

***Mrs Laura Gaddis v Scottish Daily Mirror***

Clauses noted: 6

Mrs Laura Gaddis, President of the John Ogilvie High School Parent Teacher Association, complained to the Press Complaints Commission that an article headlined "Storm as girl films 'rowdy' classmates" published in the Daily Mirror (Scottish edition) on 30 March 2007 raised a breach of Clause 6 (Children) of the Code of Practice.

The complaint was not upheld.

The article reported that a 16-year-old student had filmed her unruly mathematics class at school on her mobile phone in order to explain poor results to her parents. The article included a still image from the video. The complainant said that no permission had been given by the school authorities, the children, or their parents for the class to be filmed. Similarly, no consent had been given for the publication of the images.

The newspaper said that the issue of the behaviour of children in the classroom and how teachers dealt with disruptive students was a matter of public interest. It had not taken the footage itself. The image used in the article did not identify any particular pupil – a black box had deliberately been placed over the face of one pupil, while the other pupil in the image had his or her back to the camera.

The complainant said that the article had damaged the reputation of the school and that no contact had been made with it before publication to ascertain whether this was a genuine problem or a one-off incident. A recent HMI report had awarded the school three "excellent" marks "including a phenomenal turnaround in the Maths Department's performance".

***Adjudication***

The Commission agreed with the newspaper that the subject matter was a legitimate one to be explored in the public interest. In the circumstances, the footage represented important evidence in support of the concerns raised by the pupil and her parents. It was therefore legitimate for the paper to use it, to some extent, in its story. But in publishing the piece, the newspaper still had to have regard to the rights under the Code of the other pupils who featured in the footage. Neither they nor anyone on their behalf had consented to publication. In a separate ruling about this case, the Commission concluded that a newspaper which used the footage in a way which identified some of the pupils breached the Code.

The issue of the identification of the pupils was central to any assessment of whether there had been an unnecessary intrusion into their time at school. As a matter of common sense, if the pupils remained unknown, the impact of publication on them would be negligible. In this case, the newspaper had deliberately taken steps to avoid identifying them. This showed that care had been taken over the balance between the paper's right to publish the story and the rights of the pupils to freedom from unnecessary intrusion. The resulting article also demonstrated that it was possible to publish the story in a meaningful way while obscuring the pupils' identities. The Commission considered that the newspaper had struck the balance in an appropriate and proportionate way, and there was no breach of the Code as a result.

Adjudication issued 30/07/2007