
MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 12 June 2019 at 10.30am
Gate House, 1 Farringdon Street, London EC4M 7LG

Present

Alan Moses (Chairman)
Nazir Afzal
Richard Best
Andrew Brennan
Lara Fielden
Janette Harkess
David Hutton
Helyn Mensah
Mark Payton
Andrew Pettie
Peter Wright

In attendance:

Michelle Kuhler, PA and minute taker
Lauren Sloan, Joint Head of Complaints
Matt Tee, Chief Executive

Also present: Members of the Executive:

Katrina Bell
John Buckingham
Rosemary Douce
Jonathan Harris
Vikki Julian
Sophie Malleson
Thomas Moseley
Madeline Palacz
Charlotte Urwin

Observers:

Martin Trepte, Board Member

1. Apologies for Absence
Apologies were received from Miranda Winram.
2. Declarations of Interest
Peter Wright declared an interest in item 7, and left the meeting for this item.
3. Minutes of the Previous Meeting
The Committee approved the minutes of the meeting held on 24 April.
4. Update by the Chairman – oral
The Chairman updated the Committee on recent events. He updated the Committee on the IPSO Lecture, the Sheffield Road Show and the International News Media Conference in Glasgow.
Meetings held with Chi Onwurah MP and a group of Labour MPs in relation to Clause 12.
He handed over to the Chief Executive who finished by updated the Committee on the RFC funding, changes to the Regulations and the progress on the replacement Chairperson.
5. Matters arising
There were no matters arising.
6. Complaint 02935-19 Sharp/Hale v Daily Record
The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its ruling appears in **Appendix A**.
7. Complaint 01641-19 Adomaityte v Mail Online
The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its ruling appears in **Appendix B**.
8. Complaints not adjudicated at a Complaints Committee meeting
The Committee confirmed its formal approval of the papers listed in **Appendix C**.
9. Any other business
There was no other business.

10. Date of next meeting

The date of the next meeting was confirmed as Wednesday 24th July 2019.

The meeting ended at 12.25pm

APPENDIX A

Decision of the Complaints Committee 02935-19 Hale and Sharp v Daily Record

Summary of Complaint

1. Craig Hale and Jill Sharp complained to the Independent Press Standards Organisation that the conduct of a reporter and a photographer from the Daily Record breached Clause 3 (Harassment) of the Editors' Code of Practice.
2. The complainants attended Livingstone Sheriff Court on 1 April 2019 in relation to charges against Ms Sharp. On leaving court, they were approached by a reporter and a photographer from the Daily Record.
3. The complainants said that as they ran approximately 75 yards from the court to the car, a reporter and photographer from the Daily Record followed them. They said that the reporter shouted questions at them and pursued them, whilst the photographer tried to take a photograph of Ms Sharp's face which was hidden under her hood. The complainants said that when they reached their car, the photographer was pressed up against the vehicle and forced his camera lens into the vehicle's interior, preventing Ms Sharp from closing her car door, and then ran around the car taking more photographs. The complainants said that whilst this was going on, the reporter prevented Mr Hale from closing the front door of the car, saying that he was giving him "one last chance to defend yourself before this goes to print tomorrow", which the complainants found threatening. The complainants said that they did not make any comment or say anything to the reporter or the photographer, but Ms Sharp did tell them to "go away, go away" as she was getting into the car. Mr Hale also noted that he was attending court as a private individual in order to support Ms Sharp; he said that there was no justification in him being photographed or approached in this way. The complainants said that the conduct of the reporter and the photographer during this approach left them feeling upset and amounted to harassment in breach of Clause 3.
4. The publication said that it was sorry to hear that the complainants had been upset by the encounter, but did not accept that its journalists had acted unprofessionally, or that there was any breach of the Code. The publication accepted that the reporter and photographer approached the complainants; however it disputed the complainants' version of events. It said that the encounter only lasted a number of seconds. The publication said that at no point did either the reporter or photographer shout at the couple; only the reporter spoke, and this was only to inform the complainants that the publication was intending to run a story about Mr Hale's alleged conduct, and to give him a right of reply.
5. The publication denied that the photographer had tried to force the lens of the camera into the complainants' car as they left. It said that the photographer used a long lens, and he estimated that he was stood approximately 10-20ft from the vehicle. The reporter confirmed that Ms Sharp did shout "go away, go away" as she was entering the car, which then drove away immediately. The publication said that there was no further contact from the journalists at this point.
6. The publication provided approximately 60 photographs which were taken by the photographer during the encounter. The photographs initially showed the complainants leaving the court building, with their hoods over their faces. The publication said that these photographs were taken from a distance of approximately 15ft away. The photographs tracked the complainants' progress to their car; the publication said that these were all

taken from a similar distance. The photographs also showed the reporter following the complainants approximately 6ft behind them. The publication said these images simply showed the reporter asking the complainants for comment, not shouting or intimidating them. The photographs then showed the complainants reaching their car and getting in. The publication said that whilst the photographer had clearly moved since taking the photographs of the complainants leaving the court building, it said that the composition of these photographs demonstrated that he remained approximately 10ft away from the complainants at all times. The publication said that the composition of the final photograph provided by the publication showed that as the complainants entered the vehicle and prepared to shut the doors, the photographer was still several feet away. The publication said that he was simply speaking to the complainants, and the photographs did not show that he had blocked access to the car, or had blocked the car from leaving. The publication said that this was the last photograph taken by the photographer, and it clearly showed that there would not have been time for the photographer to get close to the car or put the lens of his camera into the car door, as alleged by the complainants, before the doors were closed and the car drove away. The publication said that having reviewed all the photographs taken by the photographer on that day, it was satisfied that this image was the last one taken by the photographer of this encounter.

7. The complainants disputed that this was the last photograph taken by the photographer. They said that after this image was taken, the photographer proceeded to run around the car, and try and force his camera lens into the vehicle.

Relevant Code Provisions

8. Clause 3 (Harassment)*
 - i) Journalists must not engage in intimidation, harassment or persistent pursuit.
 - ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.
 - iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

Findings of the Committee

9. It is common practice for journalists and photographers to attempt to photograph individuals as they enter or leave court. The Committee acknowledged that there is a public interest in identifying defendants who appear in court and taking photographs of defendants who may wish not to be photographed is not necessarily a breach of the Code. Furthermore, it is common practice for reporters to put allegations to the subjects of a news report, prior to publication, in order to give them an opportunity to comment. The question for the Committee was whether the conduct of the reporter and the photographer in this instance amounted to harassment under the terms of Clause 3 in all the circumstances.

10. It was accepted that the complainants did not speak or otherwise engage with the reporter and the photographer during the period between them leaving the court and them reaching their car. Further, the Committee acknowledged that the complainants had used the hoods of their coats to obscure their faces from the photographer. However, the requirements of Clause 8 were not satisfied as this conduct did not amount to a request that the photographer desist from photographing them. However, the Committee considered that the complainants had made a request to the photographer that he desist from taking photographs of them when they reached their car by telling the photographer to “go away, go away”. The Committee noted that the complainants disputed that this request to desist was respected and that they said that they continued to be photographed and were prevented from leaving. Based on the photographs which had been provided by the publication (which the publication said evidenced the full extent of the interaction with the complainants), the Committee considered that there was insufficient basis to find that the publication had failed to respect the request to desist and that photographs of the complainants had continued to be taken following the request. In these circumstances, there was no breach of Clause 3(ii).
11. The accounts of the incident given by the complainants and the publication were not consistent. The Committee acknowledged that the complainants did not accept that the publication had provided all the photographs which had been taken by the photographer as they reached the car. However, it was accepted that the interaction between the complainants and the photographer was brief, as the distance between the court and the complainants’ car was short. The Committee considered that whilst the reporter and photographer had followed the complainants to the car, given the distance and the length of time over which the complainants had been photographed, this could not be considered to be a “persistent pursuit”. Further, the complainants alleged that the reporter and photographer’s conduct was intimidating; however, the photographs provided by the publication showed that the photographer was consistently at least 10ft away from the complainants and the last photograph showed the photographer standing at a distance as the complainants were closing the car door. The photographs did not appear to show the reporter shouting, or any physical contact between the reporter and photographer and the complainants. In these circumstances, the Committee was satisfied that by photographing and approaching the complainants for comment, the reporter and photographer had not engaged in intimidation, harassment or persistent pursuit under the terms of the Code. There was no breach of Clause 3(i).

Conclusions

12. The complaint was not upheld

Remedial Action

13. N/A

APPENDIX B

Decision of the Complaints Committee – 01641-19 Adomaityte v Mail Online

Summary of Complaint

1. Toma Adomaityte complained to the Independent Press Standards Organisation that Mail Online breached Clause 1 (Accuracy) and Clause 2 (Privacy) of the Editors' Code of Practice in an article headlined "ISIS bride lawyer's Lithuanian beautician wife says it's 'a difficult time' for her and her husband and claims the furious public 'don't really understand what's going on'", published on 18 February 2019, and that the conduct of a journalist acting for Mail Online breached Clause 3 (Harassment) in the preparation of this article.
2. The complainant was the wife of the lawyer who, at the time of publication, was representing a woman seeking to return to the UK after having travelled to Syria to support so-called Islamic State.
3. The article reported that the complainant, who was named and described as a beautician, had told the publication that she understood "why some people are angry" about her husband's efforts to bring the woman back to the UK, and that she had said that the controversy had "had a huge impact on me and the whole country". The article reported that the complainant had said that it was a "difficult time" for her and her husband, but that they were "coping", and that "people don't really understand what's going on". The article included an image of the complainant's home, showing only one house, which was captioned "The lawyer and his beautician wife live in a Victorian terrace in North London". The article appeared in the top half of the publication's homepage.
4. The complainant said that the article breached Clause 1 (Accuracy) because it had attributed statements to her which she had not made, and misrepresented her exchange with the journalist.
5. The complainant said that the journalist had arrived at her home at approximately 4.20pm on 18 February. She said that the reporter had asked her to confirm her husband's phone number, to which she had said "I don't want to comment". The complainant said that the reporter had then asked how she was feeling and whether the situation was stressful, to which she had said "I am fine". She said that the reporter had continued to ask questions, including "Are you and your husband discussing the case?" but she had made no comment, and on her friend's advice had eventually said "I'm not going to talk about it", and shut the door. She said she had also confirmed, during a second approach by the journalist which she said had taken place approximately 40 minutes later, that she and her husband were married - but had made no other substantive response to any questions asked.
6. The complainant said that she had not said any of the following: "We are OK. It's a difficult time but we are coping... people don't really understand what's going on...I've not been involved in any of this but obviously it's had a huge impact on me and the whole country...This is a very important issue, I understand that and why some people are angry. I'm sorry, I don't want to say any more".
7. The complainant said that she had been on the phone to other individuals during both interactions, and these individuals provided accounts of the conversations to IPSO which

supported her views. The complainant also provided call logs of her interactions with these individuals which she said supported this version of events.

8. The complainant also said that the publication had breached Clause 3 (Harassment) in the preparation of the article. She said that she had made clear that she did not wish to give a comment, in the first approach by the journalist, by stating "I don't want to comment". Despite this, the reporter had continued to question her. She had then told him "I'm not going to talk about it", and had closed the door. Forty minutes later, the reporter had knocked on her door for a second time; the complainant said that she had opened the door intending to tell him to go away, but he had begun to ask her questions. She had answered a question in relation to whether she was married, but had then stated "I told you I don't want to make any comment" and closed the door. The complainant said that fifteen minutes later, she had left the house to travel to work, and had noticed that the reporter following her by car when she left. She said that this course of conduct represented intimidation and harassment, and that her statement during the first approach by the journalist that she did not want to talk about the situation represented a clear request to desist from questioning.
9. The complainant also said that the article had breached Clause 2 (Privacy), because it included an image of her home, and its general location.
10. The publication denied any breach of Clause 1 (Accuracy), and disputed the complainant's account of the interactions at her home. It said that a freelance reporter had been engaged to make contact with the complainant's husband; contrary to the complainant's account, it said that this reporter had not called at the complainant's home for the first time until shortly before 5.00pm. The publication did not therefore accept that the first interaction had happened at the time proposed by the complainant, which it said called into question whether she had been on the phone to her friend as suggested.
11. The publication provided the reporter's shorthand notes of his conversation with the complainant, recorded immediately after the first approach, which read "We are OK. We are trying not [to] think about it. It's been quite a difficult time. [Husband's name] has been very busy with what's going on. I have not been involved with what's going on but obviously it's had an impact on me". The publication noted that this was not a complete record of the conversation, but said that the journalist had immediately returned to his car and had filed the full quotations to his editor, at 5.01pm. The email he sent to his editor, which was provided to IPSO as part of its investigation, stated that the complainant had said the following: "We are OK. It's a difficult time but we are coping. [Named individual] has been very busy and people don't really understand what's going on. I've not been involved in any of this but obviously it's had a huge impact on me and the whole country. This is a very important issue, I understand that and why some people are angry. I'm sorry, I don't want to say any more".
12. The publication said that, after the journalist had filed these quotations, his editor had called him and asked him to return to confirm the complainant's full name and her marital status. The journalist said that he had engaged in a conversation with the complainant on these issues, and she had confirmed both her marital status and her surname; he had then left.
13. The publication also denied any breach of Clause 3 (Harassment); it said that at no point during either conversation had the reporter been asked to leave. It said that, having provided the quotations reported in the article, during the first interaction, the complainant had said "I'm sorry, I don't want to say any more", at which point the reporter had left. The publication denied that the complainant having said "I don't want to say any more" represented a request to desist from all further contact. It said that when the journalist returned for a second time it

had been to check the two biographical details, rather than to continue to seek further comments from her in relation to her husband's case; the journalist said that the complainant had seen him first through a window, before answering the door to him, and engaging with his questions - suggesting that she was not distressed by the prospect of a further interaction. It said that, had she not wished to talk, she would not have engaged in this further conversation. The publication said that the reporter's exchanges with the complainant had been pleasant and frank, and that he denied any suggestion that he had followed her in his car at any point: he said that he had driven away from the house and not returned.

14. The publication also denied any breach of Clause 2 (Privacy). It said that the image of the complainant's house had been closely cropped to remove any details which might allow its precise location to be identified; the article had only referred to the house as being in "North London". It also said that the image was taken from a public street, and that there was no inherent right to privacy over the publication of images of a home.

Relevant Code Provisions

15. 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.*

16. 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. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.*
- iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.*

17. Clause 3 (Harassment)*

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

Findings of the Committee

18. The Committee noted that the complainant and the publication had provided differing accounts of the content of the first conversation. The complainant accepted that questions had been asked of her regarding her feelings in relation to her husband's case, and whether she was discussing the matter with him – questions which reflected the content of the quotations attributed to her - but denied having made any substantive responses other than confirming that she was "fine". However, the publication was able to supply a contemporaneous shorthand note of the conversation, which had been taken minutes after the conversation had taken place. This note supported several of the quotations attributed to the complainant in the article, including the headline claim that this was a "difficult time" for her and her husband. The note was supported by a subsequent email – which could also be considered contemporaneous – which set out in full the quotations reported in the article. Notwithstanding that this account was disputed, where the publication was able to provide contemporaneous support for the quotations attributed to the complainant, there was no failure to take care over the accuracy of the article on this point, and the Committee did not find that the quotations attributed to the complainant were inaccurate. There was no breach of Clause 1.
19. The Committee then considered the complaint made under Clause 3. It noted that the Code does not insist that individuals use a particular form of words in asking journalists to desist from contacting them further; in this instance, it was accepted that, at the end of the first conversation, the complainant had said "I'm not going to talk about it" or "I'm not going to say any more". While the complainant had not asked the journalist to leave, or stated that she did not wish to be contacted, she had stated her position that she did not wish to talk further about the matter of her husband's case. In these circumstances, there was a risk that a further approach could give rise to a breach of the terms of Clause 3 (Harassment). However, it was accepted that the second approach was a brief discussion of biographical details about the complainant, not a discussion of the complainant's husband's case, and the complainant had willingly engaged in this discussion by answering at least one of the questions posed to her. In these circumstances, the Committee did not consider that the nature of the second approach was such that the journalist's course of conduct breached Clause 3.
20. The photograph of the complainant's house showed only its outward appearance and was also cropped in such a way so as to reduce the likelihood of the house being identifiable to members of the general public who were not already familiar with its location. The photograph did not contain any private information about the complainant in respect of which she had a reasonable expectation of privacy. There was no breach of Clause 2 (Privacy) in relation to the publication of the photograph.

Conclusions

21. The complaint was not upheld

Remedial Action

22. N/A

APPENDIX C

Paper No.	File Number	Name v Publication
1665	01337-19	Sidenburg v Mail Online
1666	00409-19	Pallett v mirror.co.uk
1667	02852-19	Cook v Stamford Mercury
1668	02343-19	Harvey v Bristol Post
1669	02805-19	Luck v The Mail on Sunday
1671		Request for Review
1652	00347-19/00348-19	Taylor v nottinghampost.com/derbytelegraph.co.uk
1658	01511-19	Scott-Samuel v The Mail on Sunday
1659	00170-19	Salih v The Daily Telegraph
1660	00134-19	Edmonds v The Sun
1662	01612-19	Bentham v The Daily Telegraph
1663	00148-19	Jamelia v Mail Online
1661		Request for Review
1651	01385-19	Iqbal v eveningtimes.co.uk
1653	01759-19	A man v Mail Online
1648	00457-19	Tabor-Thickett v Daily Mirror
1625	07363-18	Williams- Thomas v The Mail on Sunday
1642	00151-19	Jameila v dailyecho.co.uk
1645	07959-18	UWE Bristol v Bristol Post
1654		Request for Reivew
1673	01343-19	Hajewskyi v lancashiretelegraph.co.uk
1677		Request for Review
1675	01922-19	A woman v Grimsby Telegraph
1682	01905-19	Forbes v glasgowlive.co.uk
1683		Request for Review
1672	01243-19	Haycox v The Sunday Times
1687		Request for Review
1679	02768-19	Beggs v The Sun
1680	01752-19	Wallis v thesun.co.uk
1685	01720-19	Heppell v Pick Me Up
1690	01507-19	Luby v Daily Mail
1692		Request for Review