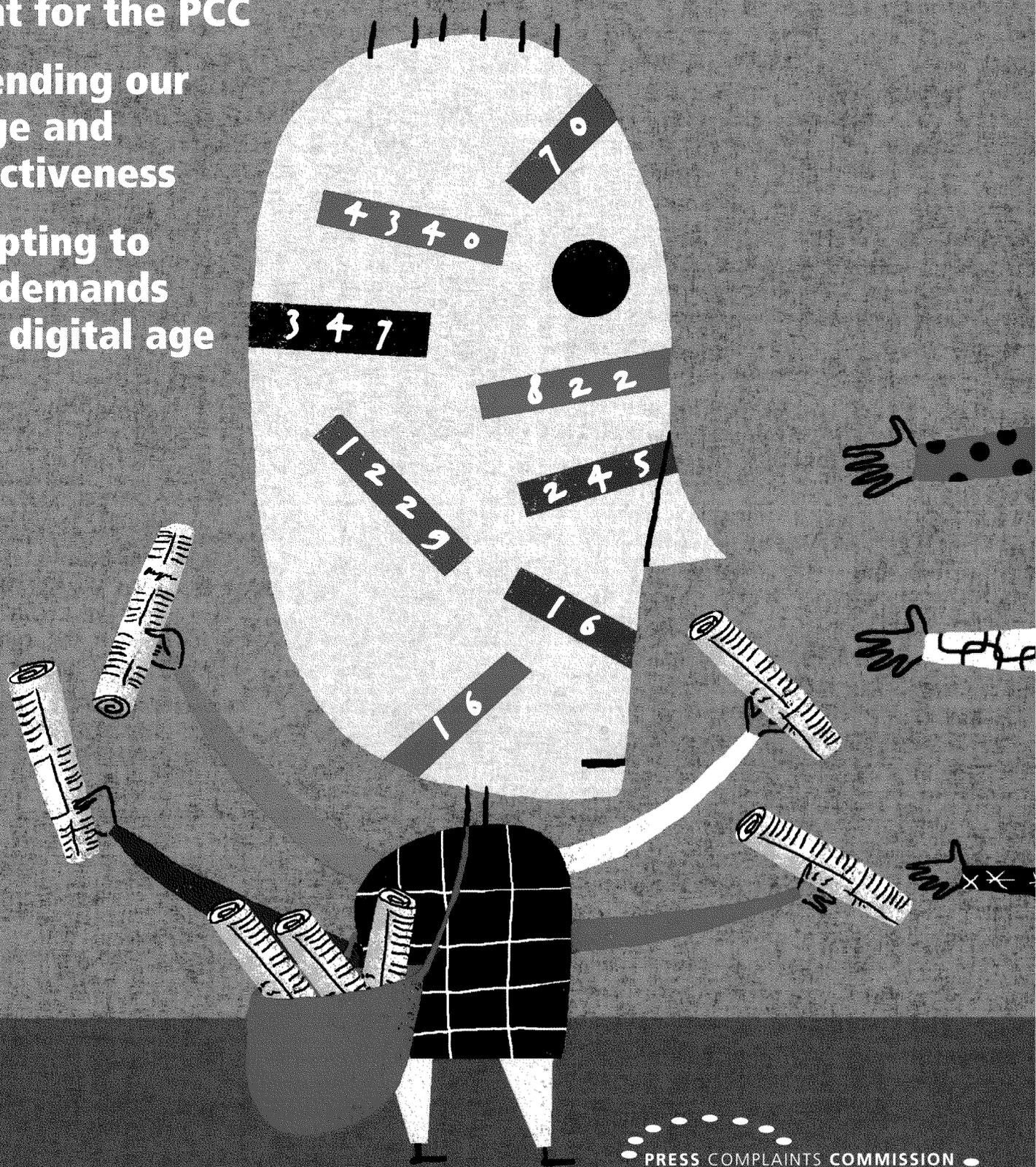


THE REVIEW

2007: A turning point for the PCC

Extending our range and effectiveness

Adapting to the demands of a digital age



PRESS COMPLAINTS COMMISSION

" **T**he PCC is a modern, flexible organisation designed to keep the quality of UK journalism high in the digital age. This annual report shines a light on how it works. It demonstrates, using real cases, how we help put things right when the inevitable mistakes are made. It outlines how rules for newspaper and magazine content have extended to video and sound online. It reveals how we disperse media scums and protect people from intrusions. It shows how we promote understanding of the Code through training journalists, and argues that independent self-regulation is the only way to keep editorial standards high in a converged media world. In short, it underlines the growing range and effectiveness of the PCC's work. **//**

www.pcc.org.uk

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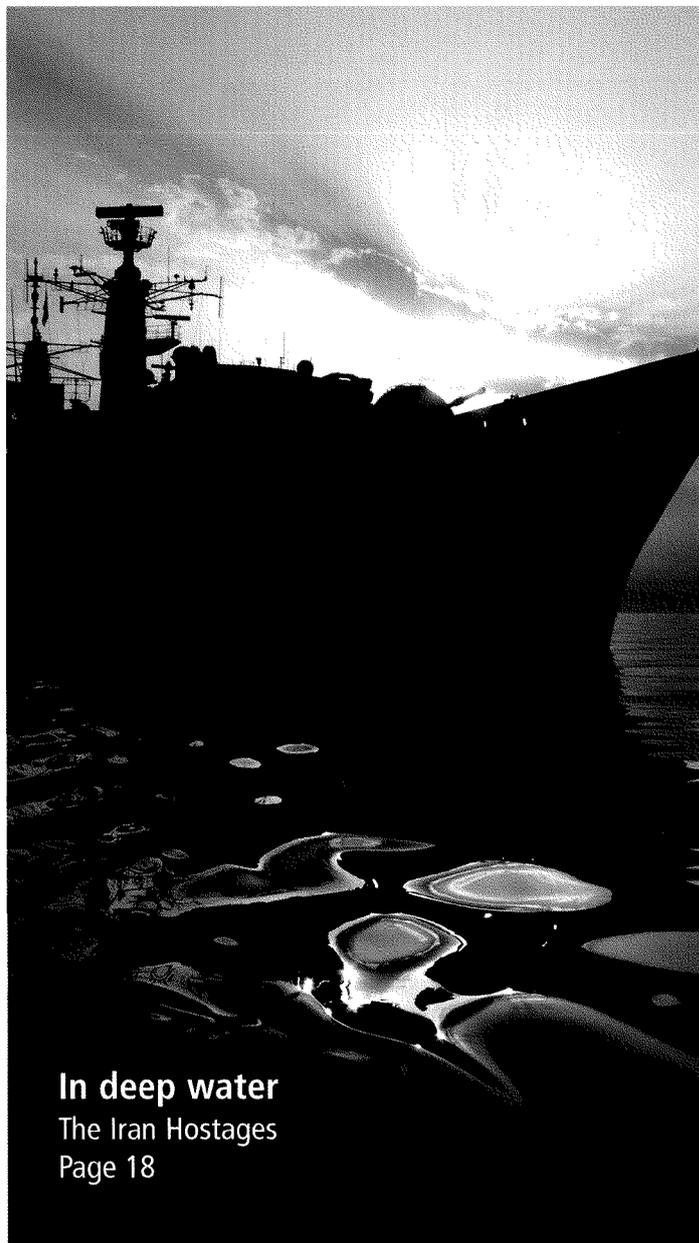
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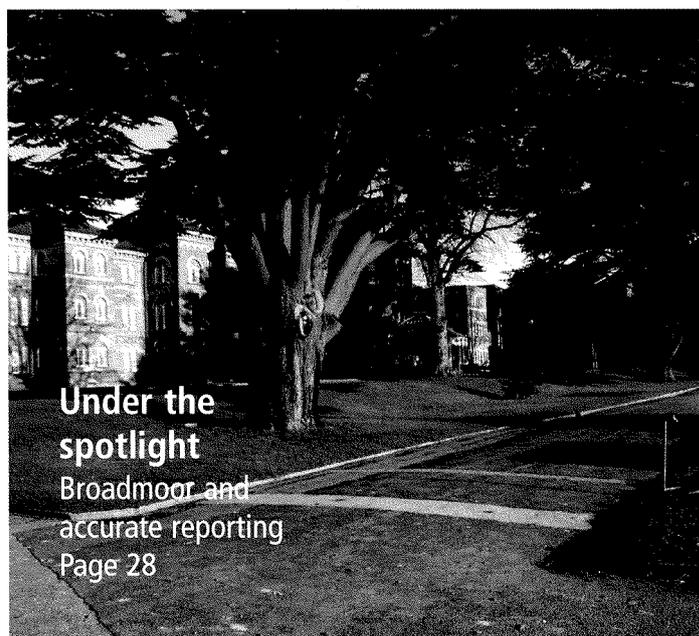
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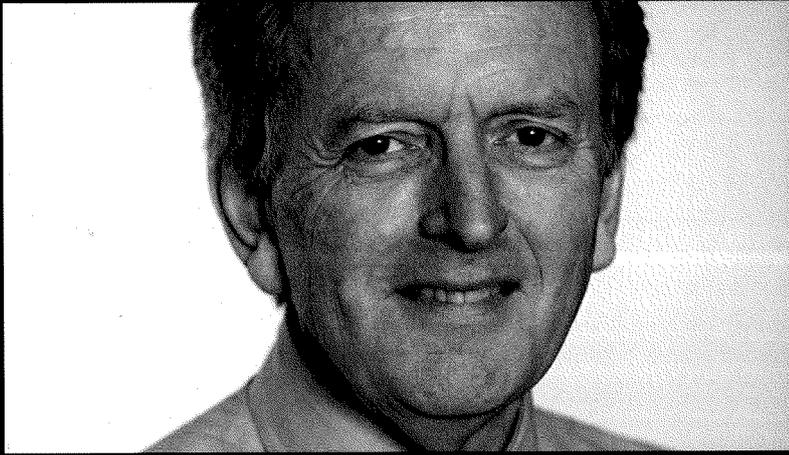


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SIR CHRISTOPHER MEYER



The Chairman's Report

Looking forward to a wider remit

2007 was one of the most important years in the development of the PCC since its inception almost seventeen years ago.

It is not just that more people used our services than ever before – more of that later – but that, with the coming of media convergence, we moved into new territory. We started the year with our competence already recognised over print and online editions of newspapers and magazines. With the agreement of the industry early in 2007, we extended our authority to cover most audio-visual content on publications' websites.

As a result, the Commission last year found itself dealing with new types of complaints – about taped conversations being broadcast, children being filmed in school, video of young vandals engaged in arson and so on. It is early days yet; but, on the record so far, the Code of Practice, based on principles rather than prescriptive rules, plus our long experience of applying the Code

through swift, common sense rulings, is ideally suited to the demands of new media content regulation.

In the nature of things, our work is frequently controversial; and we have our critics. I don't see that changing anytime soon. Actually, it is good for us: keeping the PCC on its toes and spurring us on in the constant endeavour to improve the service we offer to the public. But in 2007 I have noted two new, important and gratifying trends. The first is that our views are increasingly sought here and abroad as an acknowledged authority on how to maintain high standards of information in the digital age. The second is that the new media reality – the global nature of news provision; the competition for news with non-commercial media, including the better bloggers; the low cost of being a publisher of information – is

creating a growing consensus around the proposition that independent self-regulation, along the lines practised by the PCC, is the only way to go in the digital age. This is because today, as in 1991 when the PCC came into being, successful content regulation still needs the same indispensable ingredient: buy-in from the regulated industry. This has always been right in principle. Now it is further buttressed by technology. For without publishers and editors signing up to an agreed Code of Practice, the system would be doomed to failure by the ease with which rules imposed from the outside can be circumvented.

Online services already reach millions of consumers. Is there any limit to the proliferation of sources of information? The choice confronting the consumer is already daunting. This compels us to look at independent self-regulation in a completely new way. Yes, it is our continuing duty at the PCC to uphold high standards, not least through providing effective remedies to the victims of bad journalism. But, it will, against the background of

proliferating news sources, be increasingly our role to help the consumer choose between what can be trusted and what cannot. The fact that publications subscribe to the Code of Practice and voluntarily submit to the authority of the PCC will powerfully support the integrity of their brands in a highly competitive market place.

Our views are increasingly sought as an acknowledged authority on how to maintain high standards of information in the digital age

If the PCC's sails are being filled by the strong winds of technological change, we have to make sure that, on terra firma, the system is effective. There is, for example, still much to be done to communicate the influence that the Commission can have on a day to day basis. Our work to anticipate and pre-empt possible breaches of the Code – dispersing media scrums, helping people at times of grief, passing private advisory notes around the industry, and much more – is an important part of this record. I attach very great significance to it; and we all at Halton House do everything in our power to make these services better known. The Culture, Media and Sport Select Committee, looking into the PCC in early 2007, concluded that “although not widely appreciated, this is some of the most valuable work undertaken by the Commission”. A salient and novel feature of this report is the publication of a few case studies – with the permission of those involved if there has been no previous publicity – to illustrate what we do behind the scenes, and how we do it.

Of course, most of our work continues to concern what is printed in newspapers and magazines, or how journalists go about researching their stories. The Commission published in May a major report into subterfuge and newsgathering following the convictions of Clive Goodman and Glenn Mulcaire for phone message tapping. The report made a number of recommendations – subsequently endorsed both by the Government and the Select Committee – to try to ensure that there will be no recurrence of this deplorable incident. I have written to all news organisations in the UK to find out how they are implementing the report's recommendations. The reaction has been overwhelmingly supportive.

Finally, the numbers, to which I referred at the beginning of this report. The PCC adjudicated and upheld more complaints in 2007 than the year before – and successfully dealt with more complaints about privacy than ever before, despite the developing law of confidence (see page 8). We attribute this to the discreet manner of resolving complaints about privacy intrusion, the low risk and lack of fuss associated with making such a complaint, and the growing significance of the settlements that are available.

A record number of complaints were conciliated to the satisfaction of the complainant following an offer by the editor of a correction, apology or other form of remedy. This is a tribute to the PCC's complaints officers who deal patiently and carefully with the problems that members of the public bring to us. It also reflects a major shift in culture in newsrooms as the Code of Practice has become entrenched in the industry; as well as the fact that online news in particular lends itself to the sort of quick, sensible resolutions characteristic of the PCC.

I always insist that there is no point in simply being able to help: people have to know that we are here. It always troubles me that there are people, for instance, who feel that their privacy has been violated, but do not know where to go for help. That is why I said last year that

there was more the industry could do to raise awareness of the PCC. The response to my challenge has generally been extremely positive. Many examples of good practice were sent to me, some of which are included in this report. On newspaper and magazine websites there is an impressive range of ways of achieving this – from big adverts to prominent statements of adherence to the Code, links to the PCC website and publication of the PCC's logo to demonstrate that people can complain. But there is still a way to go before the practice is universal as it should be, both in print and online. So, the school report is a B+: good progress, but could, and should, do more.

Our work to anticipate and pre-empt possible breaches of the Code is an important part of this record

In 2007 the Government and the Select Committee on Culture, Media and Sport came out in favour of self-regulation and against a privacy law. Beyond that, it has been a year of ground-breaking developments and unprecedented activity for the PCC. All this is very welcome. But, as ever, it sets a new threshold for further improvement and development in 2008 and the years beyond.



Sir Christopher Meyer KCMG,
Chairman

CASE STUDY

YouTube posting ignites new debate

Audio-visual ruling

One of the first rulings about video online that the Commission made following the extension of its remit concerned footage of arson originally posted on YouTube.

Several teenage boys were filmed throwing petrol bombs at a passing freight train. One had added a music soundtrack before uploading the footage to YouTube. When this was picked up by the Northwich Guardian – which embedded the material on its own website – the father of one of the boys complained that the newspaper had invaded his son's privacy. The Commission rejected the complaint for two reasons.

First, the information was not private. It showed an anti-social or criminal act committed in a public place by individuals who were over the age of criminal responsibility.

The story was a matter of public interest and an entirely legitimate journalistic exercise.

Second, the information was not only in the public domain, but had been placed there voluntarily by the complainant's son. The paper had simply referred to information that was freely available and that the perpetrators had wanted to circulate publicly.

This was an important ruling illustrating the fact that once information is voluntarily put into the public domain, it can be difficult to remain in control of what will happen to it.



Public v Private: It's a fine balance

A REPORT ON PRIVACY

A sense of drama is inherent in any legal action. Add to this a big, set piece dispute between a major newspaper and a well-known figure, and the recipe for a news event is complete. That's why there's always so much attention on breach of confidence court cases against the media, even when the principals cannot be named.

Some have wrongly concluded from this that the courts have had to intervene 'more and more' because the PCC had not established a clear body of its own rulings. However, legal privacy rulings were inevitable once the Human Rights Act became law. Whilst these are important in setting boundaries, there are still relatively few of them. The predicted 'rush to the courts' has still not materialised, although concerns remain over the fairness and philosophical desirability of some privacy injunctions.

This focus on the law obscures the complete picture on privacy. A PCC complaint about privacy does not attract the same publicity as a court case. Indeed that's part of the attraction. But it doesn't equate to the absence of activity. Quite the

contrary. The PCC has just enjoyed a record year in terms of the number of people whose privacy it has helped protect, partly because of the 'one stop shop' approach that we offer.

- If you're concerned about the presence of photographers, overzealous reporters or that something private is about to be published, we can help.
- If you're in the news because someone close to you has died in unusual circumstances, we can minimise the impact of reporters before it's even an issue (see page 15).
- If an internet posting is particularly worrying you, we can organise the hasty removal of intrusive information.

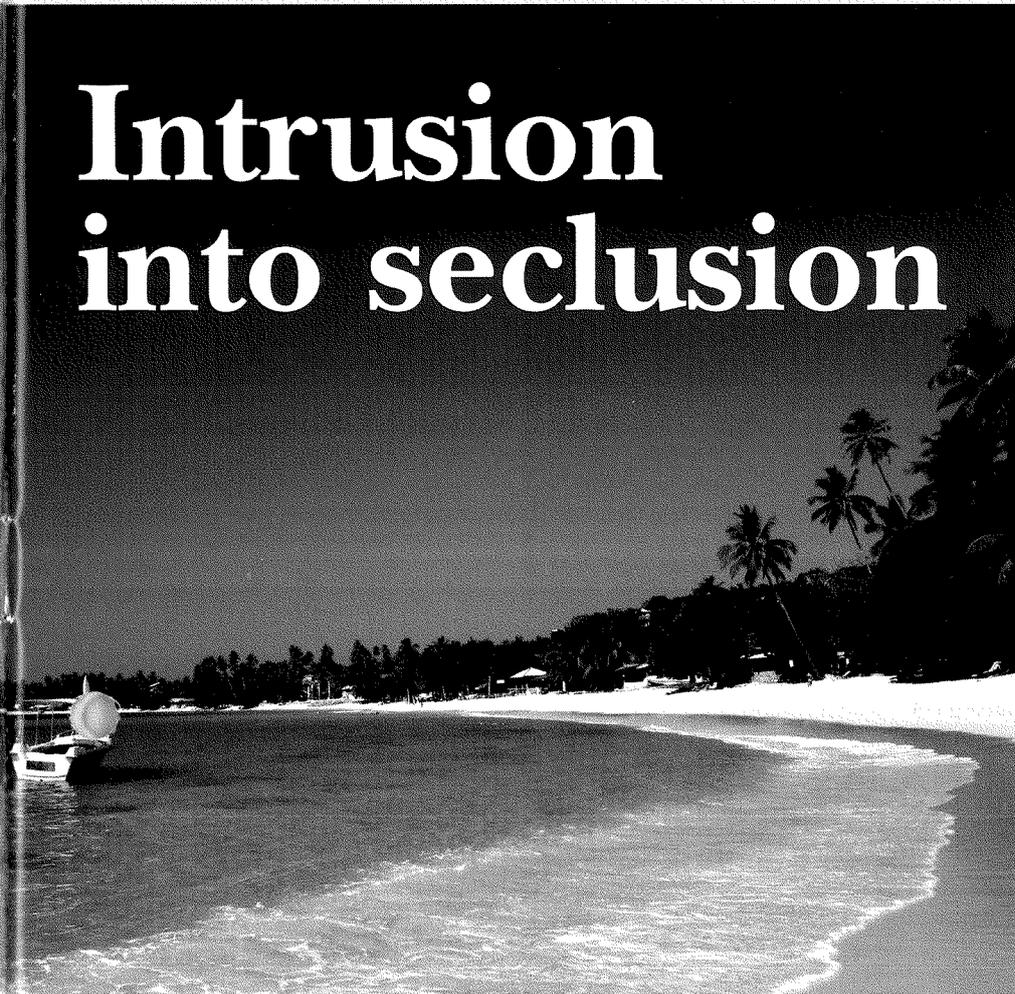
To resolve complaints we now negotiate an impressive range of

remedies including: the destruction of intrusive material; negotiated follow-up pieces; amendment of databases and circulation of internal legal warnings; published and private apologies; and even ex gratia payments. And there is always the option of winning a formal, public ruling which must be published promptly and prominently.

This takes place quickly, away from the glare of the courts and in an atmosphere which minimises hostility. Indeed, our non-adversarial approach can help maintain an individual's relationship with the press in a way that a legal fight would not. While most complaints are made by members of the public, a number are from well-known individuals who

Continued on page 10

Intrusion into seclusion



CASE STUDIES

PICTURES IN PRIVATE PLACES

In January 2007, the Commission issued a ruling on a complaint from Elle Macpherson, who was photographed with her children during a family holiday on Mustique. OK! Magazine argued that the family were photographed on a public beach. However, we felt that Elle Macpherson had made a particular effort to choose a private holiday location and, as such, had a reasonable expectation of privacy. Although the pictures were fairly innocuous, their publication constituted an intrusion. The complaint was upheld.

Read the full adjudication at www.pcc.org.uk/cases/adjudicated

RUMOUR HAS IT...

PREMATURE NEWS OF PREGNANCY

In May, we received a complaint from singer Charlotte Church about a report of her pregnancy. The paper knew that the singer was pregnant but, in light of a previous Commission ruling about publishing news before the 12 week scan, reported it as a rumour instead. Whilst they argued that this was different from reporting a fact, there was no evidence that rumours were actually circulating. The Commission concluded that the paper had simply tried to circumvent the Code and upheld the complaint.

Read the full adjudication at www.pcc.org.uk/cases/adjudicated



CASE STUDY

When is a breach not a breach

Publishing in the public interest

Newspapers are entitled to publish information that may otherwise breach the Code if it is regarded as in the public interest to do so. We have the challenging role of picking a path through what is legitimately in the public interest and what amounts to intrusion.

For example, Ruth Kelly MP complained about a Daily Mirror article saying that she planned to send one of her children to a private school that could assist pupils with learning difficulties. She said the article was intrusive into her son's private life and was likely to impact adversely on his ability to attend his new school.

But the decision of the Cabinet Minister – who had previously been Secretary of State for Education and Skills – raised important issues. We considered that the public had a right to know, given her position, why she felt the state system could not meet her child's needs. Moreover, the paper had minimised the level of detail it had published about her son.

favour the quick, discreet and hassle-free service and outcomes which the PCC specialises in.

As a glimpse of our behind-the-scenes effectiveness, take the example of Chris Tarrant. Having faced an intense media scrum at the family home, his manager contacted the PCC which sent the press a private advisory note. He said:

"It was to the great relief of all that within a matter of hours, [the press] began to pack up and disperse... we could not have asked for a more proactive or urgent response".

We also made a number of important new rulings, including on the following aspects of privacy: how the public interest can justify an intrusion; photographs and private places; the significance of private

information being available online; how to balance the rights of people who have had a relationship when one party wishes to talk; how victims of sexual assault can inadvertently be identified; the rights of high profile relatives of people accused of crime; the dangers of user-generated material intruding into privacy; and the use of undercover video. Find out more at www.pcc.org.uk.

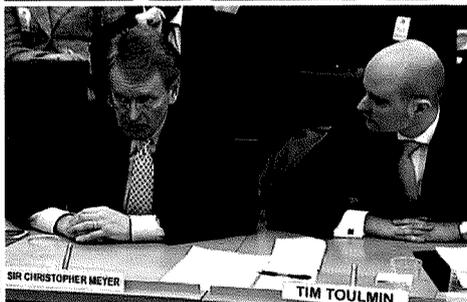
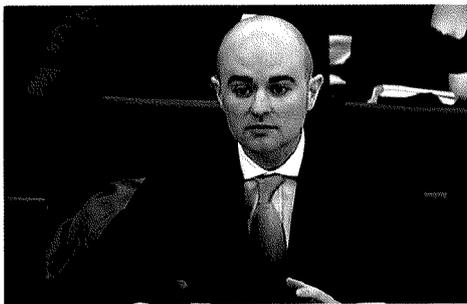
Our challenge now is to continue this success in a rapidly-changing world where the channels and speed of publication are evolving all the time. Imposing restrictions on UK-based publications would be meaningless when information that's posted abroad can be exchanged globally in an instant.

By the same token, uploading personal information voluntarily onto publicly-accessible sites such as Facebook makes it difficult to complain when the same material is republished elsewhere. There has to be recognition of the role and responsibility of the individual when that information ends up in commercial media.

There are major structural and cultural changes underway affecting how privacy is perceived and regulated. Such developments are deregulatory in nature as they expose the rigidity and anachronistic nature of laws set and reviewed by parliament. Our focus moving forward is adapting to this new reality.

THE POLITICAL VIEW

The Culture, Media and Sport Select Committee takes a look at self-regulation



Copyright UK Parliament

- Commissioner and Charter Compliance Panel (see page 24) in enhancing transparency and accountability;
- The improved website and introduction of a pre-publication 24 hour hotline for complainants and editors;
- Our extended remit to include audio-visual material.

The Committee came to a number of very welcome conclusions about the role of the state in regulating the press. On a privacy law, it said that:

“to draft a law defining a right to privacy which is both specific in its guidance but also flexible enough to apply fairly to each case which would be tested against it could be almost impossible. Many people would not want to seek redress through the law, for reasons of cost and risk. In any case, we are not persuaded that there is significant public support for a privacy law.”

On whether regulation should be put on a statutory footing, the Committee concluded that it would:

“represent a very dangerous interference with the freedom of the press [and] that statutory regulation of the press is a hallmark of authoritarianism and risks undermining democracy. We recommend that self-regulation should be retained for the press, while recognising that it must be seen to be effective if calls for statutory intervention are to be resisted.”

The report reinforced the considerable progress that has been made in recent years in striking the right balance between protecting privacy and publishing information in the public interest. That said, we know that more work is necessary, particularly in raising awareness about our range of services, some of which are still relatively unknown.

The inquiry in early 2007 focused on privacy and whether self-regulation continued to offer sufficient protection against intrusion. It also considered whether the Code of Practice needed to be amended; whether existing law on unauthorised disclosure of personal information should be strengthened; and what form of regulation, if any, should apply to online news provision.

The backdrop to the inquiry was the conviction of journalist Clive Goodman for phone message tapping; the paparazzi problems faced by Prince William’s girlfriend, Kate Middleton; and a report into the use of private agencies to obtain information.

Previous inquiries have questioned whether the press should remain self-regulating and called for the introduction of a privacy law. On this occasion, the Select Committee’s endorsement of our approach and the principle of self-regulation

generally marked a significant moment in our history.

The report’s main conclusions recognised:

- The importance of seeking a resolution through conciliation, without having to go to formal adjudication;
- Our pre-publication activity which it referred to as ‘some of the most valuable work undertaken’;
- The key role of the Charter

Many people would not want to seek redress through the law, for reasons of cost and risk.

Around the world in the blink of an eye

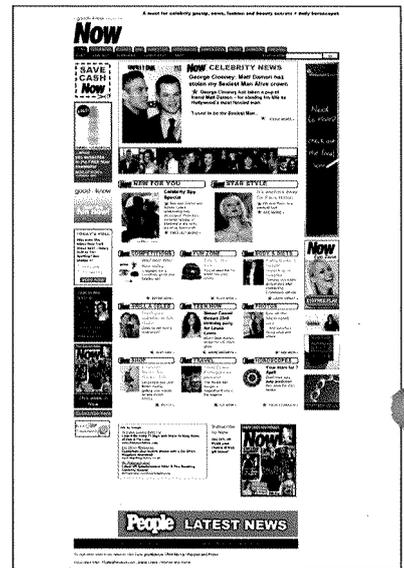
Extending regulation in a digital age

The digital communications revolution is well under way, and already one of its numerous consequences has been a renewed focus and reliance on self-regulation as the means to ensure that the quality of information remains high.

Why? Because the speed at which news is disseminated and the global nature of news provision would simply make it impossible for the alternative – imposed rules policed by a state regulator – to work. Rules that are too restrictive, anti-competitive or with which the industry did not agree could simply be bypassed. This is an example of stricter regulations being counterproductive by giving the public less protection, not more. So the buy-in and co-operation of the regulated industry is now essential for

the success of any form of content regulation when journalists are competing in an international market place and with people who are not bound by UK professional rules.

There has been creeping realisation of this truth over the last couple of years. No serious commentator now suggests that a statutory regulator for the print and online media would be an improvement on the current arrangements. Legislators and officials in Europe have set the deregulatory tone with a series of endorsements of



the appropriateness of self-regulation. Our own Culture, Media and Sport Select Committee welcomed the 2007 extension of the PCC's remit to include audio-visual material online. The Government and the Opposition have both recently reiterated their support for self-regulation in the digital age.

But how does the system work in an online environment? The internet is naturally self-regulatory, particularly when it comes to accuracy. People are encouraged to challenge inaccuracies or reply to articles about them, and there is the space to do so. They are now used to participating in stories rather than just passively receiving information. What's more, this giant conversation takes place on a global scale. British papers have successfully exploited their advantages in order to reach an international audience

CASE STUDY



The global phenomenon

A QUICK TAKE-DOWN

The presence of newspapers online means that information is permanently, easily accessible to a global audience. In these circumstances, people now want inaccurate or intrusive material to be taken down swiftly as a means of resolving their complaint.

A Scottish newspaper reported that a wedding had been interrupted by a gang who assaulted the groom and a number of guests. The groom asked for his details not to be published but the article contained his name, address of the reception venue and a picture of his house. He expressed concern about the repercussions.

Although the newspaper immediately offered to apologise, it was pointed out that the piece remained freely available on its website. With the online story amended inside 24 hours and the photo removed two days later, the complaint was resolved amicably.

of many millions online. In all these circumstances, it is right for any regulatory intervention to be light of touch, to work with the industry to promote awareness of good journalistic principles and to resolve complaints about breaches fairly and quickly. This last point is particularly important: when stories can be linked and passed around so quickly, people complaining about inaccuracy or privacy intrusion are less bothered about a big, set-piece battle with the publishers. They simply want to sort out the problem as soon as possible to limit the damage. This is where the PCC, with its flexible approach, is so well positioned to help. We work with the two parties by negotiating the amendment of records or even the removal of information from websites.

The PCC has moved fast to adapt to the new realities of the digital age. We recognise the growing

importance of video and sound on press websites, and these services are now covered by the Code. As such, individuals continue to benefit from the protection it affords and no regulatory vacuum has emerged. Following that remit extension, we have worked to promote higher standards in online journalism by hosting training events for journalists. We have resolved complaints of privacy intrusion by arranging the take-down of video. We have also issued significant new rulings on the use of video online.

There are further items on the agenda. Part of our vision for the future of digital regulation involves good signposting of websites so that the casual reader or potential complainant can be clear that certain professional standards apply to the online journalism they are reading. Newspaper and magazine websites

are increasingly good at publishing a prominent reference to the fact that they subscribe to the PCC Code, along with a link to the Commission's website to make complaining easier. This is a valuable part of media literacy helping consumers distinguish between different types of news in an environment awash with unreliable outlets of information.

The overall mission is for self-regulation to sit naturally in the culture of online journalism. It is the Commission's belief that principles-based regulation of the type it oversees works with the grain of journalism in any case, as it sets out a framework without being prescriptive. Our challenge is to keep awareness of the rules high and to continue providing effective redress to the public when things go wrong, no matter what platform is used to deliver information.

A LOOK AT BEHIND-THE-SCENES WORK AND PCC PROACTIVITY

OUR RANGE OF SERVICES

Prevention is better than cure, and the PCC is no longer the reactive body that its name suggests. A significant amount of our work is now proactive or behind the scenes, aimed at minimising the need for a complaint to be made. Such activity could involve advising members of the public about the best way of protecting their privacy; discussing the relevance and boundaries of the Code with an editor before publication, so that a breach does not occur; taking steps to reduce the physical presence of journalists and photographers at times of vulnerability; or approaching people at the centre of a story to offer help.

PRE-PUBLICATION ADVICE

We receive around 10,000 telephone queries every year, some of these from people who are about to feature in the press. We rightly do not have powers of prior restraint, which would be arbitrary, impractical and anathema to freedom of expression. But we do have an effective pre-publication role to play.

If the problem concerns a potential privacy intrusion, we can liaise between the two parties to ensure that the editor is aware how the Code relates to those particular circumstances. They will then have more information about the case and be aware of the possibility of a formal complaint. The result is often the removal of key private details.

For example, last November a

dentist in the South of England was alarmed by a newspaper's inquiries about her gender transition, so she contacted the PCC for reassurance about the paper's intentions. Armed with further information supplied by the dentist, the editor decided not to proceed with the story.

On other occasions the call comes from the newspaper itself.

**The result
is often the
removal of key
private details**

Common inquiries include the extent to which relatives of criminals can be identified; the definition of a 'private place' when trying to obtain pictures; when paparazzi photographs can be used; the relevance of previous publicity sought by an individual; and approaches to witnesses in criminal cases. There were over 150 such requests in 2007.

DESIST MESSAGES

Sometimes people are unexpectedly thrust into the media glare, for instance when, at times of tragedy, family and friends are approached for their reaction. It would be wrong to have a blanket ban on such activity but, whilst journalists have a right to make an approach, they must do it sensitively and not return having been asked to leave.

In order to help the press respect such wishes, we have developed a service which allows people to phone the PCC at any time to make clear that they do not wish to speak to journalists. The contact numbers are **07659 152656** and **07659 158536**.

Representatives of national newspapers and magazines, together with the relevant local editors, are mailed with information about the request and why it has been made. The Press Association, Periodical Publishers Association and Society of Editors are all contacted.

The relevant section of the Code states that journalists "must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist".

These messages communicate the wishes of an individual and are not binding instructions from the PCC. Over 50 such requests were sent out during 2007.

One such instance concerned a woman at the centre of an ongoing news story about a family dispute who didn't want to comment. As the story progressed, she used the PCC on three occasions to inform newspapers and broadcasters that – in spite of new claims – she remained unwilling to speak. As a result, she was not contacted by individual journalists and did not have a media scrum outside her door. She wrote the following:

"Your service was outstanding and beyond the call of duty answering

late night and weekend calls, dealing with me immediately and returning every promised call. I don't know how I would have coped without you."

Your service was outstanding... I don't know how I would have coped without you

Sally Clark was the victim of a terrible miscarriage of justice when she was wrongly convicted of murdering her two children in 1999. The convictions were quashed in 2003 but media interest in her remained considerable until her death on 16th March 2007.

The family contacted us late on Sunday night 18th March amid concerns that they were being subjected to distressing levels of media attention. A message was immediately circulated, making clear that the family did not wish to speak to any journalists.

The attention died down. In advance of the funeral on 2nd April, a further message was sent to the media stating that the family did not wish for any press to be in attendance. As a result the funeral passed with no media intrusion.

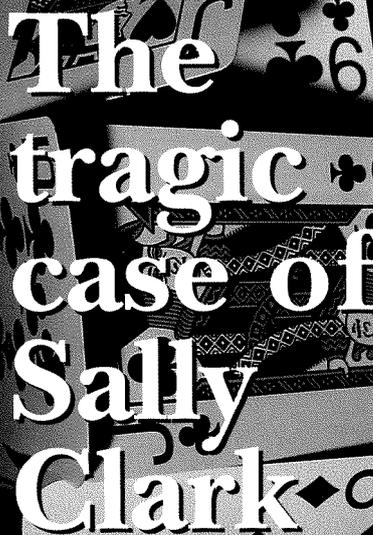
In November, the inquest into Sally's death was held. The family used our services a third time, again asking for no contact. They then informed us

that the outcome was better than expected as the attention was minimal.

This activity hid the fact that no formal complaint was necessary and there was therefore no publicity. It is an example of the PCC helping to ensure that the wishes of vulnerable people are taken into account, particularly at times of grief.

Sue Stapely, the lawyer and communications professional who worked pro bono for the family, said:

"It was enormously comforting to be able to call for the PCC's help when we all felt we were under siege, and I commend this supportive service to anyone who finds themselves under an unwelcome media spotlight".



The tragic case of Sally Clark

WEATHERING A MEDIA STORM

In cases where an individual is particularly vulnerable and has strong reasons for not wanting to talk to journalists, we can act before there has even been an approach by sending a request to the industry. Feedback from the press suggests that they are keen to know when such a request has been made, not least because to send a journalist would be a waste of time.

In 2007, no editor said that they would ignore a desist request

On occasion, repeated questioning of individuals and following them can be justified in the public interest. However, in 2007, no editor said that they would ignore a desist request because the public interest outweighed the individual's right to be left alone.

This is illustrated by the following case. Before an inquest into their son's suicide, a couple contacted us through an email titled 'Please help this family'. It said:

"I appreciate that inquests are open to the press and public. However, given the intrusion into any human being's most intense period of shock

(the pain and grief get no less intense), I would be grateful if you would make it clear to both national and local journalists that we do not wish to be approached at any point at or after the inquest."

Ten days before the inquest, the PCC disseminated the mother's message to relevant editors. The request was respected. She subsequently wrote saying:

"I am extremely grateful to you for your help. Despite details of the inquest into Andrew's death being published in all of our local papers, we were not approached by any journalists and I feel that this is due to your help."

CASE STUDY

The Newlove family and preventing harassment

The trial of five youths for the murder of Garry Newlove took place in November 2007. His family approached the PCC, through Cheshire police, for assistance in dealing with the media in the run-up to, during and after the trial.

The PCC circulated the following statement from the family to editors, managing editors and lawyers:

"We do not wish to be contacted in any way – by letter, telephone, email, or personal calls to our home – by journalists in the run-up to the trial or during the course and conclusion of it. Some journalists have approached us and that has intruded into our private grief and led us to feel harassed. The media coverage has helped the police investigation and we are grateful for that, but we do not want to have any contact with journalists while the trial is on the horizon or underway."

The Commission was pleased to hear from Cheshire Police that the family experienced no contact or harassment from the press as a result of the message being circulated.

Jacqui Hanson, the Communications Director of Cheshire Police, said the following:

"The media came to Warrington in large numbers to report on the story, and public interest in the case remained high from the time of Garry's death through to the sentencing of the offenders. This close family unit had been traumatised at the loss of Garry and wanted to be left alone to grieve."

REACHING OUT TO POTENTIAL COMPLAINANTS

We try to anticipate who might need our help. In such circumstances, we contact them and outline the range of services we can provide (although we aren't suggesting that a breach of the Code has already happened or will inevitably take place). For instance, we approached the MOD about the families of the sailors kidnapped in Iran and the British embassy in Rome following the murder of Meredith Kercher.

In other cases, our attention is drawn to possible problems by third party complaints. For an investigation to be effective and well informed, the input of the person concerned is essential. So we will, if appropriate, get in touch with them to move things forward.

This happened in November 2007 when we received nearly 150 complaints about a sticker produced by Heat magazine showing Katie Price's son with a speech bubble saying "Harvey wants to eat me!" A complaint from the family was

lodged after the PCC alerted Ms Price's manager. The matter was then quickly resolved following the publication of an apology and a donation to charity.

More generally, it is important for the PCC to have good relations with gatekeepers to potentially vulnerable people such as Coroners and Witness Services; Hospital Communications Departments; police Family Liaison Officers and police Training Centres. To that end, we have launched a range of specific

booklets called 'How the PCC can help you'. For copies, contact Tonia Milton at tonia.milton@pcc.org.uk

It's important for us to have good relations with representatives of vulnerable people

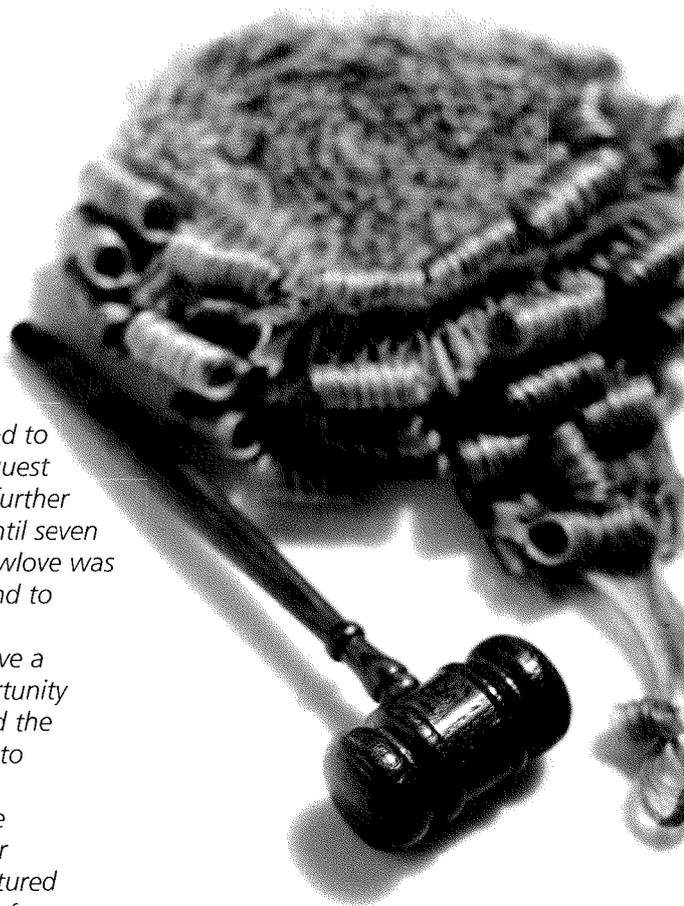
While the majority of journalists honoured the request relayed via the Police Press Office, the family continued to receive approaches. This caused them distress as they felt unable to make any comment at the time.

At this point, we approached the PCC. A Desist Notice was quickly issued and, at the same time, we offered media organisations our own Press Desk as a point of contact for any interview requests with the family.

The Desist Notice was hugely successful. The family did not receive a single direct approach. Even after

verdict, the media continued to honour the spirit of the request and made approaches for further interviews via the Police, until seven months later when Mrs Newlove was ready to receive and respond to requests directly.

The Desist Notice gave a distraught family the opportunity to grieve in private and find the time they needed to come to terms with their situation. From that has come a voice – in Helen Newlove and her daughters – which has captured the thoughts and feelings of a huge section of society."



CASE STUDY

In deep water

THE IRAN HOSTAGES

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On 23rd March 2007, 15 Royal Navy/Royal Marine personnel, based on HMS Cornwall, were detained by Iranian forces following a dispute over territorial waters. On 4th April, after a period of detention accompanied by intense worldwide media coverage, they were released by President Ahmadinejad as a 'gift to the UK'. The next day, they were flown back to Britain where they faced considerable press attention.

The Commission, anticipating that those associated with the sailors would need assistance if they were the subject of unwanted press enquiries, contacted the MOD on the morning of 5th April advising how it could help. Among other things, the email said:

"Obviously this story will legitimately raise a great deal of media interest. While there has been no suggestion that this has caused, or will cause, problems for the returning servicemen and women and their families, the PCC is on hand to help if problems with the printed media do occur. I thought I would let you know some contact details and information about the PCC, which you might wish to pass on to families or their representatives, should the need arise."

No response was received to this offer, but its existence came to light when one newspaper asked the Commission, in light of criticism of the media, whether it had done anything to minimise potential problems. Although we weren't asked to help at the time, communication between the Commission and the MOD has subsequently improved dramatically, with the Hall Review's suggestions for greater co-operation – including PCC involvement in training for MOD media shielders – being taken forward.

In August 2007, the PCC was contacted for advice about a situation involving a sailor, who was the subject of a degree of media attention. The Royal Navy noted in a memo that the "advice provided was extremely appropriate, useful and relevant".

Reaching Out

OPEN DAYS

As a body covering the whole of the UK, it's important that we make our services as well known as possible across the country. To do so, we host City Open Days at which the public can grill our members and staff. In 2007, we ran events in Birmingham and Oxford. After a surgery session offering confidential one-on-one advice, there's an open debate hosted by Sir Christopher Meyer and PCC Director Tim Toulmin. Topics raised in these sessions included the importance of readers' letters and political bias.



HEADLINE NEWS... from left, Press Complaints Commission director Tim Toulmin, commissioner Vivien Hepworth, editorial consultant Alison Hastings and Mail editor Steve Dyson. Picture: John Reavenell

Mail editor grilled as tour hits town

DOZENS of people turned out at a roadshow with a difference to grill Birmingham Mail editor Steve Dyson about the rules of journalism. The event was part of a tour by the Press Complaints Commission watchdog where members of the public were invited to put questions to the panel. The audience included 18-year-old UCE journalism student Stephen Nunes and 59-year-old Mail reader Bill Owen, a railway worker from Aston. Mr Owen welcomed the opportunity to talk about the standards of the press. He added: "I'm interested in newspapers, the way they operate and the way they decide what news to print. Ordinary people depend on their newspapers for information more than anything else. It was useful to come along because I had the opportunity to put questions to Mr Dyson." Panelist and lay commissioner Vivien Hepworth said the commission was not responsible for running the British media. But she added: "If people read something that's factually inaccurate we're the people to ring up and that's why we're here. Newspapers are all about freedom but it's freedom with responsibilities." Mr Nunes, who is considering becoming a journalist, said: "This was a good opportunity for the public to put questions to the people who deal with complaints and to have the chance to talk to Steve." Visit the PCC website at www.pcc.org.uk

Left: Attendees at the Oxford Open Day
Above: Coverage of the Birmingham Open Day in the Birmingham Mail

TRAINING THE NEXT GENERATION OF JOURNALISTS

The PCC employs three experienced speakers who address trainee journalists, media students and other interested parties about the PCC and the Code of Practice. They are: Alison Hastings, BBC Trustee for England and a former editor of the Newcastle Evening Chronicle; Professor Robert Pinker CBE, former Acting Chairman of the PCC; and Sue Roberts, the PCC's External Affairs Manager.

In 2007, seminars and presentations were held with students from approximately 30 academic institutions including the Trinity Mirror South Training Centre, Edinburgh University, Cardiff University, the Press Association Editorial Training Centre, City College Brighton and Sheffield College.

To arrange a speaker, please contact Tonia Milton at tonia.milton@pcc.org.uk.

IMPROVING VISIBILITY

One of our key current campaigns is to encourage the industry to make the PCC as visible as possible, in the interests of both the press and potential complainants. Here are some of the ways different publications are drawing readers' attention to the fact that they subscribe to the Code.

INDUSTRY TRAINING

We run regular refresher courses to keep the industry up to date with our thinking. Seminars in 2007 included:

Online Journalism

Aimed at national newspaper website editors, this seminar coincided with the extension of our remit to include audio-visual material. With convergence and widespread internet presence, online journalists increasingly make decisions under the Code.

News of the World

When Colin Myler became editor in early 2007, in the wake of the Clive Goodman incident, he invited us to speak to every journalist about privacy and investigative journalism. He wanted to ensure they all took responsibility for their own actions.

Subterfuge and investigative journalism

In the wake of our report into subterfuge and newsgathering following the convictions of Clive Goodman and Glenn Mulcaire, we ran refresher courses for all national press. The London and Glasgow seminars were also addressed by representatives from the Information Commissioner's Office.

Guardian Media Group – Manchester

The seminar was held at the offices of the Manchester Evening News. Over forty journalists from the MEN and its weekly sister titles took part in the session based on real case studies from the Commission.



Above: Journalists at the subterfuge and investigative journalism seminar



Above: Attendees from the Manchester Evening News at the PCC seminar in Manchester

If you're going to do it, do it properly

PROMINENCE

If a newspaper or magazine has got something wrong it is essential that it is put right in a proportionate way as soon as possible.

The issue of prominence continues to be the most important yardstick by which the Commission is measured in terms of its conciliated complaints and agreed remedies such as corrections and apologies.

Negotiations through the PCC deal not only with what an apology will say, but where it will appear.

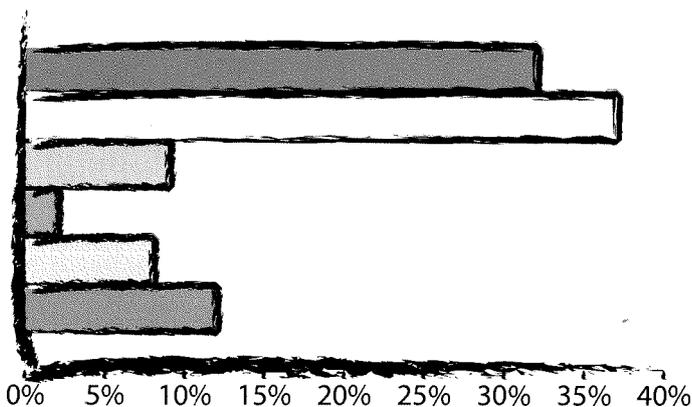
The Code itself requires that corrections and apologies must be published with 'due prominence'. A

buried apology (at the back of the paper, with the greyhound results, as the cliché goes) would therefore raise a clear breach of Clause 1 (Accuracy) of the Code. Since 2005, the Commission has surveyed the prominence of corrections it has obtained for complainants. The results of the last three years demonstrate a record of improvement.

Last year 81% of corrections, apologies and clarifications appeared

on the same page or further forward than the original transgression, or in a dedicated corrections column. This was up from 74% in 2006. A further 9% appeared within 2 pages of the original. Looking only at apologies in newspapers, not one appeared more than five pages further back than the original and all but five appeared on the same page or further forward (or in a dedicated column).

- Corrections appearing further forward in the paper
- Corrections appearing on the same page
- Corrections appearing up to 2 pages further back
- Corrections appearing 3-5 pages further back
- Corrections appearing more than 5 pages further back
- Corrections appearing in a dedicated column



RESOLVED COMPLAINT:

A PROMINENT APOLOGY

In the strictest confidence

Matt Galley, Secretary of the Tynedale Branch of Unison, complained that an article had presented comments he had made – on the retention payments being offered to only senior staff at Tynedale Council – in confidential correspondence in such a way as to misleadingly suggest he had been interviewed by the newspaper.

The newspaper agreed that the article may have given the impression that it had interviewed the complainant directly. The editor therefore published the following apology on the front page of the newspaper:

Our front page report of August 31 about the offer of retention payments to senior staff at Tynedale Council contained comments from Matt Galley, secretary of the

Tynedale branch of Unison. Mr Galley's comments came from a confidential letter from Unison to the corporate policy and management board of Tynedale Council. Mr Galley did not provide the letter to the Hexham Courant nor did the Courant speak directly to Mr Galley on this matter and we apologise that this may have been the impression given by our report.

CASE STUDY

Good example. Bad practice.

On 11th January 2007, the Daily Express published an article which claimed that Totnes Town Council, and in particular its Mayor Pruw Boswell Harper, had axed prayers before council meetings.

Ms Boswell Harper complained that this was untrue. Although we helped negotiate an apology, the paper unilaterally decided to run it on page 33 whereas the original article had appeared on page 5. The Commission therefore adjudicated the complaint.

Our ruling that the correction was given insufficient prominence publicly criticised the paper for bad practice. As a result, the paper had to publish an apology as well as a prominent, negative Commission ruling outlining the unacceptability of corrections made without due prominence. This demonstrates the high standards we expect in this area.

HOLDING THE PCC TO ACCOUNT

The Charter Commissioner and the Charter Compliance Panel

An important part of the Commission's accountability and transparency is to be found in the independent scrutiny brought to its work by the Charter Commissioner Sir Brian Cubbon and the Charter Compliance Panel. Their terms of reference are rooted in the standards of customer service outlined in the Complainants' Charter. Both institutions publish a separate annual report, and make recommendations directly to the PCC board about its standards and about any deficiencies in the handling of individual complaints.

Last year, when the Commission received hundreds more complaints than ever before, the Charter Commissioner dealt with 48 cases; three more than in 2006. For the most part, he found no problems with the PCC's handling. Nonetheless, on six occasions he concluded that concerns raised by the complainant required attention. These include:

- A complainant disagreed with the PCC's decision on his case and argued that the editor hadn't answered all the points raised. After further information was obtained from the editor, the PCC confirmed its decision that sufficient remedial action had been offered. The Charter Commissioner was then able to give the complainant a comprehensive reply on all his points. In addition the Chairman wrote to the editor outlining the inadequacies in his original reply.

- A man informed the Charter Commissioner that he had not been kept informed of the progress of the PCC's investigation at least every 15 working days, as is the declared aim. The Charter Commissioner gave him a careful account of the reasons for the delay and conveyed apologies.
- A woman complained about a 'No Breach' decision and expressed irritation that the PCC's letters to her had addressed her as a man. The Charter Commissioner conveyed the Director's apologies for the mistakes in address but concluded that the handling of the complaint was otherwise correct.

The Charter Compliance Panel (CCP), made up of Sir Brian Cubbon and Harry Rich, fulfils an audit function and every year identifies an area of work that it wishes to examine. It then chooses a sample of case files to scrutinise. Neither the Commission nor its staff has any say over which cases are investigated.

The Panel's task is to ensure

The Panel ensures that complainants get a good standard of service and recommends how procedures might be improved

that complainants are getting a good standard of service and, after each audit, recommends how procedures might be improved. In 2007, the CCP made a number of comments on the processing of individual complaints. The Panel's general recommendations included:

- even greater care being taken in the published reports of resolved complaints to identify clearly errors that require resolution
- a review of the Complainants' Charter which lays down the standards of service that the PCC aims to follow
- staff direction on handling third party complaints and calls to the helpline
- drawing a line under attempts to resolve complaints when negotiation is not leading in a positive direction.

In addition to this work, the Commission itself surveys the views of those who use it. Over 1000 people were asked about their experience.

- 82% felt their complaint had been dealt with thoroughly or very thoroughly
- 76% considered the overall handling of their complaint was satisfactory or very satisfactory
- 81% said that the time taken to deal with their complaint was about right.

Complainants are also given the opportunity to comment on the PCC and its service. Some of those comments are included in this report.

Facts and figures, stats and trends

2007 IN NUMBERS

4340	total number of complaints
1229	number of total rulings
822	number of formal investigations
245	number of privacy rulings
16	number of upheld adjudications
16	number of rejected adjudications
347	% increase in resolved complaints since 1996
70	% increase in complaints since 1996

The global figure for complaints numbers in 2007 is striking: around 12 for every day of the year. This is our highest ever and an increase of 31% on 2006. But the figure may mask more meaningful statistics because it contains a large number of cases that fall outside our remit and was inflated by multiple complaints about a couple of articles.

The Daily Mirror published an article by Tony Parsons which commented on the Portuguese police, people and Ambassador in light of the Madeleine McCann investigation. This provoked a record 485 complaints from readers, none of which led to any breaches of the Code. A complaint from the Ambassador himself was resolved amicably. So whilst the figures rose sharply, only one complaint was ultimately addressed.

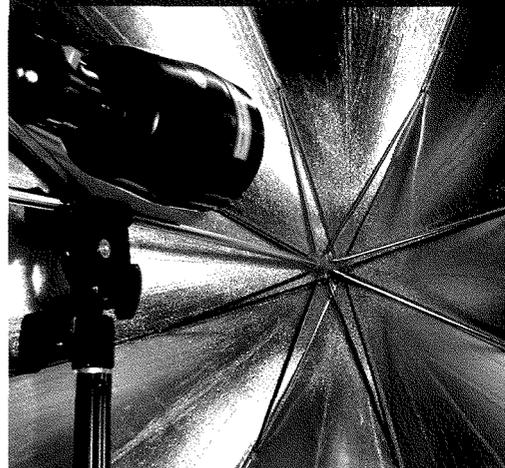
Heat magazine published a sticker depicting the young son of Katie Price with a caption that was considered to poke fun at his disability. 143 people complained. Following contact from the PCC, Ms Price complained. The one substantive case was resolved to her satisfaction.

RESOLVED COMPLAINT:

Sex, lies and photoshoots

Ms Fay Bevan of Merthyr Tydfil complained that an article in the Sunday Sport was inaccurate in describing her sex life. She had given some information to the paper but it had made up additional details and presented them as if she had made the claims herself.

The newspaper acknowledged there had been a misunderstanding about the level of artistic licence it could use and offered to publish a clarification. After direct discussions between Ms Bevan and the Sunday Sport, the former was offered a paid-for 'page 3' photoshoot.



THE TOP THREE

DAILY Mirror	Daily Mirror	"Oh, up yours señor"	485 complaints
heat	Heat	Harvey sticker	143 complaints
Daily Mail	Daily Mail	The sickening side of greyhound racing	40 complaints

A more accurate reflection of our work is the 1229 rulings made over the year – another record and an increase of over 20% from 2006. This includes all cases where we reach a conclusion: decisions under the Code, resolved complaints, and published adjudications. The breakdown is as follows:

RULINGS

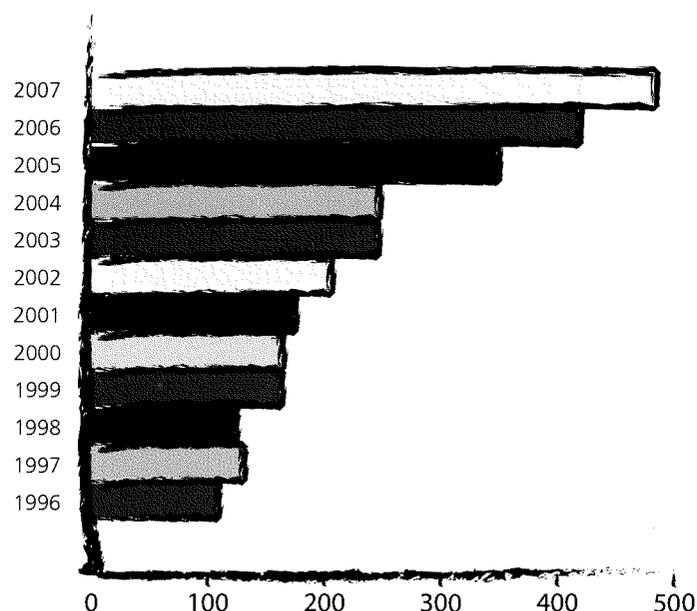
No breach of the Code	560
Sufficient remedial action offered by the newspaper	154
Resolved to the satisfaction of the complainant	483
Adjudicated upheld	16
Adjudicated not upheld	16

There is no evidence to suggest that this increase is due to a collapse in standards. Rather, it is likely that other factors are at play: greater visibility of the PCC; growing awareness of what we do; the ease of complaining via email; and the extension of our remit.

In 2007, over half the articles provided to the PCC were online versions, the first time they have outnumbered hard copies. Interestingly however, complaints about material that only appeared online amounted to less than 1% of that total.

The figure for complaints resolved to the satisfaction of the complainant was also the highest ever at 483. This reflects the hard work of the complaints department, which manages to settle almost ten complaints every week. The ways in which complaints are resolved – sometimes quite inventive – include: publication of apologies, corrections, letters, even poems; private undertakings and donations; and, on one occasion, the organisation of a page 3 photoshoot.

Over the last 11 years, we have steadily improved the number of resolved complaints:

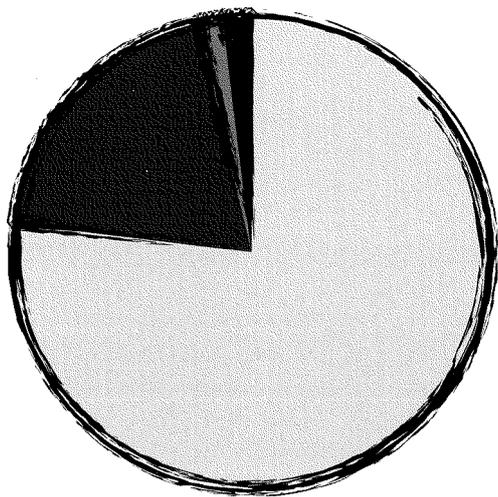


822 formal investigations were concluded in an average of 41 days (down by a day from 2006). The average for the handling of all complaints was 18 days. The majority of complaints were about accuracy followed closely by privacy. In substantive cases, involving a possible breach of the Code, the figures break down as follows:

POSSIBLE BREACHES OF THE CODE BY CLAUSE

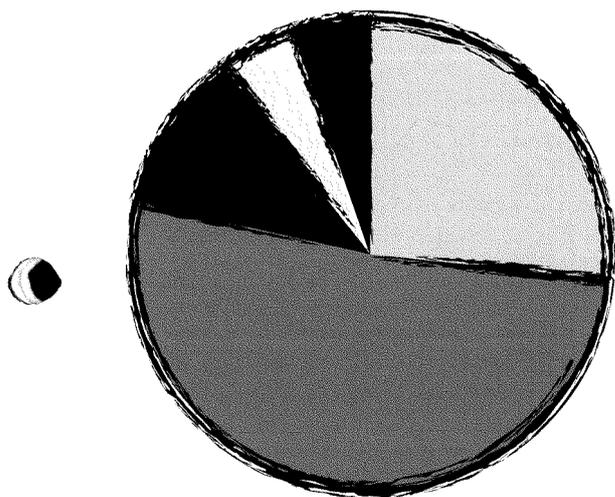
Accuracy:	75.4%
Opportunity to reply:	1.4%
Privacy:	9.2%
Harassment:	1.6%
Intrusion into grief or shock:	6.6%
Children:	1.8%
Children in sex cases:	0
Hospitals:	0.1%
Reporting of crime:	0.9%
Clandestine devices and subterfuge:	0.5%
Victims of sexual assault:	0.1%
Discrimination:	1.9%
Financial journalism:	0
Confidential sources:	0.4%
Witness payments in criminal trials:	0
Payment to criminals:	0.1%

POSSIBLE BREACHES OF THE CODE BY TYPE OF COMPLAINT



- Accuracy and opportunity to reply: 76.8%
- Privacy and Intrusion: 19.4%
- Discrimination: 1.9%
- Newsgathering: 1.9%

PRIVACY – RULINGS



- National: 27.7%
- Regional: 52.3%
- Scottish: 10.6%
- Northern Ireland: 4.3%
- Magazine: 5.1%

With nearly 250 rulings and the resolution of over 100 complaints, privacy remains a major part of our work. This often takes place confidentially and quickly (the average privacy complaint is ruled upon within 35 days). But this issue is not merely the preserve of celebrities and the national media. The majority relate to the regional press.

RESOLVED COMPLAINT:

A family's right to grieve in peace

Mrs Elizabeth Li complained that a newspaper had intruded into her family's grief by naming her nephew, Paul Kelly, as a murder victim before some members of his family had been informed of his death.

The paper explained that it had been informed by police that Mr Kelly did not have any relations living in the area. It then published the following apology in its coverage of an appeal for witnesses by Mr Kelly's parents in addition to a poem written by Mrs Li:

"In The Bath Chronicle of 2 January, we named Paul Kelly as the victim of the city's New Year's Day murder. At that stage, his name had not been officially released by the police but we understood that there were no local relatives likely to read the news in our paper. We now acknowledge that we were wrong and would like to apologise for any distress our story caused."



CASE STUDY

What it means to be constantly under the spotlight

Accuracy and raising standards

Using the PCC on a regular basis is increasingly common for institutions which are often in the press. Broadmoor Hospital is one of the most scrutinised in the country.

Given the volume of stories about it, perhaps it is inevitable that sometimes things go wrong. When they do, we can help put them right. Moreover, our guidance note on 'Reporting Mental Health Issues' aims to improve accuracy. It states:

"Terminology is important. People are detained under the Mental Health Act 1983 in 'hospitals' and not 'prisons', and are 'patients' not 'prisoners'. Under the terms of the Act, the words 'jail', 'cell' and 'cage' are inaccurate when referring to their accommodation."

"The four high security hospitals – Ashworth, Rampton, Broadmoor and the State Hospital at Carstairs – provide care and treatment in conditions of security. Their nursing staff serve in a nursing capacity and are not prison officers, although part of their function is to maintain security."

Over the course of 2007, the PCC resolved 5 complaints from Broadmoor following erroneous descriptions equating it with a prison. As a result, we negotiated two published corrections and two published apologies.

There was a further dimension to the Commission's involvement. Behind the scenes, the PCC ensured that minor lapses – that would not warrant a formal complaint – were brought to the attention of editors. One outcome was for

internal guidance to be circulated around the newsdesks of two national newspapers.

Rory Hegarty, the Acting Director of Communications for the West London Mental Health Trust, said the following about his experience with the PCC:

"Broadmoor Hospital and its patients are often in the news, and ensuring that reports are fair and accurate is an ongoing challenge. In recent years, the hospital has often been wrongly described as a prison, its rooms as cells and its nurses as warders. Reports have stigmatised or wilfully misunderstood mental illness and how it is treated, while undermining the role that a high secure hospital like Broadmoor plays in both promoting recovery and protecting the public."

In 2006, we arranged for Tim Toulmin to meet with senior staff to discuss some of these concerns. The outcome was very positive. The PCC reissued its guidance on reporting mental illness and advised the trust on its code and complaints procedure. Working with the PCC, we have been able to address some of the worst excesses, often without having to resort to a formal complaint. Their advice has proved extremely helpful and has enabled us to work with newspapers rather than against them. This has led to improved relationships and some notable attempts by the press to improve reporting of Broadmoor Hospital."





Above: First Minister for Scotland Alex Salmond MSP opening the AIPCE conference. Photographer: Fraser Bremner
Centre: Sir Christopher Meyer addresses a dinner held at the 2007 AIPCE conference
Top right: AIPCE conference, Edinburgh, September 2007
Bottom right: Delegates at a meeting in Bolivia to discuss press regulation.

Vibrant network gathers momentum

INTERNATIONAL REPORT

With widespread media convergence, legislators and officials are beginning to recognise the benefits of voluntary content regulation.

This is particularly apparent in the EU where studies about the future for news media tend to refer now to the role of self and co-regulation. Which is why it's important to have a healthy and vibrant network of bodies dedicated to ensuring high standards in co-operation with the media. In many cases, this form of independent non-statutory regulation extends to television journalism too.

These bodies meet annually under the aegis of the Alliance of Independent Press Councils of Europe (AIPCE) to share ideas and experiences. In 2007, the PCC hosted the conference in Edinburgh welcoming delegates from 25 countries. Although essentially European, there was representation from Asia, Africa and South America.

First Minister for Scotland Alex Salmond opened the event

which was sponsored by the Open Society Institute, Johnston Press plc and the European Publishers Council. Addressing delegates, he acknowledged that the implications of the digital age are of concern to the press everywhere, and noted that it was the task of press councils to preserve ethical integrity and standards during a time of flux.

It was apparent that others are getting to grips with the extent to



which Codes of Practice cover digital media. Indeed, it seems highly likely that, by the end of 2008, the reach of self-regulatory Codes will be standard across Europe.

Other discussions underlined the importance of implementing such Codes at a national level, reflecting the media in each country and different cultural expectations. It was clear that what constitutes an invasion into privacy varies quite dramatically. In fact, the founding statement of the Alliance notes that “it is not possible to operate a universal Code of ethics”, and argues that “the imposition of supra national Codes and regulatory organisations, either at the European or global level, should be opposed”.

Aside from our involvement with AIPCE, we continue to maintain close links with press councils overseas. Representatives of the Bulgarian Journalism Ethics Council visited the PCC. The newly appointed CEO of the Sri Lankan Press Complaints Commission came to examine our operations. Also the general-secretary of the Dutch Press Council spent four days with us as part of a research project into European regulation.

In addition, we have welcomed representatives (regulatory, journalistic and political) from Norway, Malaysia, Iran, the USA, Russia, Ethiopia, Taiwan and Angola among other places. Outside the UK, PCC representatives participated in events to promote media self-regulation in Germany, Hungary and Bolivia.

One piece of excellent news in 2007 was the announcement that a Press Council and Ombudsman in Ireland would finally be established from January 1 2008. The PCC will work closely with the new body, and was pleased to welcome Professor John Horgan, the Ombudsman, and his colleague Bernie Grogan to the PCC for two days in December.

RESOLVED COMPLAINT:

STOPPING ERRORS FROM REAPPEARING

No intention to suggest intention

Ms Katherine Sladden, the Communications Officer of the National AIDS Trust, complained that a newspaper had inaccurately stated that a man had been found guilty of ‘deliberately’ spreading HIV. In fact, he was found guilty of ‘culpably and recklessly’ transmitting HIV, which was an entirely different charge and did not suggest intent.

The complaint was resolved when the newspaper annotated its records to reflect the distinction and circulated a note to journalists reminding them of the need for accurate terminology in this area and that advice was available from the National AIDS Trust.

Sir Christopher Meyer KCMG (Left):
Chairman



Commission members



Tim Toulmin (Left): Director

Rear Admiral Nick Wilkinson CB (Centre): After 40 years in the Royal Navy, I latterly became D-Notice Secretary from 1999 to 2004, which involved advising on the publication of national security matters. The PCC's work is even more important at a time when freedom of information is under greater pressure because of measures against terrorism and of trends in government centralisation.

Simon Irwin (Right): Editor, Kent Messenger

Vivien Hepworth (Left): I know from my NHS experience what it's like to be on the receiving end of challenging press coverage. I have some insight into how those bringing complaints actually feel, which is often worried that no-one will listen to them. I look at all sides of a story and argue when the occasion merits it.

Eve Salomon (Right): My work involves assessing the extent to which regulatory regimes of other countries enable or stifle freedom of expression, a fundamental human right that's essential for a functioning democracy. In the UK we sometimes lose sight of that truth. I joined the Commission to do what I could to ensure we remember and apply it.



Ian Nichol (Left): Throughout my career I have come to know the newspaper industry well. I have a passion for it and appreciate the challenges of working to incredibly tight deadlines. For me the brevity, simplicity and clarity of the Code, developed over many years and flexible to changing circumstances, stands as a shining beacon of common sense.

Spencer Feeney (Left): Editor, South Wales Evening Post



Peter Hill (Above): Editor, Daily Express

Lindsay Nicholson (Left): Editorial Director of National Magazine Company

Dianne Thompson CBE (Right) As Chief Executive of Camelot Group, I believe scrutiny is critical to establishing public trust. I have been a Commissioner at the ASA and I now sit on the Executive Committee of the World Lotteries Association. These roles have given me invaluable insight into developing effective processes that ensure there is confidence in the system.



Matti Alderson (Left): As Director General of the Advertising Standards Authority for ten years and now as Chairman of the Direct Marketing Commission, I work to give consumers a voice. In terms of the PCC's effectiveness, I can conceive of no legislation that would provide such well-balanced, swift and comprehensive protection for the public free of charge.

Ian MacGregor (Right): Editor, The Sunday Telegraph



Tina Weaver (Left): Editor, Sunday Mirror

Collen Harris MVO (Right): For more than twenty five years I have worked in high profile organisations dealing with intense levels of media interest and public scrutiny. I appreciate how important it is for press freedoms to be maintained, yet I have seen how damaging and intrusive the press can be. The PCC is crucial in achieving the balance.



Derek Tucker (Left): Editor, Press and Journal (Aberdeen)

Esther Robertson (Centre): I am highly committed to the principles of democracy and believe that freedom of the press plays a crucial role. I also believe that the press has to be, and be seen to be, responsible. I am determined to use my skills, knowledge and judgement to ensure members of the public get a fair deal.

The Right Rev John Waine KCVO (Right): I have been involved with a huge diversity of people throughout my professional life and believe I have the experience to understand what motivates many of those who complain to us. I have always been an avid newspaper reader and am very aware of the important role of the media in community and national life.

FINANCIAL REPORT

The PCC's income is derived solely from the Press Standards Board of Finance (PressBoF). This ensures that the Commission is no burden on the taxpayer and is free for the public to use. It also guarantees our independence because we have no direct financial relationship with media companies. We are especially grateful to PressBoF officials Jim Raeburn and Linda Spowart for ensuring this arrangement runs smoothly.

To the right are extracts of the Commission's accounts for 2006, which were audited by Deloitte and Touche. As usual, the Commission's financial sub-committee – which comprises three lay members and the Chairman of the Commission – scrutinised expenditure and budget preparations. Expenditure was somewhat higher than usual in 2006 because of the costs associated with the PCC's move of premises.

EXPENSE	£
Wages, salaries and related costs (including Commissioners)	1,018,833
Rent, rates and maintenance (old and new premises)	156,937
Legal and professional fees	207,273
Travel, entertainment and public relations	141,807
Telephone, stationery, insurance, utilities, publications, printing, postage and related office costs	146,133
Design, literature, website management and IT costs	47,010
Charter Commissioner and Charter Compliance Panel	34,500
Depreciation	46,745
Bank charges	1,699
Dilapidations and moving	13,565
Loss on disposal of fixed assets	10,104
TOTAL EXPENDITURE	1,824,606

Who's who in appointments

Appointments to the PCC board are made by an independent Appointments Commission, chaired by Sir Christopher Meyer. In 2007, the other members were:

- Sir David Clementi
- Baroness Smith of Gilmorehill
- Andrew Phillips
- Tim Bowdler CBE (Chairman of PressBoF)

The Appointments Commission appoints both lay and press members, and considers whether to extend the terms of office of current members. Lay members are appointed following advertising and interview, while editorial members are nominated by trade bodies. In 2007, the Appointments Commission:

- Appointed Esther Robertson, member of the Scottish Council for Development and Industry, as a lay member of the PCC
- Appointed Harry Rich, now Chief Executive of Enterprise Insight, to a two year term on the Charter Compliance Panel
- Re-appointed Sir Brian Cubbon to further terms as Charter Commissioner and Chairman of the Charter Compliance Panel
- Re-appointed Vivien Hepworth, Eve Salomon and Bishop Waine to further terms on the Commission

We are most grateful to the contribution of Adam Phillips who left the Commission during 2007 after three years of dedicated service.



Sir Brian Cubbon GCB



Harry Rich

**RESOLVED COMPLAINTS:
MORE THAN
JUST A LETTER**

A level playing field



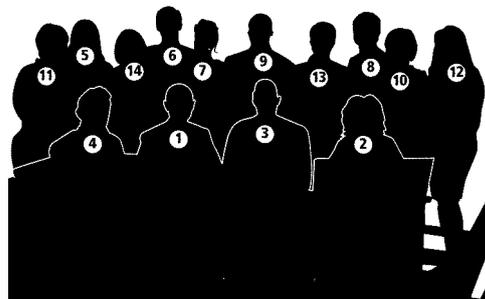
Ms Lyn Hughes, Publicity and Marketing Manager of Sandbach High School and Sixth Form College, complained that an editorial in regard to the non-publication of its A Level results – which republished in full an earlier editorial about the newspaper's deteriorating relationship with the school – was inaccurate and misleading.

The complaint was resolved when the newspaper published a letter from the school, an unreserved apology and further editorial about the issue. It accepted that mistakes had been made and looked forward to an amicable relationship with the school in the future.



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The Code of Practice

This is the newspaper and periodical industry's Code of Practice. It is framed and revised by the Editors' Code Committee made up of independent editors of national, regional and local newspapers and magazines. The Press Complaints Commission, which has a majority of lay members, is charged with enforcing the Code, using it to adjudicate complaints. It was ratified by the PCC on the 1 August 2007. Clauses marked* are covered by exceptions relating to the public interest.

All members of the press have a duty to maintain the highest professional standards. The Code, which includes this preamble and the public interest exceptions below, sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.

It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists.

Editors should co-operate swiftly with the PCC in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including headline reference to the PCC.

1 Accuracy

- i) The press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.
- iii) The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.
- iv) 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.

2 Opportunity to reply

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

3 Privacy

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications. Editors will be expected to justify intrusions into any individual's private life without consent.
- ii) It is unacceptable to photograph individuals in a private place without their consent.
Note – Private places are public or private property where there is a reasonable expectation of privacy.

4 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 their property when asked to leave and must not follow them.
- 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.

5 Intrusion into grief or shock

- i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.
- ii) When reporting suicide, care should be taken to avoid excessive detail about the method used.

6 Children

- i) Young people should be free to complete their time at school without unnecessary intrusion.
- ii) A child 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.
- iii) Pupils must not be approached or photographed at school without the permission of the school authorities.
- iv) Minors must not be paid for material involving children's 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.

7 Children in sex cases

- i) The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.
- ii) In any press report of a case involving a sexual offence against a child –
 - a) The child must not be identified.
 - b) The adult may be identified.
 - c) The word 'incest' must not be used where a child victim might be identified.
 - d) Care must be taken that nothing in the report implies the relationship between the accused and the child.

8 Hospitals

- i) Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.
- ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

9 Reporting of Crime

- i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.
- ii) Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

10 Clandestine devices and subterfuge

- i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents, or photographs; or by accessing digitally-held private information without consent.
- ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

11 Victims of sexual assault

- i) The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

12 Discrimination

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

13 Financial journalism

- i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.
- ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.
- iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

14 Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

15 Witness payments in criminal trials

- i) No payment or offer of payment to a witness – or any person who may reasonably be expected to be called as a witness – should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.
This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.
- ii) Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.
- iii) Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

16 Payment to criminals

- i) Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates – who may include family, friends and colleagues.
- ii) Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.

The public interest*

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

1. The public interest includes, but is not confined to:
 - i) Detecting or exposing crime or serious impropriety.
 - ii) Protecting public health and safety.
 - iii) Preventing the public from being misled by an action or statement of an individual or organisation.
2. There is a public interest in freedom of expression itself.
3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully how the public interest was served.
4. The PCC will consider the extent to which material is already in the public domain, or will become so.
5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

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Scottish Helpline: 0131 220 6652

Welsh Helpline: 029 2039 5570

24 hour Press Office: 07659 158536

24 hour Advice Line: 07659 152656

(leave a message and you will be phoned back)

This is for use in emergencies only

Email: complaints@pcc.org.uk

www.pcc.org.uk