

**MINUTES of the COMPLAINTS COMMITTEE MEETING**  
**Wednesday 31 May 2017 at 10.30 am**  
Gate House, 1 Farringdon Street, London EC4M 7LG

**Present:** Richard Best, Deputy Chairman  
Lara Fielden  
Janette Harkess  
Gill Hudson  
David Jessel  
Matthew Lohn  
Neil Watts  
Elisabeth Ribbans  
Nina Wrightson

**In attendance:** Charlotte Dewar, Director of Operations  
Ben Gallop, Head of Complaints  
Michelle Kuhler, PA and minute taker  
Bianca Strohmann, Head of Complaints  
Matt Tee, Chief Executive Officer

**Also present: Members of the Executive:**

Niall Duffy  
Alistair Henwood  
Vikki Julian  
Madeline Palacz  
Holly Pick  
Lauren Sloan  
Liam Tedds  
Charlotte Urwin  
Hugo Wallis

**Observers:** Jonathan Grun, Editors' Code of Practice Committee

1. Apologies for Absence

Apologies were received from Sir Alan Moses, Peter Wright and Jill May.

2. Declarations of Interest

There were none.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 26 April.

4. Update by the Chairman - oral

The Deputy Chairman welcomed Jonathan Grun to the meeting and handed over to the Chief Executive for an update. The Chief Executive noted the forthcoming General Election and summarised the references to press regulation in the recently published manifestos. He also provided the committee with an update on the current status of the Global Digital Review.

5. Operations Report

The Committee noted the updates provided in the report.

The Committee agreed to a change in its procedure for the circulation of draft rulings: Committee Members would have a minimum of three working days to send through their response to new drafts, and two working days for revised drafts.

6. Guidance on prominence

The Committee noted the update in respect of the editorial guidance on social media that had been agreed by the Board and noted that it would be published shortly.

7. Matters Arising

There were no matters arising.

8. Complaint 02299-17 A man v Daily Star Sunday

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

9. Complaint 01690-17 v A woman v Mirror.co.uk

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

10. Complaint 00253-17 A woman v That's Life

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

11. Complaint 01729-17 Beckham 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 D**.

12. Complaint 13584-16 Gibbins v The Sun

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

13. Complaints not adjudicated at a Complaints Committee meeting

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

14. Any other business

There was no other business.

15. Date of Next Meeting

The date of the next meeting was confirmed as Wednesday 28 June 2017.

The meeting ended at 1.29pm

Michelle Kuhler  
PA to CEO

## Appendix A

### Decision of the Complaints Committee 02299-17 A man v Daily Star

#### Summary of complaint

1. A man complained to the Independent Press Standards Organisation that the Daily Star Sunday breached Clause 1 (Accuracy) and Clause 2 (Privacy) of the Editors' Code of Practice in an article headlined "England ace [the complainant] cheated on sweetheart with me", published on 26 November 2016, and an article headlined "Love rat [the complainant]' £3.5m new pad", published on 5 February 2017.
2. The first, front-page article reported that the complainant had told a woman that he was no longer in a relationship with his long-term girlfriend and had engaged in an affair. It had alleged personal conversations and interactions between him and the woman, giving details of where they had allegedly kissed, and the first time they had allegedly slept together. The article described how the woman had become suspicious that the complainant was still in a relationship and had contacted his girlfriend on social media. It was illustrated with images of the text messages the complainant had exchanged with the woman, and her messages to his girlfriend. The article was also published online.
3. The second article reported that the complainant had spent £3.5m on a new six-bedroom house "after cheating on his girl". It quoted from the estate agent's listing, which gave general information about where the property was located in the city, and it included pictures of the exterior of the house. The article repeated the claim made in the earlier piece that the complainant had been unfaithful to his long-term girlfriend, and said that the house purchase had led to rumours that they were planning to start a family. The article was also published online.
4. The complainant said that the newspaper had published private information about his relationships and private life without his consent and in the absence of any public interest justification.
5. The complainant said that before these articles were published, there had been no coverage of his personal life, other than stories based on paparazzi photographs which had been taken without consent. He said that there was no public interest justification for publishing the article under complaint; the story had merely served to satisfy readers' curiosity in the private life of a celebrity. The woman's right to express herself had not outweighed his right to privacy, particularly in circumstances where there was no public interest justification. He noted that in the online version, the images of the text messages had shown a telephone number, although it was not his.
6. On publication of the first article, the complainant's representative had contacted the newspaper to express his concern that the article was intrusive and that he had not been contacted in advance. The newspaper's reporter had informed the complainant's representative that "we took legal advice and it was considered not

to be necessary". The representative had also requested the removal of the article from the newspaper's website, but despite this, the article remained in circulation.

7. The complainant said that the second article had included images of his new home, which he said posed a significant security risk to him and his partner. While the house could not be seen from the road, and in order to view the property an individual would need to be invited on to the property, he had not previously publicised his move and images of the property had never before been published in conjunction with his and his partner's names. He was extremely concerned that members of the public and paparazzi would be able to identify the exact location of his new home from the published images.
8. The complainant was also concerned that the second article had repeated the previously published information about his private life, and its reference to his family represented a further intrusion.
9. The complainant considered that the newspaper's failure to contact him to verify the claims made in the article in advance of publication represented a failure to take care over the accuracy of the articles in breach of Clause 1 (Accuracy).
10. The newspaper denied that the first article had included details of the sexual relationship between the complainant and the woman featured in the piece. It had merely reported that a relationship had been conducted in public for three months, and it had done so sensitively. It said that the complainant's right to privacy did not outweigh the woman's right to express her views, particularly as the relationship had been conducted openly in the knowledge of the complainant's friends and acquaintances; the woman had informed the newspaper that she had been on various dates with the complainant in public. With regards to the text messages, the newspaper considered that they had revealed nothing of significance and the number displayed was not the complainant's. It said that it had removed the number from the online article when notified.
11. With regards to the second article, the newspaper said that the complainant's house was a generic house of the type common to the area, and it provided some images of other houses to support this. The house was not unique; it would be very difficult to distinguish it from others in the area. It also noted that the house was on a two-acre plot and was not visible to passers-by from the road.
12. In response to the newspaper's position that the alleged relationship had been conducted in public, the complainant said that this was contradicted by the article itself, which had claimed that it "revealed" the relationship, and had pointed to the relationship being clandestine and not in the public knowledge. He also denied that the story had been handled sensitively: it had been published on the front page of a national newspaper without any notice.

## Relevant Code provisions

### 13. Clause 1 (Accuracy)

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

### 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.

### The public interest

The public interest includes, but is not confined to:

- Detecting or exposing crime, or the threat of crime, or serious impropriety.
- Protecting public health or safety.
- Protecting the public from being misled by an action or statement of an individual or organisation.
- Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.
- Disclosing a miscarriage of justice.
- Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.
- Disclosing concealment, or likely concealment, of any of the above.
- There is a public interest in freedom of expression itself.
- The regulator will consider the extent to which material is already in the public domain or will or will become so.
- Editors invoking the public interest will need to demonstrate that they reasonably believed publication - or journalistic activity taken with a view to publication - would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.
- An exceptional public interest would need to be demonstrated to over-ride the normally paramount interests of children under 16.

### Findings of the Committee

14. The Committee emphasised that the woman had chosen to tell her story to the newspaper, and in doing so had exercised her right to freedom of expression, a right which is enshrined in the Code. However, in order to comply with the Code, the newspaper was required to demonstrate that any intrusion into the private life of the complainant caused by the publication of her story was justified.
15. The Committee noted the newspaper's position that the complainant had conducted the alleged relationship openly, including attending events with the woman. It also acknowledged that the level of detail given about the nature of the relationship was limited. However, the Committee was concerned that the first article had reproduced text messages which were said to have been sent by the complainant to the woman, and which contained information about which the complainant had a reasonable expectation of privacy.
16. While the newspaper was able to rely on the woman's right to freedom of expression as providing some justification for the publication of the article, this had to be balanced against the complainant's right to respect for his private life. The newspaper had not sought to argue that the complainant had previously discussed his private life publicly and, in the absence of a further public interest, the publication of the complainant's private text messages, without his consent, could not be justified.
17. As the newspaper had failed to provide sufficient public interest justification for publishing the complainant's text messages, the complaint under Clause 2 was upheld in relation to the first article.
18. In the second article, the newspaper repeated the woman's claim that she had had a relationship with the complainant and that he had been unfaithful to his partner. While the complainant had, in advance, notified the newspaper that he did not consent to publication, this article had not included any details about the nature of the alleged relationship and had not reproduced the complainant's text messages. In all the circumstances the reference to the woman's claim did not intrude into the private life of the complainant in breach of Clause 2.
19. The second article had also included images of the complainant's new home. The Committee acknowledged his position that members of the public may be able to locate the property from the published images, and his concern to protect his and his partner's security. However, the Committee did not consider that the public generally would be able to locate the house, which was not visible to the public from the road, from the published images. As such, publishing the images in this context did not represent an intrusion into the complainant's private life in breach of Clause 2.
20. The newspaper had based the articles on the woman's account. It had attributed the account to her, and before publication, it had seen correspondence between her and the complainant, which appeared to support her story. While the

Committee acknowledged the complainant's concern that he had not been notified of the story in advance of publication, it was not the case that newspapers are always required to seek comment from the subject of a story before publication to comply with the terms of Clause 1 (i). The complainant had also not alleged that the articles were inaccurate. There was no failure to take care over their accuracy in breach of Clause 1 (i).

### Conclusion

21. The complaint was upheld.

### Remedial action required

22. Having upheld the complaint, the Committee considered what remedial action should be required.

23. The newspaper had published private information in breach of Clause 2. In these circumstances, the publication of the Committee's adjudication was appropriate.

24. The Committee considered the placement. The article had appeared on the front page and continued on pages four and five. Due to the prominence of the article, the Committee required that a reference to the adjudication be published on the front page, the same size as the strapline appearing on the bottom of the front page under complaint. This reference should direct readers to the full adjudication, which should appear on page four or further forward. Both the headline to the adjudication inside the paper and the front-page reference should make clear that IPSO has upheld the complaint, give the title of the newspaper and refer to the complainant's subject matter. The headline, the placement on the page, and the prominence, including font size, of both the adjudication and the front-page reference must be agreed with IPSO in advance.

25. The adjudication should also be published on the newspaper's website, with a link to the full adjudication appearing on the top half of the homepage for 24 hours; it should then be archived in the usual way. The terms of the adjudication for publication are as follows:

*Following an article published on 26 November 2016 in the Daily Star Sunday, headlined "England ace [the complainant] cheated on sweetheart with me", a man complained to the Independent Press Standards Organisation that the newspaper had breached Clause 2 (Privacy) of the Editors' Code of Practice. IPSO upheld the complaint and has required the Daily Star Sunday to publish this decision as a remedy to the breach.*

*The article reported that the complainant had told a woman that he was no longer in a relationship with his long-term partner and had engaged in an affair. The article described how the woman had become suspicious and had contacted his girlfriend on social media. It was illustrated with images of the text messages the complainant had exchanged with the woman, and her messages to his girlfriend. The complainant said that the newspaper had published private information about his relationships and private life without his consent and in the absence of any*



*public interest justification. Before this article, there had been no coverage of his personal life, other than stories based on paparazzi photographs which had been taken without consent. The woman's right to express herself had not outweighed his right to privacy, particularly in circumstances where there was no public interest justification.*

*The newspaper denied that the article had included details of the sexual relationship between the complainant and the woman featured in the piece. It had merely reported that a relationship had been conducted in public for three months. It said that the complainant's right to privacy had not outweighed the woman's right to express her views. With regards to the text messages, the newspaper considered that they had revealed nothing of significance.*

*The Committee considered that the complainant's text messages to the woman, which appeared to refer to an earlier sexual encounter, was information about which he had a reasonable expectation of privacy.*

*While the newspaper was able to rely on the woman's right to freedom of expression as providing some justification for the publication of the article, this was, in the absence of any further public interest consideration, insufficient to justify the publication of the complainant's private text messages, without his consent. It had also not sought to argue that the complainant had previously discussed his private life publicly.*

*As the newspaper had failed to provide sufficient public interest justification for publishing the text messages, the complaint under Clause 2 was upheld.*

## Appendix B

### Decision of the Complaints Committee 01690-17 A woman v mirror.co.uk

#### Summary of Complaint

1. A woman complained to the Independent Press Standards Organisation that mirror.co.uk breached Clause 1 (Accuracy), Clause 2 (Privacy) and Clause 6 (Children) of the Editors' Code of Practice in an article headlined "Heartbroken mum shares distressing footage of bullies attacking her 12-year-old daughter before leaving her lying in a gutter", published on 4 March 2017.
2. The article reported on a physical altercation involving two young girls, and contained a 40 second video of the incident. The video showed the two girls walking alongside each other at the side of a road. It showed one of the girls shouting at the other, before appearing to pull her to the ground and punch and kick the second girl; the article reported that the second girl had been "left lying terrified in a heap in the gutter". Both of the girls had their faces pixelated. The article reported that that "the sick footage" had been "filmed by one of the bullies". The quality of the recording was affected by the fact that the video was shot at night, in dim light.
3. The article reported that the video appears to show the second girl being "verbally abused" before being "dragged to the floor in the middle of the road by another girl". It said that "a mum has shared distressing footage of a brutal attack that left her 12-year-old daughter lying in a gutter in her bid to raise awareness of school bullying ". As well as the video, the article included stills of the footage, again with both girls' faces pixelated. The article reported that "the incident has been reported to West Yorkshire Police and the distressing footage has been shared more than 4,000 times on social media".
4. The article contained a statement from the head teacher of the second girl's school confirming that "staff spent time with the student and spoke to parents" and that it had contacted "external agencies" as the "alleged attacker" was not a pupil at the school.
5. The complainant, the mother of the first girl, expressed concern that the article inaccurately referred to her 15-year-old daughter as a "bully", when the police were aware that her daughter was the individual involved in the altercation, and the matter was still being investigated by them.
6. The complainant said that she had not given her permission for the video to be published, and said that by including it in the article, alongside its accompanying stills, the newspaper had breached her daughter's privacy. The complainant did not accept that it was in the public interest to report on, or publish footage of, the incident.
7. The newspaper did not accept a breach of the Code. It said that the video showed an anti-social and potentially criminal act, which was filmed in a public location by another person allegedly bullying the victim. The newspaper said that it had ensured that the footage and pictures had been pixelated, in order to protect the identity of

those shown. The newspaper noted that, prior to the article's publication, the footage had been placed in public domain, having been circulated on social media. It had also been referred to by the police in their appeal for information.

8. The newspaper said that it had considered the Code before publication and decided that it was in the public interest to report on the incident. It said that the serious and anti-social nature of the activity was demonstrated by the fact that the police decided to conduct additional neighbourhood patrols in the area to offer reassurance to the community.

### **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.

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.

v) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

#### 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 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.

### The public interest

There may be exceptions to the clauses marked \* where they can be demonstrated to be in the public interest.

The public interest includes, but is not confined to:

- i. Detecting or exposing crime, or the threat of crime, or serious impropriety.
- ii. Protecting public health or safety.
- iii. Protecting the public from being misled by an action or statement of an individual or organisation.
- iv. Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.
- v. Disclosing a miscarriage of justice.
- vi. Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.
- vii. Disclosing concealment, or likely concealment, of any of the above.
- viii. There is a public interest in freedom of expression itself.
- ix. The regulator will consider the extent to which material is already in the public domain or will or will become so.

Editors invoking the public interest will need to demonstrate that they reasonably believed publication - or journalistic activity taken with a view to publication - would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.

An exceptional public interest would need to be demonstrated to over-ride the normally paramount interest of children under 16.

### **Findings of the Committee**

10. Critical to the Committee's consideration of this complaint was the fact that it related to a child. While the footage had been filmed on a public street, and had been shared more than 4,000 times on social media, the Committee had received no evidence that

either the complainant or her daughter had consented to her being filmed, or to the footage being shared on social media or otherwise placed in the public domain, let alone published to a large audience. In these circumstances, the Committee concluded that the complainant's daughter had a reasonable, albeit limited, expectation of privacy in relation to the footage.

11. Nonetheless, whilst the video might have identified the girl to a limited number of people within her local community beyond those who were already aware of it from its previous circulation, the newspaper had taken steps to minimise the extent of this, by not naming her and thoroughly pixelating the images and footage. In those circumstances, and given the previous circulation of the footage within the girl's community, the Committee considered that any intrusion into the complainant's daughter's private life posed by the further publication of the footage had been limited.
12. The Committee considered that there existed a very strong public interest justifying publication. There was a public interest in enabling the second girl's mother to discuss the effect that the behaviour featured in the video had on her daughter, and to use the video and stills as part of that story, particularly where the video itself had formed part of the incident to which her daughter was subject. There was also a public interest in contributing to public debate about anti-social behaviour amongst young people, and the video illustrated vividly, in a way that would not have been possible through words alone, the nature of the behaviour. Further, the newspaper had taken steps to limit the extent of the intrusion into the complainant's daughter's privacy. The Committee concluded that in this instance an exceptional public interest justified publication of the video in its pixelated form. The complaint under Clause 2 was not upheld.
13. Similarly, the Committee found no breach of Clause 6 (Children). While the footage had the potential to intrude into the complainant's daughter's time at school, given the nature of the behaviour shown and the significant public interest in publication, this intrusion was not "unnecessary". The fact that the complainant's daughter had engaged in the activity shown in the video was a matter that related to her, and to the second girl's welfare. As such, the Code's starting point is that parental consent would be required for the publication of the video and stills under the terms of Clause 6(iii). However, this requirement was overridden by the public interest in its publication.
14. The Committee finally considered the complaint about the article's accuracy. It did not consider that it was significantly inaccurate or misleading to characterise the complainant's daughter as a "bully", in circumstances where the footage appeared to show her pulling another girl to the floor, and punching and kicking her as she lay on the ground, and had been shared by the alleged victim's mother, in order to raise awareness of school bullying. There was no breach of Clause 1.

### **Conclusion**

15. The complaint was not upheld.

**Remedial Action Required**

N/A

## Appendix C

### Decision of the Complaints Committee 00253-17 A woman v That's Life

#### Summary of complaint

1. A woman complained to the Independent Press Standards Organisation that That's Life breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "No genitals! Baby was neither boy nor girl", published on 19 January 2017.
2. The article was the complainant's first-person account of her pregnancy. It was reported that she suffered complications throughout her pregnancy and that her son was born prematurely under a cesarean section. It was also reported that doctors were unable to confirm the sex of her son until he was four months old. The article reported that he suffered from hydrops fetalis, which caused extensive swelling around his body and the swelling of his sex organs in the womb. It was also reported that when he was one month old, an endocrinologist confirmed that he had male genitals in place, and that when he was four months old, a chromosome and genetics expert confirmed that he was male.
3. The complainant said that the headline was inaccurate because her son was not born with "no genitals". She said that due to the swelling around his body, consultants said that they thought they could see male genitals, but would wait until he was in a more stable condition before tests were carried out to confirm this. The complainant also said that the article was inaccurate because it reported that during a pre-natal scan, the sonographer said that her son had "extensive swelling around the body". The complainant said that she was only informed of this once he had been born. Further, the complainant said that the article was inaccurate because it reported that her contractions began when she was twenty-eight weeks pregnant and that a doctor said "it's time to get the baby out". The complainant said that the correct position was that she went to hospital with tightenings and had three contractions the following day, when she underwent an emergency cesarean section.
4. The publication said that any ambiguity surrounding the headline was made clear in the article. It said that it accurately summarised the position in the article, that no genitals could be seen on the complainant's son, which left her in a position of not knowing whether her son was a male or a female. The publication also said that they took care to ensure that the complainant's story was represented accurately. It said that a thorough interview was conducted with the complainant, and the story was read back to her three times until the article was approved by the complainant. It noted that the final version of the article, which was read to the complainant, contained the quotes which the complainant has disputed.

#### Relevant Code Provisions

5. 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.
  - v. A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

### **Findings of the Committee**

6. Given the sensitivity of the story, which was a first-person account of the complainant's pregnancy and the birth of her child, particular care should have been taken to accurately summarise the story on the front page of the magazine.
7. The complainant's son had been born with a condition which had caused his genitals to swell so that when he was born, doctors could not determine whether he was male or female. It was not the case that he had been born with "no genitals", as stated on the front cover. This inaccuracy had been compounded by the sub-headline, which read "Baby was neither boy nor girl".
8. The Committee acknowledged that the magazine had taken care over the accuracy of the article itself, which made clear the nature of the child's condition; however, this had been undermined by its failure to accurately summarise the story on the front page. The headline was not supported by the text. Given the sensitive subject matter, this represented a serious breach of Clause 1 (i).
9. The inaccuracy had given a significantly misleading impression of the child's condition, and it had misrepresented the way in which the complainant had told her story. The magazine's failure to offer to publish a correction was a breach of Clause 1 (ii).
10. The magazine had interviewed the complainant three times and it had received her approval for the final draft of the article. While the Committee acknowledged the complainant's concerns that the article itself inaccurately reported comments made to her by the sonographer, and the circumstances surrounding her son's birth, the Committee was satisfied that the publication had taken sufficient care over the accuracy of this information. In circumstances where it is not disputed that the complainant had a caesarean section following contractions, and that she was told that her son had "extensive swelling" around his body, the Committee did not consider that the article was significantly inaccurate on these points. There was no breach of Clause 1 on these aspects of the complaint.

### **Conclusions**

11. The complaint was upheld.



### Remedial action required

12. Having upheld the complaint, the Committee considered what remedial action should be required.
  
13. The magazine had published a significantly inaccurate headline, which was not supported by the article, and it had failed to comply with the obligations of Clause 1(ii) by offering to publish a correction. In those circumstances, the Committee would generally require the publication of an upheld adjudication. The complainant confirmed to IPSO in correspondence that she did not wish for any further information to be published in the magazine, which related to her son. The Committee noted that the article related to private, medical details of a young child, which would be referenced in any published adjudication. In those particular circumstances, and having considered the nature of the breach it had established and the complainant's request, the Committee concluded that it was not appropriate to require the publication of an upheld adjudication. No further action was required.

## Appendix D

### Decision of the Complaints Committee 01729-17 Beckham v Mail Online

#### Summary of Complaint

1. David and Victoria Beckham complained to the Independent Press Standards Organisation that Mail Online breached Clause 2 (Privacy) of the Editors' Code of Practice in an article headlined "Build it like Beckham! Final preparations are underway as David and Victoria 'prepare to move in to £5 million Grade II-listed country barn'", published on 6 March 2017.
2. The article reported that renovations had begun at the house that the complainants were said to have bought, and identified the general area where it was located, the name of the town it was close to, and identified a landmark which it was near. It said that two new glass extensions appeared to have already been constructed at the property, new windows appeared to have been fitted, and landscaping had begun on the grounds and driveway. The article was accompanied by ten photographs of the outside of the property from a number of different angles, which demonstrated that renovation work was under way.
3. The complainants said that the article included photographs of the house they had yet to move in to, both from close-up and afar, which must have been taken by trespassing on private land. They said that the article and some of the photographs not only depicted what would become their family home, it had also clearly identified its location to millions of readers. They said that they had a reasonable expectation of privacy in relation to their home, and private and family life; this was particularly important where they intended to raise their children at the property free from the media scrutiny to which they are subjected in many other aspects of their lives. They said that due to their profile, the identification of their private family homes had given rise to serious security issues in the past, which had meant that they had been forced to take a number of preventative measures, including employing private security contractors. They considered that there was no public interest in publishing such material.
4. The publication said that the photographs had been taken from a public place, and that there was no trespass onto the complainants' property. It said that the key test in such cases is whether the information published would be sufficient to enable people to find the home, and whether the article put new information into the public domain about the location. It said that in this case, it was clear that the article did not reveal any "new" information about the property. It said that photographs of the property had previously been published by other newspapers, and many had identified the house's approximate location in a similar fashion. It highlighted one article in particular which had identified the precise road where the house was located, over and beyond what it and other newspapers had done. Overall, it said that the article went no further than simply saying where the property was close to, and that the photographs were closely cropped to the buildings and gave very little context beyond a field and some trees. Nonetheless, the publication offered to remove the photographs from the article as a gesture of goodwill.

5. The complainants accepted that four of the ten photographs could have been taken from public land, but argued that the other six could only have been taken from private property. They said that the very act of taking these photographs from private land demonstrated that the publication had no respect for their privacy. In addition, the article had gone further than other articles in causing the location of the property to be identified because it had featured ten photographs – more than featured in the other articles – as well as a description of the area where the property was located.

### Relevant Code Provisions

6. 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

7. The complaint centred on two key concerns: that the photographer had entered private land in order to take photographs of the complainants' property, which showed views not visible to the public, and that the subsequent article had contained information which could lead to intrusion by a member of the public.
8. The Committee acknowledged the complainants' position that the reporter had trespassed onto private property in order to take the photographs. While trespass is ordinarily a matter for the civil courts, venturing onto private property could also be intrusive in breach of Clause 2 of the Code.
9. The Committee noted the dispute between the parties about whether six of the photographs had, in fact, been taken on private or public land; it was not in a position to make a finding as to where each individual photograph was taken. However, the six images showed the outside walls of the property; they did not reveal more information about the property than was shown in the four photographs which had been taken from what was accepted to be a public right of way. In addition, in circumstances where the property was undergoing renovation, and was not yet used by the complainants as a home, the photographs could only contain a limited amount of private information, if any. The Committee did not consider that the publication of the photographs, leaving aside the separate issue of the identification of the complainants' address, represented an intrusion into their private life. There was no breach of Clause 2 on this point.
10. In general, people do not have a reasonable expectation of privacy regarding their address. However, there are special circumstances in which the publication of details of an individual's home may be intrusive. In this case, the Committee recognised that certain individuals, including those with a high public profile, may

be exposed to security problems if their address, or details allowing their address to be identified, are published. As such, this may be information in relation to which they have a reasonable expectation of privacy.

11. In this case, the article reported details of the wider geographical region where the property was located, the town that it was near, and identified a local landmark which it was close to. The photographs depicted the property the complainants had purchased, and revealed that it was currently being renovated.
12. In the Committee's view, these details were insufficient to identify the precise location of the property, such that the complainants would have a reasonable expectation of privacy in relation to the information contained in the article. In coming to this view, the Committee noted that the details revealed in the article did not go substantially further, in detailing the property's location, than information already in the public domain. There was no breach of Clause 2 on this point.

### **Conclusions**

13. The complaint was not upheld.

### **Remedial Action Required**

14. N/A

## Appendix E

### Decision of the Complaints Committee 13584-16 Gibbins v The Sun

#### Summary of complaint

1. Angela Gibbins complained to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "GEORGE & THE DRAGON", published in print on 26 July, and published online with the headline "GEORGE & THE DRAGON Three-year-old Prince George hit by vile rant from British Council boss paid thousands by taxpayers to promote UK", and a further article headlined "GEORGE'S DRAGON SLAYED £80k-a-year British Council boss who launched vile rant against Prince George is facing disciplinary action", published online on 26 July.
2. The first article reported that the complainant "sparked fury on Facebook with an attack on Prince George". The subheadline of the article, which appeared on the front page of the newspaper, claimed that "3-yr-old Prince hit by vile rant of boss paid to promote UK". The text on the front page reported that the complainant was a "boss at the taxpayer-funded British Council, which promotes UK culture worldwide", that the complainant had said that Prince George "was an example of 'white privilege living off public money'", and that the complainant "made her comments on a snap of him which had the caption 'Prince George already looks like a f\*\*\*\*\* d\*\*\*head' ".
3. The article reported that the complainant had "made her comments beneath the three-year-old's picture, which someone had posted on Facebook with the vile caption 'Prince George already looks like a f\*\*\*\*\* d\*\*\*head' ". The article was accompanied by an image of this meme. A meme is an image easily shared on social media, often accompanied by a short amount of text. In the article, the image of the meme had the caption "Facebook Troll" at the top. Below this image, was an image of the complainant's Facebook comment on the post, which were: "White privilege. That cheeky grin is the (already locked-in) innate knowledge that he's Royal, rich advantaged and will never know \*any\* difficulties or hardships in life. Let's find photos of 3yo Syrian refugee children and see if they look alike, eh?". The image of the post had the caption "Charity Exec's poison" above it. The article reported that in response to being challenged, the complainant had responded by saying "I'm sound in my socialist, atheist and republican opinions...I don't believe the royal family have any place in a modern democracy least of all when they live on public money. That's privilege and it needs to end".
4. The online version of the first article was largely similar to the print version. However, when it was first published at 11:22pm on 25 July, the first image in the article, a photograph of the complainant, was captioned: "Troll with it...Angela Gibbins caused fury with her attack by saying "Prince George already looks like a f\*\*\* d\*\*\*head". This was amended at 12:20pm on 26 July to "troll with it...Angela Gibbins caused fury with her attack". The article was also accompanied by an image of the meme which had the caption "Facebook Troll" at the top, and was captioned "Antisocial media...Gibbins made her comments beneath the three-year-old's picture, which someone had posted on Facebook". The third sentence

- in the body of the article stated that “Gibbins made her comments beneath the three-year-old’s picture, which someone had posted on Facebook with the vile caption”.
5. The second article reported that “The British council boss who launched a scathing attack on Prince George will face disciplinary action for calling him ‘privileged, rich and living off public money. As revealed by The Sun, Angela Gibbins made the comments below the tot’s picture which somebody had posted on Facebook with the vile caption: ‘Prince George already looks like a f\*\*\*\*\* d\*\*\*head’”. The article included a picture of the Facebook meme, with the caption: “Facebook Troll”, at the top of the image, and with the caption: “Facebook troll...Angela Gibbins posted the comments on a private Facebook page”, at the bottom of the image. A caption to a further image in the article stated that “Sweet Prince George was the victim of a cutting attack on social media when British Council boss trolled him”.
  6. The complainant said that the articles gave the clear impression that she had made the comment that Prince George looked like “a fucking dickhead”, which was inaccurate, and which the newspaper knew was inaccurate. She said that the identity of the Facebook user who had actually posted the meme had been removed from the image of the meme accompanying the article, which was published directly opposite a large image of her, again, giving the clear impression that she had made the “fucking dickhead” comment. The references to her having made a “vile rant” supported the suggestion that she had made this comment. She noted that where the article did refer to someone else having posted the picture of Prince George, it did not make clear that the caption to this picture was also made by someone else, rather than her. In circumstances where she was accused of a “vile rant”, and a “Facebook attack”, this suggested she had made the comment in question.
  7. In relation to the online version of the article, the complainant noted that it referred to her as a “troll”, and that it also had an image of the meme with the caption “Facebook troll”. She said that this suggested that she had made the meme.
  8. In relation to the second online article, the complainant noted that it referred to her “trolling” Prince George, and that it also contained an image of the meme captioned “Facebook Troll” at the top, and captioned “Facebook troll...Angela Gibbins posted the comments on a private Facebook page”, at the bottom.
  9. The complainant said that her comments on white privilege were made from her private Facebook account, in a sub-thread in the comment section below the meme, in which there was a discussion amongst her friends relating to all children enjoying the same rights and protections. The complainant was concerned that the newspaper had not reported a further comment she had made in the thread, which showed her in a more favourable light, and in which she said “all I wish to suggest is that most children in the world don’t have as many reasons to smile”. The complainant said that she was not a British Council “boss”, but was head of the department responsible for managing the organisation’s property. She said that she was one of a large number of senior managers, her role was not external-facing, and it was not to promote the UK, as reported.

10. The newspaper denied that either the print version of the first article, the amended online version of this article, or the second article suggested that the complainant had made the comment accompanying the meme. It noted that the articles made clear that the complainant had made her comments beneath a meme posted by somebody else. It said that while it was aware of who had reposted the meme, it appeared that it had been copied from another post; the newspaper had not taken the decision to remove the identity of the creator of the meme. It said that in the article, the meme had the headline "Facebook troll", and that underneath, the complainant's comments were headed "Charity Exec's poison". It said that if it had been alleging that the complainant had made the comments accompanying the meme, it would have been captioned accordingly.
11. The newspaper said that while the complainant was entitled to her views, it was entitled to characterise them as a "vile rant". It said that it was not inaccurate to refer to the complainant as a British Council "boss" or "chief", where she was "Head of Global Estates". The newspaper noted that the British Council's patron was the Queen, and said that its entire ethos was to promote the UK abroad.
12. At a late stage of the IPSO investigation, the newspaper said that on the morning of the 26 July, the journalist had received a telephone call from the British Council in relation to the online version of the story referring to the complainant as having called Prince George a "f\*\*\*\*\* d\*\*\*head". The journalist raised the issue with a senior member of the website's editorial staff, and an amendment was made to a picture caption which had claimed that the complainant had made the comment accompanying the meme.
13. The newspaper accepted that this caption had been inaccurate, and said that the only explanation it could provide was that a sub-editor has misread the article. It said that the mistake was rectified when it had been brought to its attention by the British Council. At this stage of the IPSO complaints process, the newspaper offered to publish the following correction and apology, above the online article. It subsequently offered to publish this wording on its website's homepage for 24 hours, and archived in its corrections and clarifications section:

*An incorrect picture caption on a story about Prince George suggested that Mrs Angela Gibbins called him a 'F\*\*\*\*\* D\*\*\*\*\*'. In fact Mrs Gibbins was commenting on a meme published on Facebook by somebody else. We are happy to clarify and apologise to Mrs Gibbins.*

14. The complainant said that for several months, the newspaper had denied having claimed that she had made the "f\*\*\*\*\* d\*\*\*head" comment. In those circumstances, she was concerned that it was only at a late stage in the complaints process that the newspaper confirmed that the online version of the article had an image caption which claimed that she had made this comment when first published. She said that the inaccurate caption was evidence that the newspaper's online journalist had understood her to have made this comment from the article that appeared in the print edition. She was concerned at the length of time taken for the newspaper to amend the online article when the British Council had brought it to the newspaper's attention.

## 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.

## Findings of the Committee

16. In large part, this complaint related to whether the articles, in their presentation of the story, claimed that the complainant had herself written the post that Prince George looked like “a fucking dickhead”, in addition to making the comments it was accepted she had made in response to the post.
17. When first published, the online version of the first article contained a picture caption which inaccurately claimed that the complainant had said that “Prince George already looks like a “f\*\*\*\*\* d\*\*\*head”. As was clear from the remainder of the coverage, the newspaper knew that the complainant had not made these comments. This was a failure to take care not to publish inaccurate information, and a breach of Clause 1 (i).
18. The words accompanying the meme were an insult directed at Prince George, using offensive language. They were of a different quality to the comments the complainant had in fact made, and for these reasons, the Committee considered that the inaccuracy was significant, such as to require correction under the terms of Clause 1 (ii). The Committee was extremely concerned that the error in the caption had not been brought to the attention of either IPSO or the complainant until a late stage in the complaints process.
19. The Committee welcomed the newspaper’s offer to correct and apologise for this error. However, the newspaper had been aware of the inaccuracy since soon after the article was first published, and had amended the article accordingly. The Committee made clear that the Code’s requirement that significant inaccuracies should be corrected is not met by simply amending an article. The publication had failed to correct the article sufficiently promptly, and the complaint was upheld under Clause 1 (ii).
20. The Committee next considered the second article. It acknowledged that the second sentence of the article stated that the complainant had made the comments “below the tot’s picture which someone had posted on Facebook with the vile caption: ‘Prince George already looks like a f\*\*\*\*\*g d\*\*\*head’”. However, the image of the meme which appeared later in the article was captioned “Facebook



Troll”, at the top, and was captioned “Facebook troll.... Angela Gibbins posted the comments on a private Facebook page”, at the bottom. This clearly implied that the complainant had posted the meme to Facebook, which was inaccurate, and directly contradicted the suggestion in the second sentence of the article. The presentation of this image, including the captions, represented a failure to take care not to publish misleading information, in breach of Clause 1 (i). The image of the meme and its captions was significantly misleading, such as to require correction under the terms of Clause 1 (ii). The newspaper had not offered to publish a correction on this point, and this aspect of the complaint was upheld as a breach of Clause 1 (ii).

21. The print version of the first article placed the meme, captioned “Facebook troll”, adjacent to the complainant’s comments, captioned “Charity’s Exec’s Poison”. On both the front and inside page, the article began by setting out the comments it was accepted the complainant had made. The text on the front page explained that the complainant had “made her comments on a snap of him which had the caption: ‘Prince George [...]’”. The second sentence of the full article on the inside page made clear that the complainant had made the comments on a picture that “someone had posted on Facebook with the vile caption: “Prince George [...]”
22. The newspaper was entitled to draw attention to the context in which the complainant had made her comments about Prince George, which had been on a meme which contained an offensive insult towards him. Taking in to account all the circumstances, the Committee considered that the print version of the article made sufficiently clear that the “fucking dickhead” comment had been made by the person who originally posted the photograph of Prince George, rather than the complainant. The newspaper had not failed to take care over the accuracy of the article, in this respect. The article was not misleading in the manner alleged, and this aspect of the complaint did not breach of Clause 1.
23. The Committee then considered the amended online version of the first article. In this article, the caption was first referenced in the third sentence of the article, which said that “[the complainant] made her comments beneath the three-year-old’s picture, which someone had posted on Facebook with the vile caption”. The words “fucking dickhead” first appeared in the image of the meme itself, the caption of which made clear that the complainant had made her comments “beneath the three-year-old’s picture, which someone had posted on Facebook”. For this reason, in addition to the reasons given in relation to the print version of the article, the Committee considered that the amended version of the online article was not significantly misleading in its presentation of the complainant’s comments.
24. The Committee noted the complainant’s concern that the newspaper had not reported a further comment in the thread. The further comment was less hostile to Prince George, but it did not seek to draw back from the comment on which the newspaper’s coverage was based. The fact that the articles did not report this further comment, did not make them significantly misleading. The complainant was a senior manager at the British Council, and it was not misleading to refer to her as a “British Council Boss”. These aspects of the complaint did not breach Clause 1.

## Conclusions

25. The complaint was upheld.

## Remedial Action Required

26. Having upheld a breach of Clause 1 (i) and Clause 1 (ii) in relation to the original online version of the first article, and the second article, the Committee considered what remedial action should be required. The Committee considered that the failure to take care not to publish inaccurate information, and the failure to comply with the obligation to correct significant inaccuracies promptly would be appropriately remedied by the publication of an adjudication.
27. The adjudication should be published on the publication's website, with a link to the adjudication (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.
28. In relation to the online version of the first article, if the publication continues to publish this article, without the addition of the offered correction above it, the full text of the adjudication should also be published on that page, beneath the headline. If the publication publishes the offered correction above the article, a link to the adjudication should be published with the article, explaining that it was the subject of an IPSO adjudication.
29. In relation to the second article, if the newspaper intends to continue to publish the article without amendment to remove misleading statement identified by the Committee, the full text of the adjudication should also be published on that page, beneath the headline. If amended to remove the misleading statement, a link to the adjudication should be published with the article, explaining that it was the subject of an IPSO adjudication.
30. The terms of the adjudication to be published are as follows:

*Following publication of two online articles 26 July headlined "GEORGE & THE DRAGON Three-year-old Prince George hit by vile rant from British Council boss paid thousands by taxpayers to promote UK", and "GEORGE'S DRAGON SLAYED £80k-a-year British Council boss who launched vile rant against Prince George is facing disciplinary action", Angela Gibbins complained to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy) of the Editors' Code of Practice. The complaint was upheld, and IPSO required The Sun to publish this adjudication on its website.*

*The articles reported on Facebook comments the complainant had made about Prince George on a meme, created by someone else. The complainant's comments in the thread below the meme related to Prince George, and "white privilege". However, the meme had the caption "'Prince George already looks like a f\*\*\*\*\* d\*\*\*head'", and this complaint related to whether the articles, in their presentation of the story, claimed that the complainant had herself written the caption on the*

meme, in addition to making the comments it was accepted she had made in response to the post.

A picture caption in the first article stated that: "Troll with it...Angela Gibbins caused fury with her attack by saying 'Prince George already looks like a f\*\*\*\* d\*\*\*head'". The complainant said that this was inaccurate; she had not created the meme, and had not called Prince George a "f\*\*\*\*\* d\*\*\*head".

An image of the meme in the second article was captioned "Facebook Troll" at the top, and "Facebook troll...Angela Gibbins posted the comments on a private Facebook page", at the bottom. The complainant said that this inaccurately suggested that she was the "troll" who had posted the meme.

The newspaper accepted that the picture caption on first article was inaccurate, and said that the only explanation it could provide was that a sub-editor has misread the article. It said that when the British Council brought the mistake to its attention on the day after publication, it amended the caption to remove this claim. During the IPSO complaints process, it offered to publish a correction and apology to the complainant on its website. The newspaper denied that the image of the meme in the second article was misleading.

The publication of the inaccurate caption in the first article was a failure to take care not to publish inaccurate information. The newspaper had been aware of the inaccuracy since soon after the article was first published, and had amended the article accordingly. However, the Code's requirement that significant inaccuracies should be corrected is not met by simply amending an article. While it subsequently offered to publish a correction and apology, the newspaper had failed to correct the article sufficiently promptly, and the complaint was upheld under Clause 1 (ii). Furthermore, where the amendment that had been made to the online article was clearly relevant to the complaint, the Committee was extremely concerned that the newspaper had not brought this to the attention to either IPSO or the complainant until a late stage of the complaints process.

The presentation of the image of the meme in the second article clearly implied that the complainant had posted the meme to Facebook, which was inaccurate. This represented a further failure to take care not to publish misleading information. The publication had not offered to correct this, and the complaint was also upheld as a breach of Clause 1 (ii).

The Committee considered that the appropriate remedy to the breach of the Code was publication of this adjudication.

## APPENDIX F

Paper No.	File Number	Name v Publication
989	01685-17	Note to Committee – Versi v Mail Online
993	01071-17	Manfield v Enfield Gazette & Advertiser
994	13577-16	Ayub v Telegraph & Argus
995	00613-17	O'Connor v The Irish News
997	00349-17	Trotman v The Times
998	00342-17	Pandor v Daily Mail
1002		Request for review
1003	01125-17	Mascarenhas v Daily Express
1004	00733-17	Versi v express.co.uk
1005		Request for review
1008	13839-16	The Rt Hon. Baroness Patricia Scotland QC v Daily Mail
1009	13840-16	The Rt Hon. Baroness Patricia Scotland QC v The Mail on Sunday
1010	13841-16	The Rt Hon. Baroness Patricia Scotland QC v Mail Online
1013	01020-17	A woman v Dartford & Swanley News Shopper
1014	14380-16	Easton v Sunday Life
1016	00281-17	Brighton & Hove City Council v The Argus (Brighton)
1018	00722-17	Goring v Press & Journal
1019		Request for review
1021	14333-16	Gray v Inverness Courier
1024		Request for review
1025	01578-17	Jones v thescottishsun.co.uk
1027	14203-16	Granger v The Scottish Sun (Sunday)
1028	00866-17	Beckwith v Mirror.co.uk
1030	05870-17	Note to Committee – Zacklova v Daily Mail
1031		Request for re-open – Various v Telegraph.co.uk
1032	13130-16/13131-16	Lister v Lincolnshire Echo/Boston Target
1033		Request for review
1035	01396-17	Versi v express.co.uk
1037		Request for review