

**COMPLAINT ADJUDICATION**

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**GINA MILLER**

**and**

**UNITY NEWS NETWORK**

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**Clause 1. Accuracy**

**1.1 Publishers must take all reasonable steps to ensure accuracy.**

**1.2 Publishers must correct any significant inaccuracy with due prominence, which should normally be equal prominence, at the earliest opportunity.**

**1.4 Whilst free to be partisan, publishers must not misrepresent or distort the facts.**

**Complaint upheld**

**Breach of Clause 1.1, 1.2, (Accuracy)**

**Before IMPRESS Regulatory Committee A**

**Walter Merricks (Chair), Andrea Wills, David Leigh**

**14 February 2020**

## 1. Summary of Complaint

- 1.1. The Complainant is Gina Miller, a directly affected party seeking to ensure the accuracy of published information.
- 1.2. The Respondent is Unity News Network (online), a news website covering current affairs in the UK that has been regulated by IMPRESS since 9 April 2019.
- 1.3. The Complainant confirmed to IMPRESS that she had given permission for her representative to complain and provide evidence and information on her behalf.
- 1.4. The complaint concerns an article that first appeared in Unity News Network (online) on 14 December 2019 with the headline, "*Gina Miller accused of new secret plot to HALT Brexit*".
- 1.5. 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.*

*1.2. Publishers must correct any significant inaccuracy with due prominence, which should normally be equal prominence, at the earliest opportunity.*

*1.4. Whilst free to be partisan, publishers must not misrepresent or distort the facts.*

## 2. Background

- 2.1. The article concerned an allegation from an anonymous source, suggesting that the Complainant had travelled to the European Union (EU) to 'stop' the United Kingdom from leaving the EU.
- 2.2. The article went on to discuss the result of the recent General Election 2019 and then focused on three emails sent to the Publisher by an unidentified source. The Publisher alleged that the emails provided "bombshell information" about Ms Miller travelling to Brussels, accompanied by "two barristers", to meet with EU officials:

*Gina Miller is at the EU talking to Bernier and Von de Leyen, with two barristers.*

*They seem to be plotting legislation to stop us leaving the EU.*

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*Dear Prime Minister*

*I'm wondering whether you are aware of the fact that Gina Miller was in Brussels at 10:30 last night at the EU building.*

*She was accompanied by two barristers, has a large pile of paper with her and was in discussion with Barnier and Von Der Leyen. It is my understanding that the barristers were nodding their heads and all were smiling but I cannot say whether they were looking at existing legislation or something new that Miller was cooking up.*

*On the reasonable assumption that Gina Miller is not negotiating on behalf of the UK, I hope you will agree me that this is a matter of concern that needs to be addressed urgently.*

*Yours sincerely*

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*Dear Prime Minister*

*Further to my last email, I can tell you the following that Miller, who will be back at the EU on Tuesday, had a pile of papers more than 3 feet high going back to 1973.*

*The info I am told is that it may relate to a 1973 clause and that rebates that we got under Thatcher came with the proviso that we CANNOT leave.*

*I will write again when I get more info.*

*Yours sincerely*

2.3. The article concluded with a statement from the Publisher that said:

*"Gina Miller hasn't tweeted since the result of the General Election. We are currently attempting to check the truth behind these claims and when we hear anything we will let you know."*

2.4. The article was updated on 16 December 2019 to state:

*UPDATE 16/12/19 – A representative of Mrs Miller has been in touch with UNN to state that there is absolutely no truth in the allegations made in the emails we received and that: “Mrs Miller has been in the office with me all of the past week, she has made no trip to Brussels, nor has she any planned, she is involved with no legal action as you state, nor has she consulted any lawyers.”*

- 2.5. The article was subsequently deleted on 16 December 2019; the Publisher notified the Complainant that the article had been deleted at 2:45pm.
- 2.6. The Publisher then streamed a video broadcast titled “Gina Miller vs UNN! Live Show #128” live on YouTube the same day that the article was deleted, which featured a discussion of the article and the complaint arising from it. The Publisher published a link to the live show on its website on 16 December 2019. The video broadcast is available on both Unity News Network (online) and the Publisher’s YouTube channel.

### **3. The Complaint**

- 3.1. The Complainant contacted Unity News Network on 16 December 2019 and made a complaint on the grounds of accuracy. The Complainant was not satisfied with the Publisher’s decision to update the article and then later delete it. The Complainant elected to escalate her complaint to IMPRESS. A full copy of correspondence between the parties was provided to the Regulatory Committee.
- 3.2. The Complainant subsequently made a complaint to IMPRESS, and after seeking clarification of the basis for the complaint, IMPRESS confirmed the substance of the complaint as follows, a full copy of which was provided to the Committee. The Complainant argues that a breach of Clause 1.1, 1.2 and 1.4 of the IMPRESS Standards Code has occurred.
- 3.3. The Complainant confirmed to IMPRESS she was seeking a correction of the inaccurate claim and an apology with due prominence.
- 3.4. Regarding Clause 1.1., the Complainant does not consider that all reasonable steps were taken to verify the source that formed the basis of the article; she says that the Publisher made no attempt to contact her prior to publication and that the claims made in the article were entirely false.
- 3.5. The Complainant says that it would have been easy for the Publisher to contact her to confirm the veracity of the source. The Complainant says that the contact details for her business are publicly available via Google search and her twitter profile. Furthermore, the Complainant says that contact details for press

enquiries were available on the Remain United website until the morning of the 13 December 2019.

- 3.6. The Complainant says that the claims made in the article were “categorically untrue”; that she did not have a meeting in Brussels with EU officials before, during or after the General Election 2019 and that no such meeting had been or has been planned. Furthermore, the Complainant says that she is not involved in any legal action, as stated in the article; and that she has not consulted lawyers regarding the General Election 2019 result.
- 3.7. The Complainant says that the first email used in the article gave the impression that she had met EU officials after the General Election 2019 result and that the second email used in the article directly alleged it. The Complainant says that the article, therefore, gave the impression that she does not respect the General Election 2019 result, which she says is untrue.
- 3.8. Furthermore, the Complainant considers that the use of the word ‘Exclusive’ in the image used for the article, implied that the article contained established facts.
- 3.9. The Complainant says that her history of receiving death threats is important, considering that the article was written in the context of a highly charged political environment. The Complainant says that the Publisher should have considered this threat to her before publishing an article she was directly affected by without verifying its facts. Furthermore, the Complainant says that she has received abusive and threatening tweets as a result of the article; she considered it was irresponsible of the Publisher to publish the article without checking the facts therein and making a serious attempt to contact her before publication.
- 3.10. The Complainant says that no sensible media organisation would ever put up a highly damaging and incendiary story of this kind, saying it takes no view of its veracity and are doing so purely on the basis that it was "putting it out there" to see if anyone believed it or not.
- 3.11. Regarding Clause 1.2., the Complainant says that no correction was published or offered; and that her initial request for the article to be removed was refused by the Publisher. Furthermore, the Complainant says that the wording of the update published in response to her complaint was not agreed with her prior to publication.

- 3.12. The Complainant does not consider that the update published corrected the significant inaccuracy of the claims that were made in the article; therefore, the threats and abusive she experienced continued after the update.
- 3.13. Lastly, the Complainant considers that the YouTube video published on 16 December, aggravated the matter and did not correct the significant inaccuracy of the article.
- 3.14. Regarding Clause 1.4., the Complainant considers that the publication takes a very strong view on Brexit. The Complainant considers that the article, in addition to the video posted on YouTube, misrepresented and distorted the facts for the purpose of furthering the publication's partisan world view.

#### **4. Response of Publication**

- 4.1. IMPRESS invited Unity News Network (online) to provide additional information in response to the Complainant. The Publisher's response is summarised below, a full copy of which was provided to the Committee.
- 4.2. Regarding Clause 1.1., the Publisher says that on Saturday 14 December it received an email from a source claiming that their 'trusted friend' had seen the Complainant in Brussels. The Publisher says that it has corresponded with the source in the past and that it had no reason to believe that they were not reliable. The Publisher says that it then received a second email from the same source on 14 December, addressed to the Prime Minister, that confirmed the Complainant had been seen in Brussels the previous evening, had met with senior EU officials, and was accompanied by two barristers.
- 4.3. The Publisher says that it was unable to contact the Complainant, prior to publication, due to the difficulty of finding her contact details. The Publisher says that a Google search for the Complainant resulted in numerous Speaking Agency websites that feature her but did not give her personal contact details. Moreover, the Publisher says that it could not reasonably be expected to know how to contact her through her campaign group without knowing the exact details of that organisation. As a public figure, the Publisher says that it is understandable that her personal contact details are not easy to find.
- 4.4. The Publisher says that it received a further email from its source on 16 December, reconfirming that the information provided on 14 December was accurate.

- 4.5. Though there is no public interest justification for Clause 1 (Accuracy), the Publisher says that it was in the public interest for the article to be published due to the media attention that the Complainant had received. The Publisher says that another article was published on 14 December 2019, with the headline, *“Gina Miller admits NEW plot to wreck Boris Johnson’s Brexit – despite Remainer humiliation”*, in The Daily Express. Furthermore, the Publisher says that the Complainant is a high-profile figure who has brought numerous successful court cases against the Government and is an active political campaigner. Therefore, it considers that it was in the public’s interest to publish the article.
- 4.6. Furthermore, the Publisher says that it does not consider that it was responsible for any threats that the Complainant may have received.
- 4.7. Regarding Clause 1.2., the Publisher says that it acted promptly by offering to publish a statement from the Complainant and a follow up article. After this offer was rejected and, after speaking to IMPRESS about the complaints process, it made the decision to update the article immediately.
- 4.8. The Publisher says that the Complainant did not provide any evidence that disproved the claim that was made in the article about her alleged visit to Brussels. Moreover, the Publisher says that it accepted the Complainant’s word that the story was not true and removed the article promptly in order to defuse the situation even though it did not consider itself responsible for the threatening tweets that she had received.
- 4.9. The Publisher says that it invited the Complainant to provide a quote on numerous occasions and offered her an opportunity to appear on its show (the YouTube video broadcast published on 16 December 2019) to explain her position. The Publisher says that it wanted to and offered to publish a follow-up article to ‘find out the facts’, but that the Complainant was not prepared to engage with the Publisher further on this matter, despite their readers interest in it.
- 4.10. Regarding 1.4., the Publisher says that it made it clear in the article that it did not confirm the veracity of the claims being made by its source and that, if further information came to light, it would update the article accordingly. Furthermore, the Publisher says that in light of the Complainant’s campaigns over the last few years, it considered that there was a distinct possibility that the claims made by the source were true.
- 4.11. Furthermore, the Publisher says that it understands the article was published immediately after the General Election result and that its editorial

position will not be shared by everyone. However, it says that it attempts to be as reasonable and accurate as possible.

- 4.12. A full copy of the Publisher's response, and further comments were considered by the Regulatory Committee in determining the outcome of the complaint.

## **5. Compliance**

- 5.1. Unity News Network 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 by informing the Complainant of their right to refer the complaint to IMPRESS.

## **6. The Committee's Findings**

- 6.1. The Committee considered that the ordinary reasonable reader would understand from the article that Gina Miller had travelled to Brussels after the General Election 2019 to meet with EU officials and legal representatives to try to stop the UK leaving the EU. The Committee considered that this was a serious allegation that could have exposed her to the risk of abuse or serious threats to her person. Indeed, the Committee was supplied with evidence from the Complainant which confirmed that she had in fact received online threats and harassment from third parties.
- 6.2. The Committee considered that the steps required to ensure accuracy would have included putting the allegation to Gina Miller before publication. The Committee noted that internet searches of her name returned various means of contacting her or her representatives. The Publisher did not make any attempt to contact Gina Miller, nor did it attempt to contact the press offices of Michel Barnier or Ursula von der Leyen, in order to check the veracity of the story. The Committee also noted that no other attempts were made by the Publisher to corroborate the story. The Committee therefore considered that Unity News Network had failed to take all reasonable steps to ensure accuracy and had breached Clause 1.1 (reasonable steps to ensure accuracy).
- 6.3. The Committee considered that the allegation went to the heart of the story and constituted a significant inaccuracy that required correction; this amounted to a breach of Clause 1.2 (corrections of significant inaccuracies). The Committee noted that the Publisher accepted the Complainant's word that the

story was not true and updated the article, before deleting it two days after it was first published. However, shortly after it had removed the article, the Publisher broadcast a video titled “*Gina Miller vs UNN! Live Show #128*” on its YouTube channel which was accessible to readers via the videos link on its website. The video described the background to the decision to publish the story and discussed the allegations made in the article. The Committee considered that the effect of the video remaining on the Publisher’s YouTube channel and linking to the video on its website perpetuated the Code breach.

## 7. Sanctions and Remedy

- 7.1. The Committee directed that the video broadcast titled “*Gina Miller vs UNN! Live Show #128*” which appeared on the Publisher’s YouTube channel and was accessible to readers via the videos link on its website be removed.
- 7.2. The Committee considered that a proportionate remedy for the breach would be for Unity News Network to publish a correction and apology to Gina Miller with a link to the full adjudication. The correction and apology should be published towards the top of the homepage of Unity News Network for 48 hours in the same-sized font as the original article and pinned to the top of the same social media channels as the original article.

*Correction and Apology for an article first published on 14 December 2019*

*Unity News Network apologises to Gina Miller for publishing false allegations about her in an article first published on 14 December 2019 with the headline, “Gina Miller accused of new secret plot to HALT Brexit”. The article was deleted on 16 December 2019 and a video was then broadcast on the Unity News Network YouTube channel on 16 December 2019 titled, “Gina Miller vs UNN! Live Show #128”, which discussed the allegations made in the article. The video has since been removed on the direction of IMPRESS. Unity News Network breached the IMPRESS Standards Code because it did not take all reasonable steps to ensure accuracy and because it did not correct a significant inaccuracy with due prominence at the earliest opportunity. [Click here to read the full adjudication by IMPRESS.](#)*