

***A couple v Evening Express (Aberdeen)***

Clauses noted: 6

A couple complained to the Press Complaints Commission that a number of articles published in the Evening Express in May, June and July 2001 named their son as a victim of suspected tuberculosis in breach of Clause 6 (Children) of the Code of Practice.

The complaint was upheld.

The complainants said that their son had been named as suffering from suspected tuberculosis, but patients in a similar position were not identified. The school had in any case alerted parents to the child's condition without naming him.

The newspaper considered the identification of a child suffering from TB to be clearly in the public interest. Other media, including a national newspaper, had named the child on the morning of 24 May, and the health board had issued a statement on behalf of the complainants, without naming them, expressing their relief that he was making a good recovery.

*Adjudication*

The Code states that schoolchildren should not suffer unnecessary intrusions into their private lives - which specifically includes matters relating to health - unless there is an exceptional public interest in doing so. The Commission noted the newspaper's argument that the boy's name had been put into the public domain, and that readers needed to be informed of the identity of a child with a notifiable disease. However, editors must make their own judgements based on the newspaper industry's Code and not rely on the behaviour of other media or editors - which may be the subject of other complaints. Indeed, the Commission noted that some other editors had not published the boy's name when legitimately reporting this story. The Commission did not consider that the public interest in this case was so exceptional as to override the interests of the child, which the Code holds to be paramount, and considered that the public interest could have been served by writing about the case without naming the child.

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The couple also complained that the articles contained distorted and prejudicial material in breach of Clauses 1 (Accuracy) and 13 (Discrimination) and that they had been approached by reporters in breach of Clause 4 (Harassment).

The reports had sensationalised the suspected illness and the complainants had subsequently been the victims of a number of racially motivated crimes. The complainants maintained that two Evening Express reporters had sat outside their home on 24 May despite the fact that they had made clear that they did not wish to speak to the media. They had at no time commented on the matter to the press. Photographs of their residential complex had been taken, and after a press release was issued concerning vandalism to their property another reporter from the newspaper visited them on 6 August.

The complainants also complained on behalf of their daughter, whose telephone number is the sole entry for her surname in the Aberdeen phone book, and whom various reporters had approached. She visited the Evening Express shop when she saw the article. An assistant telephoned the newspaper reporter, whose response to the complaint was "totally inappropriate". There were further telephone calls, and other named and unnamed journalists visited her house, over a period of about a fortnight.

The reporter had been told upon ringing the intercom that the complainants had been advised to

make no comment. A few pictures had been taken of the flat complex but were not published, and the journalists left immediately. The reporter who had spoken to the complainants' daughter in the Evening Express shop had acted professionally under great provocation; that was the only incident when the newspaper had been in contact or had attempted to make contact with her. The incident of vandalism, which had been put into the public domain by the release, was followed up as a normal news story and the link to the complainants was not made by the news desk nor were they named in the subsequent report. The names of other suspected TB sufferers had not been published because they were not known at the time of publication. The newspaper denied harassing the complainant and utterly refuted the suggestion that the family had been discriminated against in any way.

The complainants had clearly experienced a degree of unwanted attention both prior and subsequent to publication, and the Commission wished to express its concerns at the appalling racist crimes which had been described in the complainants' submissions. However, it could not consider that the newspaper - which did not make reference to the boy's race and indeed appeared to be unaware of his nationality - had published any information that could be said to be in breach of Clause 13.

There was clearly a conflict of recollection in accounts of the approaches from a number of journalists. However, in the absence of any documentary evidence, the Commission did not uphold the complaint under Clause 4. The Commission noted that the newspaper had acknowledged contacting the complainants after being asked to desist, but this was six weeks later and after a further news story had come to light. The Commission therefore considered that this further approach did not constitute harassment under the terms of the Code. Given that the statement attributed to the complainants appeared to have been accurately taken from a press release issued on their behalf, and the article had made clear that the child was suffering from suspected TB, the Commission did not consider that any breach of Clause 1 had been established.

Adjudication issued 2001