

COMPLAINT ADJUDICATION

GRAHAM HINDSON

and

THE SKWAWKBOX

Clause 1. Accuracy

1.1 Publishers must take all reasonable steps to ensure accuracy.

1.3 Publishers must always distinguish clearly between statements of fact, conjecture and opinion.

Complaint upheld in part

Breach of Clause 1.3 (Accuracy)

Before IMPRESS Regulatory Committee A

Walter Merricks (Chair), Deborah Arnott, Patrick Swaffer, Iain Christie, Martin Hickman

1 December 2017

1. Summary of Complaint

- 1.1. The Complainant is Graham Hindson, a third party seeking to ensure accuracy of published information. He has confirmed to IMPRESS that he is not an affected party or the representative of an affected party.
- 1.2. The Publisher is THE SKWAWKBOX, a news website covering current affairs, that has been regulated by IMPRESS since 1 October 2017.
- 1.3. The complaint concerns the accuracy of an article that first appeared on THE SKWAWKBOX on 21 October 2017 with the headline "*Reckless BBC publishes names and addresses of protestors*".
- 1.4. The complaint is assessed against the IMPRESS Standards Code. The relevant clauses are:

Clause 1 (Accuracy):

1.1 Publishers must take all reasonable steps to ensure accuracy; and

1.3 Publishers must always distinguish clearly between statements of fact, conjecture and opinion.

2. Background

- 2.1 The article started by discussing "*attacks*" by "*the Establishment*" on the "*new left media*" and then went on to report that the BBC had named and given the partial addresses of defendants that had appeared in court in relation to fracking protests that had taken place at Kirby Misperton in North Yorkshire. The article stated that, in doing so, the BBC had put people, including two women and potentially their families, at risk of stalking and reprisal.
- 2.2 The article went on to reproduce a complaint to the BBC that had been made by a local man which accused the BBC of being "*irresponsible and vindictive*" and which claimed that the BBC "*would not do this to murderers or paedophiles*". It went on to state that the BBC had not yet responded to the complaint.

3. The Complaint

3.1. IMPRESS confirmed the substance of the complaint by e-mail to the complainant dated 11 November 2017, as follows:

“[The complainant] complains to IMPRESS that the headline, which characterised the BBC as ‘reckless’, and the following passages of the article represent a significant inaccuracy:

‘But this week it [the BBC] has more directly endangered people.’

‘By publishing the addresses of anti-fracking protesters, the BBC has put three people, including two women, and potentially their families at risk of stalking and reprisal’.

The complainant states “At best those statements are expressions of opinion as the BBC’s action is no more than standard journalistic practice. The addresses of two of the protestors were also actually given as the protest camp, so it’s hard to see how their families could be at any risk.”

The complainant contends that the inaccuracy of the headline and passages reproduced above, amounts to two breaches of the IMPRESS Standards Code:

Clause 1.1 “Publishers must take all reasonable steps to ensure accuracy”

Clause 1.3 “Publishers must always distinguish clearly between statements of fact, conjecture and opinion.”

3.3 IMPRESS provided the Complainant with a copy of THE SKWAWKBOX’s response (reproduced in Section 4 below) and gave him the opportunity to provide a final reply to the publisher’s response.

3.4 The Complainant disputed whether the use of “reckless” in the title could be said to be based “squarely on interviews with local people involved who felt threatened by the disclosure” because only one interview was evidenced in the article and that did not appear to be with one of the accused.

3.5 The Complainant argued that it was incorrect for the publisher to state that there was nothing inaccurate in the article, because the featured interviewee

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was quoted as saying that *“The BBC would not do this to murderers or paedophiles”* when the Complainant understood that the BBC and other news outlets did publish partial addresses for people accused of those crimes. The Complainant accepted that this was a direct quote from the interviewee, but he was concerned that THE SKWAWKBOX had not attempted to correct the error elsewhere in the article.

3.6 In response to the Publisher’s assertion that *“reckless”* as a descriptor could *“even be said to be intrinsically subjective”* the complainant stated that, in his view, a subjective opinion had no place in the headline of an article that was not a comment piece.

3.7 The Complainant said he did not consider that the Publisher had addressed his point that it was hard to see how the defendants and their families had been put at risk when two of the addresses given were for the protest camp, rather than the protestors’ home addresses.

4. Response of Publication

4.1. THE SKWAWKBOX responded to the complaint as follows:

“The BBC is legally entitled to release the names and addresses as it did – the article does not suggest otherwise. The use of ‘reckless’ in the title is based squarely on interviews with local people involved, who felt threatened by the disclosure and our contention was that the BBC could/should have decided not to disclose the information, in light of the contentious nature of the situation there and the high level of local tensions. There’s nothing inaccurate in either the article or the headline and the article does not attempt to portray the ‘recklessness’ as fact. Indeed ‘reckless’ as a descriptor could even be said to be intrinsically subjective.”

4.2. In response to the Complainant’s comments on his response, THE SKWAWKBOX responded further:

“The article quotes the interviewee accurately. The fact that the interviewee says that the BBC would not publish details of other accused does not mean that the article endorses that view...”

One interview is quoted in the article, but that does not mean that’s the only person we spoke to. Not every interview is quoted in every article by any

publisher, some are for background/off the record or are not used for other reasons.

The Complainant re-raised the issue of the protest camp addresses. We considered this as self-evidently not requiring comment. The protest camp is a specific enough location for potential assailants/stalkers to use and the BBC published the fact that two accused live there full-time, which would not have been public knowledge if not published.

As already stated, the article does not claim the BBC was not legally entitled to publish the information. However, based on the testimony of those we spoke to - which included the accused - the word 'reckless' was and still is considered appropriate."

5. Analysis

5.1. THE SKWAWKBOX has complied with the requirements of the IMPRESS Regulatory Scheme (Paragraph 3.2), by acknowledging the complaint within seven calendar days, issuing a final decision letter within 21 calendar days, and informing the complainant of their right to refer the complaint to IMPRESS.

5.2. The relevant section of the IMPRESS Standards Code is Clause 1 (Accuracy) which provides that: (i) *Publishers must take all reasonable steps to ensure accuracy;* and (iii) *Publishers must always distinguish clearly between statements of fact, conjecture and opinion."*

6. The Committee's Conclusions

6.1. The article contains subjective criticisms of the BBC for purportedly putting the safety of fracking protestors, whose names and addresses had been given when they appeared in court, at risk by publishing their names and some details of their addresses. The article appeared to have been written in retaliation to what was perceived to be unfair criticism of the new left media (NLM) by the Chair of the BBC Trust.

6.2. Expressions of opinion are not statements that can be either verifiably accurate or not. There was therefore no breach of Clause 1.1 (Accuracy) of the

IMPRESS Standards Code. There has been no suggestion that the reported comments of the unnamed member of the public were not genuine and accurate. Whilst others may disagree with the view that to publish names and addresses given in open court is reckless, the Code does not prevent expression of strong opinion.

6.3. However, the BBC's action in reporting the names and addresses of the accused individuals was standard journalistic practice. Reporting the names and addresses of those involved in court proceedings is regarded as necessary to avoid the misidentification of individuals with similar names and accords with the principles of open justice. It would arguably have been irresponsible of the BBC not to have quoted their addresses if their names were to be mentioned.

6.4 The IMPRESS Standards Code Guidance on Clause 1.3 (Accuracy) which requires publishers to distinguish between opinion, conjecture and fact, reminds publishers that readers must be able to tell whether information represents the journalist's or someone else's judgement, or whether it is presented as information that is true regardless of anyone's opinion about it. In implying that the act of publishing the addresses was unnecessary, and therefore reckless, the article presented the information as being incontestably true, when in fact it represented the Publisher's opinion. Moreover, the statements that the named individuals had been put at risk, or endangered, were speculation or conjecture on the part of the Publisher, but had been presented as facts. The article therefore conflated THE SKWAWKBOX's opinion, purported facts and conjecture. The Committee found there had been a breach of Clause 1.3 (Accuracy) of the IMPRESS Standards Code.

7. Remedy

7.1 The Committee considered that a proportionate remedy for the breach would be for THE SKWAWKBOX to publish a short clarification with a link to the full adjudication. The clarification should be published at the top of the home page of THE SKWAWKBOX for 48 hours in the same sized font as the original article with a link to the original article. The original article should also include the clarification for as long as the article continues to be published on THE SKWAWBOX. The clarification should read as follows:

Clarification of article published on THE SKWAWKBOX, 21 October 2017

In an article first published on 21 October 2017 under the headline “Reckless BBC publishes names and addresses of protestors”, THE SKWAWKBOX presented its opinion that the BBC had been reckless to report the names and addresses of fracking protestors who had appeared in court and had put them at risk as a result, without reference to this being standard journalistic practice. In doing so, the article did not distinguish clearly between statements of fact, conjecture and opinion, which led to a breach of Clause 1.3 (Accuracy) of the IMPRESS Standards Code. Click [here](#) to read the full adjudication by IMPRESS.