not the story before the facts. This is an example of what can go wrong when the regional press try perhaps too hard to find a topical local angle to something that is not necessarily a local story at all. *The Herald's* analysis about inequality in the nation of Scotland might well have been correct; indeed Oxfam actually sent an email generally

endorsing the newspaper's coverage, which *The Herald* submitted to IPSO. But the complainant was still right to say that the latest report was not itself evidence that could be used to support an assessment of the particular situation in Scotland. The Editor took the point and the finding was discussed with the reporter, sub-editors and newsdesk.

Martin Costello v the Swindon Advertiser

A member of the UK Independence Party who had been suspended, and was under investigation by the leadership, was publicly criticised after *The Advertiser* mistakenly said he had been found to have continued posting messages on UKIP's Facebook pages. In fact messages from his personal Facebook pages had been shared on the party's pages by a page administrator without Mr Costello's knowledge. The newspaper amended the article and offered to publish a correction on the same page the article appeared in print and as an addendum to the online article. While there was a breach of clause 1 of the Code for inaccuracy, the correction was found to be adequate.

The newspaper noted the finding, found no serious issue of competency, but reminded the reporter to consider all possibilities and, wherever practicable, write the story in a way that acknowledges the availability of alternative explanations.

"Off book" issues

We try to learn from all the comments we get from readers that do not turn into IPSO complaints, and from those IPSO complaints that are not upheld or ones where a resolution is mediated, just as much as we do from those that are upheld. And new editorial issues continually arise, especially as the consequences of new technology unfold.

CCTV

One issue flagged by editors as a dilemma in 2018 was the abundance of CCTV and mobile phone footage supplied to us directly by victims of crime, particularly shops and other businesses suffering from the attentions of opportunistic thieves. The relative cheapness and easy availability of the technology means that there is much more of this video footage about, and news websites are always hungry for moving pictures that attract and keep visitors online. Significant reductions in policing have resulted in members of the public actually turning to us first with this material, hoping we can find justice for them. What we do with it as responsible journalists raises questions about our duty to respect the fairness and the integrity of the judicial process, as well as the legal safety of using it without further verification. Our news teams in Essex say they have seen many examples of alleged victims supplying extracts but not the complete video and they have devised local guidance to cope with it, emphasising the need to check that the video shows the 'hand in the till' moment and is sufficient to found an allegation.

User generated content

IPSO potentially has jurisdiction over user comments posted on our news stories, but it is triggered only where we have control and we have effectively adopted the post by omitting to remove it promptly after it has been brought to our attention. This is consistent with the 'notify and take-down' approach that is now globally accepted as excusing hosts of unmoderated comment facilities

on the web. In 2018, we noticed more complainants demanding the disclosure of personal details of those posters who had offended or possibly libelled them. Though our user terms give us a discretion to disclose in certain circumstances, generally we are bound by legal obligations of confidentiality and data protection and we will not disclose personal data to a complainant without a court order. The defence for site operators under section 5 of the Defamation Act 2013 reinforces our position in this regard as host of a comments facility, and increasingly through 2018 we found how useful the associated 'notice of complaint' process under section 5 could be, because it clearly defines the respective responsibilities of site operator and complainant, while at the same time it protects the rights of free expression of the poster and exempts the site operator from liability.

However, a particularly disturbing side-effect of the explosion in social media became apparent in 2018. We were engaged in several exchanges with crown courts across England alarmed at the ugliness and aggression of social media commentary on forthcoming court cases. A notorious murder trial in the North East had been nearly abandoned as a result of an internet lynch mob which the judge feared would poison the atmosphere around the judicial process and make it impossible for a jury to return a fair verdict, however much they were told to focus on the evidence. And *The Wrexham Leader* found itself being referred to the Attorney General's office for consideration of contempt prosecution after prejudicial comments were posted on a story about a crown court trial at Mold. Speedy action had been taken to remove the comment as soon as it was brought to the editor's attention and the Attorney General agreed that it was not appropriate to take any action against the innocent publisher. Although Newsquest Media Group already had guidelines in place warning against allowing comments on sensitive criminal trials, the policy has been extended to cover all criminal trials.

General Data Protection Regulation

The GDPR came into force last May with some fanfare and widespread misunderstanding among the general public. Newsquest Media Group's Data Protection Office has since received large numbers of misconceived demands under Article 17 GDPR for erasure of editorial content. The majority of requests relate to older content held in our accessible online archives. And the majority of those requests relate to archived reports of criminal convictions. Newsquest's policy remains unchanged and we explain it in our published privacy notice. Most of the personal data we process for editorial purposes is covered by the exemption for journalism and generally we will not delete, amend or de-index archived stories, although we will take appropriate steps where a significant inaccuracy or need for an update is demonstrated. The archives are fundamentally part of the journalistic purpose and important local historical records. They serve as the collective memory of the community and they are a rich resource to aid democratic debate.

Legal claims in 2018

If we realise we have made a serious mistake and a legal claim is threatened we are likely to seek settlement on a sensible basis. Although success fees are no longer recoverable in media cases as from April 6 2019, the risk of costs is a constant worry in a legal regime which publishers still feel is heavily weighted against them, but where we are confident that we have a good defence to a claim, we will defend it. From time to time statements in court are made in connection with a settlement, or legal proceedings are issued against us, and these matters become part of the public record.

In 2018, we settled out of court a serious claim against *The Argus* in Brighton from Alaedeen Sicri, a Libyan national living locally and learning to be a pilot at Shoreham Airport. The newspaper had reported his arrest and questioning by police in connection with the Manchester Arena bombing in which 23 young people died. He had fallen under suspicion because he had received a telephone call from the suicide bomber, Salman Abedi, shortly before the attack. It emerged that Abedi had wanted to arrange a currency transfer and he had obtained Mr Sicri's number from a publicly available site on which Mr Sicri advertised online financial services to other Libyan nationals. Mr Sicri suspected a scam and did not help. Later *The Argus* published a story referring to Mr Sicri's arrest and making allegations suggesting that he had publicly mourned the death of an ISIS leader in Libya by posting a picture of the Libyan flag when news broke of that ISIS leader's death in a US air attack, together with a message of respect for the dead leader on his Facebook page. After receiving a letter of claim from solicitors and investigating further, *The Argus* accepted that the allegations were false and the result of misinterpretation, and paid a sum in compensation and legal costs.

Two further defamation actions were resolved on confidential terms. One was from Mr Andrew Reid, a lawyer and farmer, who claimed against the *Oxford Mail* in relation to coverage of a dispute over rights of public access to land on his Oxfordshire estate. In Scotland, we also settled a long-running claim from ██████████ against ██████████ newspaper over a report about an internal dispute at the ██████████.

Newsquest Media Group
10 May 2019

