

Prince William and privacy - 2000

Text of a speech by the Rt Hon Lord Wakeham, Chairman of the Press Complaints Commission, delivered at St Bride's Institute, Fleet Street on Wednesday 28th June 2000

Introduction

I have always maintained that the strength of the newspaper industry's system of self regulation lies both in the protection that the Code of Practice gives to ordinary people and the ability of the Press Complaints Commission to deal quickly and effectively with complaints from members of the public about intrusion and inaccuracy. While it may be complaints from the Prime Minister and the Prince of Wales, or from celebrities like Paul McCartney and Elton John, that grab the headlines, the real success story lies in the quiet work we do day in and day out to sort out problems brought to us by ordinary people.

And it lies, too, in the unsung success of the editors' Code of Practice which - over the last ten years - has slowly and surely, and usually unnoticed by our critics, transformed standards of newspaper reporting. Ten years ago, simple inaccuracies about people that most of us had never heard of went uncorrected. Intrusions into the private lives of ordinary people by a handful of newspapers were all too common. Today, we live in a different world - one in which a tough Code of Practice ensures that most inaccuracies are corrected, that intrusion and harassment are by and large prevented, and that a great deal of protection is given to the most vulnerable members of our society such as the sick, victims of assault and, above all, children. So that is what the vast bulk of our work is all about. Raising standards of reporting. Sorting out disputes. Serving the public. Protecting the vulnerable. But while I am acutely aware that most of what we do relates to ordinary people, I am also aware that the success of self regulation rests in many ways on how the press deals with the privacy of public figures - and in turn how the PCC deals with complaints from those individuals when something has gone wrong. In short, while we always apply the Code in equal measure to everyone in the land, ordinary people know it works to protect them if they see it protecting the most famous. And while we will always treat every complainant equally, ordinary people know the PCC will provide them with common sense and effective redress when they see us dealing in a quick and sensible manner with high profile complainants who come to us.

Prince William and the press: the original agreement That is one of the reasons why, almost exactly five years ago and in this very same room, I set out my thinking on how newspapers should treat Prince William and Prince Harry during their time at school. I believed it was important for self regulation, for the industry - and, most important of all, for those young men. You may recall that I argued then that the press had always had a very important role in scrutinising the Monarchy and should continue to do so - but that such scrutiny did not mean intruding into the privacy of children. It was in that speech that I set out the basis of an understanding designed to give the Royal Princes as much privacy as possible, while at the same time allowing the press and the public - rightly anxious to see the way these two young men were growing up - legitimate access to them. At the heart of that agreement was the industry's Code and its stipulations about the treatment of children. I made clear that the terms of the Code related as much to Princes William and Harry as to any other children. Nobody was asking for extra protection, or less protection - simply the same respect for their privacy. That meant no interviewing or photographing without the consent of the parents or of the school authorities - and it meant no long lens photos or harassment either.

In turn, recognising the legitimate public interest in the children, the Palace agreed to ensure that photographs and information about the children were from time to time made available to the press and the broadcasters. It was a balancing act - legitimate privacy and legitimate access: in other words, a common sense solution based on the terms of a common sense Code of Practice. Of course, a great deal had happened since then - most important of which was the tightening of the industry's Code after the death of Diana, Princess of Wales. That added significantly to the protection available to all children - including Prince William and Prince Harry - by adding a stipulation that children should be entitled to complete their time at school without intrusion. That tightening of the Code led to a review of the agreement between the Palace and the press. New guidelines, issued in April 1999, tackled the issue of so-called cumulative intrusion as a result of an accumulation of apparently harmless stories about the Princes. It was, I believe, a practical and common sense set of changes which have proved very effective over the last year.

Has it worked?

That, then, has been the theory. But how has it all worked out in practice? The answer, I believe, is that it has been a considerable success story for self regulation - and highly beneficial for the two young men at the centre of our concerns today. As far as I am aware, for the best part of five years no unauthorised pictures of either of the boys at school appeared in a British publication - although St James's Palace has registered its concern with me about pictures which appeared in a Sunday newspaper a fortnight ago. That is a matter into which I am still looking. I should emphasise that this broad picture of substantial restraint has been all the more admirable given that pictures of the Princes appear with monotony abroad - particularly in countries like France where privacy laws are theoretically supposed to protect the privacy of the individual, but lamentably fail so to do. Furthermore, there has - as far as I am aware - been no physical intrusion or harassment of the boys at school. Five years ago, there was a regular crowd of paparazzi at Eton. The success of the Code has caused that problem in large part to disappear: paparazzi seldom hang around if there is no market available for their pictures. Nor has there been any attempt by any publication to interview either of the boys, or - again so far as I am aware - any of their friends, in strict accordance with the Code.

That has been a substantial success - and provided the boys with a degree of personal privacy that I suspect none of their forebears received. For that, enormous credit must go to editors of all national and local newspapers and periodicals, and to their reporters as well. By respecting the privacy of these children, they have shown how the Code works, and how importantly editors take the work of the PCC. It has certainly confounded the detractors of self regulation. Some of them said that it would never work, that the children would be hounded. They were all wrong. Of course, it would be surprising if - in five years - there had not been the odd hiccup, but those hiccups have been few and far between. Twice complaints have been made about individual stories - both of which were amicably resolved, and one of which lead to the publication of the revised guidelines. And, inevitably, there have been other stories which have not produced complaints - but with which St James's Palace have had informally and privately to deal. But the broad picture has been one of commendable restraint - especially on the use of photographs, and on the issue of physical harassment. And we have had other hiccups in more recent days. The last fortnight has sadly been marked by a number of controversies relating to the copyrighting and publication of photographs to coincide with

Prince William's eighteenth birthday. Indeed, it was that controversy which caused me to postpone this speech - which I had intended to deliver a fortnight ago.

Given that my message today is one of great praise for editors, and for the co-operation that has taken place for most of the last five years, this is not the time or the place for a post-mortem on these recent events and I do not intend to deliver one. However, I have to underline one point. Given that the future protection of Prince William's privacy is going to rely to some extent on continued co-operation between Palace and press, I have been monitoring the events of recent weeks with some care - and discussed with St James's Palace the lessons to be learned from them. I am satisfied from those discussions that the lessons have indeed been learned - and that the Palace is now in a position to be able to deliver the co-operation that is required to make this work. Things will change Against that background, let me now turn to the future. It will hardly have escaped anyone's notice that Prince William leaves school this week. This has inevitably led to a degree of speculation about how the press will respect his privacy away from the security of the school environment - and that is the subject I want to address in detail this morning. One of the reasons I want to do so is because there are wildly different expectations of what the future offers. One American commentator I saw on the television recently said that once Prince William was 18 he would be "fair game". At the other end of the spectrum is the view that there will be "no change" - that Prince William will still be entitled to the same very substantial degree of protection that he was afforded at school. The truth, as always, is between the two. He must absolutely not be "fair game" - but at the same time, things will change. He has left school, he is growing up and has become a young adult, he is increasingly becoming a public figure - and the way the press covers him will reflect that.

At this point, there are two things I want to emphasise. The first is - just as five years ago - that no one is asking for special treatment for Prince William. The principles in the Code, on which I am expanding here, apply to every one else as much as to him. Of course, the position he occupies means that there are inevitably some special features that have to be brought out - but they are nothing more and nothing less than those we would apply to any other public or private figure.

The second point I want to emphasise is that these are matters which I have discussed widely with editors - who have obviously themselves thought a great deal about them. They want to continue to make things work, and to ensure that Prince William gets as much privacy as he can - while also ensuring that their readers can read about him and see pictures of him. None of them wants him to become the subject of endless, prurient intrusion - and all of them acknowledge that he has a right to a private life, like other public figures. Indeed, I am very pleased that one or two newspapers have already made these commitments in their own leader columns. I agree with them - and I want this morning to highlight four key areas which will be of the great importance in the future. In doing so I hope to highlight how things are going to change - but how his privacy can be protected at the same time. The four areas are:

- * photographs;
- * facts;
- * privacy; and
- * physical intrusion.

I might add here - before dealing with these points in detail - that while my comments relate inevitably to the printed media, I hope the broadcasters and their own regulators will follow this lead. Indeed, it should be remembered - especially when we are talking about physical intrusion and the so-called "media scrum" - that restraint by broadcasters is also of great importance.

Photographs

First, then, photographs. The question of what photographs of Prince William will be published is, in many ways, the most important one for editors and for the readers of newspapers. Over the last few years, relatively few photographs of Prince William - or, indeed, of Prince Harry - have been published because of the tight restrictions in the Code. That prohibits photographs taken and published without the consent either of parents or of school authorities. From tomorrow, he will cease to benefit from that protection - and he can expect to be photographed in public places like any other young adult. If, therefore, he is playing polo, or shopping in Oxford Street, or sitting outside a pub, then he will from time to time be photographed and those pictures are likely to be published. That is likely to mean that newspaper readers are going to be seeing somewhat more of him in the future. There are, of course, caveats to that. The first is that neither I, nor the editors I have discussed this with, can foresee any circumstances in which it will be justifiable to publish pictures of Prince William that have been obtained as a result of intimidation or harassment or persistent pursuit - points I want to talk further about at the end of my remarks. The second is that - like every other public figure - there should be no publication of snatched pictures of Prince William taken when he is in a private place, that is somewhere where there is a reasonable expectation of privacy. I have made clear to editors, who agree with me, that they should generally regard pictures of him in private gardens, in restaurants and so on as off limits under the Code, except - of course - on those rare occasions when there may be a public interest in doing so. In other words, there is going to be an important change in this area - bearing in mind the key caveats that I have also made.

Facts

Another area where there is going to be further change is that there will inevitably be more stories written about Prince William. Again, the Code - with its provision that young people should be able to complete their time at school without unnecessary intrusion - has meant that hardly any stories about Prince William during his time at Eton have appeared, and rightly so. It has had the same success as far as other young people are concerned. But as he becomes, increasingly, a public figure and is away from his school environment, there are going to be more stories written about what he gets up to in public. As there are likely to be more stories, I think it sensible simply to underline a number of points about factual accuracy.

I think most people in public life grudgingly accept the fact that sometimes things get written about them which are unfair, misleading or downright wrong. Certainly, I can think of a number of things that have been written about me which bear not even a passing resemblance to the truth. But it happens, usually by accident. If it is a point of no consequence, most of us let it pass. If it is a serious matter, I always encourage people to take it up with the editors - and, if that fails, take it to the PCC. Most significant inaccuracies are quickly put right that way. However, while older members of the Royal Family may themselves from time to time attract a degree of speculation and conjecture in stories about them, a public figure like Prince William who is also a very young man should be entitled to expect that things that are written

about him are accurate. He should not have to read about how he is part of a so-called "set" that is involved with drugs - when he has never been part of that "set". He should not have to read about family arguments that he is purported to have had when he hasn't had them. He should not have to read about how he is having a relationship with a girl that he has never met.

Such inaccuracies are in many ways worse than an intrusion into privacy because they create a misleading impression, and - as the old saying goes - mud sticks. In some cases, particularly where other individuals are involved, it can damage more than one person. To give you an example, in recent weeks the PCC has been involved both formally and informally with investigations relating to two or three newspapers that have run stories about alleged relationships of Prince William. What has struck me during all these is the potential damage that can be done to the girls concerned, and the embarrassment they may well be caused - let alone how such stories affect Prince William. In each case, the PCC has reminded editors of the importance of accuracy in these matters, and I take the opportunity to do so again today.

In other words, where newspapers or magazines are writing about Prince William they must take care under the Code to ensure the stories are right - which will usually mean not relying simply on the word of those who may well turn out to be trouble makers. Indeed, I was struck recently by a very salient point made to me - that real friends of Prince William will not be seeking to cause mischief by leaking stories to newspapers. Those who do may not turn out to know him quite as well as they pretend - landing editors in trouble as a result. This, in turn, also puts an onus on St James's Palace to ensure that they respond constructively to legitimate enquiries about stories relating to Prince William.

Privacy

Let me turn next to the perennially contentious area of privacy - first of all by reminding you what the Code, written by editors themselves, actually says. Clause 3 of the Code of Practice makes clear that everyone is entitled to respect for his or her private life. That part of the Code - drawn from the European Convention on Human Rights - is quite clear. Everyone means everyone. As we recently pointed out in an adjudication on a complaint from Ian Brady, even serial killers are entitled to their privacy. It is unthinkable that the second in line to the throne should not be treated to the same respect. But at the same time, we have to recognise - as, indeed, I made clear in my remarks five years ago - that he is different to other people simply because of his position. That means there will be legitimate public interest in stories about him and pictures of him - but not on the basis of a "free for all". I think at this point, we have to be as clear as we can be about what we mean by "private life" - because, with people in the public eye, the boundary between what is private and what is public is sometimes indistinct.

There are a number of firm pointers in the Code itself as to what constitutes a person's private life. It includes someone's:

- * family life (although recognising that other members of his family are, of course, public figures themselves);
- * health;
- * personal correspondence;
- * telephone conversations;
- * space at times of grief and shock; and
- * (as I made clear earlier) pictures taken in private places.

It also includes a degree of special protection from physical intrusion when someone is in hospital. That is a carefully delineated area that I think - and editors agree - should generally be regarded as off limits under the Code, unless, of course, they are writing about aspects of any of these where there is public interest involved. I can easily see, for instance, occasions on which a report about the Prince's health may well be in the public interest - and the Code, of course, allows for that. Beyond those categories, newspaper editors will exercise their usual judgement on what constitutes someone's private life - but it does mean that there are therefore going to be significant areas of his life that can be reported. This might well include, for instance, reports about a job he undertakes in his gap year, or reports of a drama production or a charity event he participates in at University and so on - in other words, things that are not inherently part of someone's private life. Inevitably, the question will be asked - indeed, I seem to have been answering it for many years - about how newspapers should deal with stories which some might consider to be of a romantic nature. First things, first: as I said earlier, they should make sure under the Code that they are accurate before they even consider the privacy aspects of the case. I know of three cases in the last two years where - naming no names - three different newspapers have linked Prince William romantically to three different girls. In two cases, he had never met them; in one case, he had met the girl once. Such fundamental inaccuracies are unacceptable - and are damaging, quite apart from anything else, to the poor girls in question, who may or may not already have relationships of their own.

I would also add one point here that it can't be acceptable for any newspaper or magazine to deduce a "relationship" solely from the fact of his being seen on his own with a girl in public. I think we all know the difference between "friendship" and "relationship" - and it would be unfair for any newspaper report to deduce one from the other without other supporting evidence. That said, if a story is accurate, then a newspaper should consider - as in any case relating to personal privacy - whether there is either consent, or the material is in the public domain, or there is sufficient and genuine public interest under the Code. If none of those factors is present, I would hope any editor would think quite carefully before printing such a story. It is important to remember this: the Code says that everyone is entitled to respect for their private life. As far as young people are concerned privacy means, probably more than anything else, that they must have the right to grow up and form relationships without having to read about them week in and week out in the newspapers, or hear about them on the radio and television.

Before anyone suggests otherwise, I am a realist. I do not believe it possible or desirable to prohibit newspapers entirely from speculation and reports about young ladies that might eventually become a more permanent feature of his life. But I would say this: endless intrusion of the sort we have not seen for five years and the constant, powerful headlamps of unwarranted publicity would make his life a misery, make his friends' life a misery and make it much more difficult for him to forge proper and meaningful relationships. So, newspapers must continue to exercise restraint - as they have done in the past. They must continue to

check their facts. And they must continue to think about the impact on Prince William of either inaccurate or intrusive stories on this particular subject. I am realist - but this is a very important issue which the PCC will be following closely. And it is one where, I suspect, the public will have strong views as well.

Physical intrusion

Finally - and this is in many ways the most important part of what I have to say and is certainly a subject on which editors have indicated to me that they also feel very strongly - I would like to highlight the terms of Clause 4 of the Code, which deals with harassment. While Prince William has been at school, the Code has been very clear on the issue of photography and physical intrusion. Now that those specific provisions no longer apply to him, I have to say that the Code is no less clear on the general issue of harassment, which means:

- no persistent pursuit;
- no physical intimidation; and
- (as I made clear earlier) no photography in private places.

In other words, it would be quite unacceptable for paparazzi photographers to pursue Prince William around whichever University he attends - and quite unacceptable for newspapers to publish photographs which have been obtained in this manner. Indeed, no editor that I have spoken to would dream of doing so. The ability of all young people to go about their normal lives without physical intimidation is hugely important. The absence of paparazzi at Eton during these last five years has been a significant success - and a tribute to all editors who have made clear to photographers that there is no market for intrusive pictures. Prince William's eighteenth birthday is not an invitation for them to return.

The PCC will come down hard on the publication of any pictures of Prince William that has been obtained through intimidation or persistent pursuit - just as we would for any other individual.

● The need for continuing co-operation Those, then, are the key issues I want to highlight today. What we are saying, simply, is that Prince William should continue to be allowed a private life and freedom from harassment in the same way as any other public figure.

That is something that will be made much easier - I have no doubt - if there is continuing co-operation between the press and St James's Palace to ensure both that the public sees and reads about Prince William's progress to and through University, and that what is written about him is accurate.

Following my intensive discussions with them, I can confirm that the Palace fully understands that point - and has made clear that, during his gap year and then during his time at University, regular facilities for the media will be made available to record his progress and continuing education.

That way, I am confident that - even though times are changing - the successful balance we have achieved over the last five years can be maintained during the time in which Prince William completes his education.

There will be four winners from that. One winner will, of course, be Prince William - who will continue to benefit from the protection of the editors' Code and therefore be able to complete his education without unnecessary intrusion.

One will be newspapers and magazines - because by continuing to respect his privacy, they will again be demonstrating to the public that the media can act responsibly and sensitively and that self regulation really works.

One will be the public - which has consistently made clear, as the results of an opinion poll last week underlined, that they want to see Prince William grow up with as much privacy as possible.

And the final one will be the institution of the Monarchy itself. I have always believed that - after many years in which the relationship between press and Palaces was fraught and tense - the way that newspapers have respected the privacy of Prince William and Prince Harry has pointed a new, better way forward for the next generation. From that the Monarchy itself is bound to benefit. I would like to conclude my remarks with that general point - and would be happy now to answer any questions you may have.