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FROM: [REDACTED]  
Secretary of State's Office  
EXT: 6239

DATE: 9 September 1997

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**MEETING WITH LORD WAKEHAM**

The Secretary of State met Lord Wakeham, Chairman of the Press Complaints Commission, and Guy Black, Secretary, on 8 September to hear Lord Wakeham's plans for improving the behaviour of the press. You, Mr Phillips and Mr Stevens were also present.

2. The Secretary of State welcomed Lord Wakeham's initiative in setting in hand a review of what could be done to control the activities of the paparazzi. He asked Lord Wakeham if he could explain the process that he had in mind.

3. Lord Wakeham explained that the Press Complaints Commission's own Code Committee could take 6 months to come to any conclusions about the way forward. Lord Wakeham's tactic was therefore to short-cut that process. He aimed to see as many tabloid and broadsheet editors as he could; to secure their agreement to a broad set of propositions for strengthening the Code of Conduct; and then to present his proposals to the Code Committee for them to follow up within the agreed framework.

4. Lord Wakeham then explained the programme of action to which he was hoping to get agreement:

a. that children should not be the target of press attention until the end of their full-time education - education broadly defined to include vocational and other education and training.

b. that children of public figures, including not just those permanently in the public gaze but those who came to the fore occasionally because of particular events, should not be harassed because of their parents' public profile. They would only legitimately be the subject of attention if they did something newsworthy in their own right. Lord Wakeham's intention was that this and the preceding step would extend protection from intrusion to all children and young people generally, rather than focusing on the position of the two young Princes.

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c. that the current preamble to the Code, which deals with proper methods of obtaining photographs, should be strengthened and brought within the body of the Code so that editors applied the same principles to photographs supplied by the paparazzi as they did to those supplied by their own staff photographers. He would also consider whether it would be possible to bring agencies that supplied paparazzi photographs within the scope of the Code. The Secretary of State stressed that it was important to address the means by which photographs were taken, rather than their source.

d. to look, with lawyers, at whether there were ways in which changes in the Berne Convention on copyright law might help, perhaps by vesting copyright in the subject rather than the photographer. He noted that DTI had the lead within Government on copyright policy.

e. to look at the scope for collaboration on collective harassment. At Dunblane, hundreds of media representatives, including representatives of TV and radio, all acted quite lawfully in their individual capacities, but the collective effect was to intimidate. The Secretary of State suggested that the press might on such occasions agree to take pooled photographs. Mr Phillips noted that there was precedent for press co-operation in the matter of news blackouts.

f. to strengthen the definition of private property in the Code. A restaurant is not regarded as private property, although an individual might reasonably expect privacy in such circumstances. The Secretary of State said that Lord Wakeham might also usefully look at the definition of the public interest defence in the Code, which he noted was more widely drawn than that favoured either by the Calcutt or Select Committee reports.

g. to see whether there was scope for press regulators to reach voluntary international understandings. Many pictures of British public figures were taken overseas, where there was a large market for them.

5. Lord Wakeham said that he would be floating the idea of strengthened protection for children in a speech to the London Press Club on 9 September, and he left the attached embargoed press release.

6. The Secretary of State welcomed the agenda Lord Wakeham had set himself, and wished him success. He was particularly concerned that there should be a permanent change in press attitudes, and that the press should not slip back into old ways when the events of the past week had receded from immediate memory. His and the Government's natural instinct was to strengthen self-regulation rather than to introduce harassment and privacy legislation, and he would watch developments with interest. Lord Wakeham noted that privacy laws would achieve

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the opposite of their intended effect in that recourse to law would only be available to those who could afford the cost of litigation, or to the very poor at considerable cost in terms of legal aid. Lord Wakeham also noted that the EU Data Protection Directive and the European Convention on Human Rights were on the point of being incorporated into domestic law. The press were aware of this, and that the issue of privacy would be on the agenda for some considerable time. He saw this as an incentive for the press to strengthen the Code.

7. Mr Phillips asked Lord Wakeham on what timescale he intended to proceed. Lord Wakeham confirmed that he intended to get something into the public domain within a matter of weeks. He would keep DCMS in touch with developments and provide advance warning of his proposed announcement.

8. At the end of the meeting there was some discussion as to whether the Department should announce that a meeting had taken place. It was subsequently agreed that was a matter for the Press Complaints Commission. The Press Complaints Commission decided that it would simply add a reference to its press release to the effect that it was keeping the Department informed of developments.

Principal Private Secretary

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