

The Leveson Inquiry

Witness Statement of Liz Cocks

A. Career history

1. I began my professional life as an interior and graphic designer, working as a design manager for Terence Conran at Conran Design Group amongst others. I began my newspaper career in 1991 when I joined the Today newspaper as an electronic picture desk operator. In 1994 I became the Assistant Picture Editor at the News of the World and was promoted to Deputy Picture Editor there in 1997. In 1999 I joined the Mail on Sunday as Deputy Picture Editor and was promoted to my current role as Picture Editor in 2001.

B. The Mail on Sunday picture desk

2. My responsibilities relate solely to the pictures which appear in the Mail on Sunday newspaper. The Mail on Sunday magazines (Live Magazine and You Magazine) have their own picture editors. In my role I am supported by a deputy picture editor (who takes particular responsibility for pictures relating to the Sport and Features sections) and various assistants who share responsibility for the pictures relating to the newspaper's Review, Health, Travel and Finance sections. We also have an electronic picture desk operator who deals with technical matters such as maintaining the desk's archives. The desk employs one staff photographer and we also have five regular freelance photographers who work exclusively for the Mail on Sunday.
3. The focus of the Mail on Sunday's picture desk is on providing pictures which support stories which the paper is looking to develop. Occasionally, I will propose a possible storyline to pursue based on pictures I have received (for example if we obtain an amusing sequence of pictures which could form the subject of a light hearted piece, or if I buy in a set to appear as a standalone piece with an extended caption or copy written around the photos); however the agenda is generally set by the news desks.
4. In many respects, a picture desk on a Sunday newspaper operates differently to a picture desk on a daily newspaper. Given that the newspaper is only published once a week, there is less focus on breaking news stories (unless such stories emerge on a Friday or Saturday) as, for obvious reasons, daily newspapers will generally be able to break such

stories first. As a result, there is not the same urgency to obtain pictures to support such stories. The focus of a Sunday newspaper's picture desk is more on particular tasks or projects such as obtaining photographs to support features (generally consensual photographs, often taken in a studio, of the subjects of a feature), articles on properties, travel destinations and the like. Given the nature of these tasks, conflict with the subjects of pictures used by the newspaper are less likely to arise than may be the case with a daily paper.

C. Codes of Practice followed by the Picture Desk

5. Everyone on the picture desk (including the five regular freelance photographers) gets an up-to-date copy of the PCC Code ("the Code"), they are updated with any changes to the Code and they all are required to work within the guidelines it stipulates. We take the Code very seriously. Any breach of the Code would cause serious damage to the professional reputation of the person involved and would tarnish not just the picture desk but the newspaper as a whole. It is drummed into all my staff that their career prospects depend on ensuring that they abide by the Code.

D. The sources of photographs

6. The photographs that end up in the Mail on Sunday come from two main sources. First, they come from our photographers. For the reasons described at paragraph 4, our photographers spend the majority of their time taking consensual photographs to support specific features. They are allocated these tasks following the morning conference with the editor which takes place in his office each day and at which a schedule of potential stories requiring photographs is agreed. The photographers then do their work and send their results to the relevant member of my team for consideration (e.g. if they are travel photographs, they will go to my assistant responsible for the travel section). Once I have given my final approval, a selection of the most suitable pictures will then be provided to the relevant executive (i.e. Editor, Deputy Editor, Back Bench) who has the final say on which pictures are used in the newspaper.
7. The second main source of photographs is picture agencies and freelance photographers. Each day the picture desk is sent around 20,000 images covering all subjects from news, through to showbiz and sport. This includes material from worldwide media suppliers (such as the Press Association, Reuters, Getty and Associated Press) as well as local picture

agencies. It also includes pictures from the so-called "paparazzi" agencies (such as Big Pictures, Xposure, Matrix, Splash) who specialise in photographing celebrities.

8. During the course of each working day I personally review these 20,000 images so as to understand what has come in. Generally speaking, I will look at every picture except those relating to sport on a Saturday (I delegate responsibility for this to my deputy as there are a very large number of photographs). I then attend the editor's morning conference and, once the schedule of stories is agreed, I then filter these images by relevance to the storylines we have chosen to pursue. The end result of this filtering process is a small pack of photographs, approximately 30 – 50 depending on the complexity of each story on the schedule, which I then provide to the Editor, Deputy Editor or Back Bench. They then make the final decision on what photographs end up in the newspaper.
9. There is some overlap between these two sources. For example, if our photographers are busy or a particular subject is based a long distance from London, we will sometimes commission an agency to undertake a photo session on our behalf. Similarly, on the occasions when a major news story breaks on a Friday or a Saturday, I will send our own photographers out to try and get photographs to support the latest developments.
10. Away from these two main sources, we also make use of Associated Newspapers' electronic picture library which contains images that have been acquired over the years. We also occasionally use pictures which have been made publicly available on the internet (including on social networks such as Facebook and Twitter). In such cases, I will always ensure that the picture came from a public source and will make a note of this source within the caption. Very occasionally we will also use pictures received from members of the public (such as eye-witnesses of natural disasters). All of these pictures will go through the selection process described in paragraph 8 above and so will be included in the packs provided to the Editor, Deputy Editor or Back Bench for consideration.

E. Ensuring ethical conduct by my photographers

11. For the reasons mentioned at paragraph 4 above, the nature of our photographers' job is such that their work is generally consensual and there is little potential for conflict with the subject of the photographs. However, they are occasionally tasked with trying to obtain photographs of the subjects of breaking news stories and that is when ethical considerations can come into play.

12. As described above, to ensure ethical conduct in such situations all of our photographers are given a copy of the Code and they know it is very much in their professional interests to abide by it. They are all highly experienced and understand the parameters within which they can operate. Furthermore, through a system of warning notices which our legal department routinely circulate, our photographers are also kept informed of the particular issues of the day on which guidance has been issued or where the subjects of certain news stories have made particular requests for the media to respect their privacy. Invariably we follow this guidance and respect these requests.
13. If our photographers ever find themselves in a position where they have any doubts, they know to call me and talk through the situation so I can make a judgement as to if or how to proceed. In such cases, I will often ask for the photographer to send me a picture of where they are and what is going on (e.g. an image of a location where they are proposing to take a picture) so that I can see the situation for myself. When our photographers are given a task that looks like it may give rise to ethical issues, I will also brief them before they go out on how they should conduct themselves. In particularly difficult cases (e.g. where the public interest in a story is finely balanced against the interests of the subject) I will speak to the Editor or Managing Editor about how to proceed.
14. When giving guidance to my photographers the focus is on the provisions of the Code and how they apply to the particular factual matrix of the situation at hand. The factors I will consider include:
 - 14.1 Does a picture accurately portray events?
 - 14.2 Is the subject's privacy being respected?
 - 14.3 Were the pictures taken in a private place without consent?
 - 14.4 Is the subject being harassed or followed?
 - 14.5 Are pictures being taken after a subject has requested to be left alone?
 - 14.6 If children are involved, do we need to have parental consent to take the photographs and, if so, has it been obtained?
15. When subjects are in a public place and they have not asked to be left alone and are not being followed or otherwise harassed, the guidance I usually give to my photographers (which accords with my understanding of the law on the point) is that they can take photographs without the subjects' consent. Indeed, in some cases it is necessary to take pictures of people without asking their permission, such as when covering crime and court cases, events involving issues of public order or large public events involving crowds of

people. The only time when I will require my photographers either to obtain permission before taking a picture of someone in a public place or to not take any pictures at all is where the circumstances are such that, in spite of the fact that they are in a public location, the subject has a reasonable expectation of privacy. This assessment will depend on all the circumstances, but examples of relevant considerations would be how remote or secluded the location is, whether children are present or whether the subject is for some reason in a particularly vulnerable state.

16. A specific example of when I have given guidance to one of my photographers was when the recent story involving the former Defence Secretary Dr Liam Fox and Adam Werritty was evolving. Certain developments were occurring over a weekend and we were attempting to obtain an up-to-date picture of Mr Werritty to support the story. We were given details as to where he was staying by the news desk and I instructed a photographer to go and try to take a picture of him. The photographer was given strict instructions to keep a discreet distance from the property, to avoid any harassment or following of Mr Werritty and to only take a picture if he appeared on public property. I thought that, given the public interest in the story, we could justify sending a photographer to this property as long as he conducted himself in this way.
17. Once a task is completed and our photographers submit their photographs to the picture desk, if I have any concerns as to how a picture was taken I will immediately discuss the methods and circumstances which were used. I will only put pictures forward to the Editor if I am happy that publication is in accordance with the Code.
18. As far as I can recall, we have not received any complaints about the conduct of any photographers who work for us on a staff or commissioned basis and I have never been given any reason to believe that our photographers have taken pictures in breach of the Code. As a result, I have not had the need to impose any sanctions on them. However, if they were found to have breached the Code, the managing editor would be informed and they would be likely to receive a written warning and, in serious cases, could be dismissed.

F. Ensuring ethical conduct by agencies

19. When I review the pictures that come in from agencies each day, the question of whether each picture has been taken ethically and in accordance with the Code is at the forefront of my mind. If a picture is relevant to a scheduled storyline and I have any concerns, I will call or email the agency involved and ask for a detailed description of how the photographs

came to be taken. If I still have any reservations, again the pictures will not be considered further. No matter how critical a picture is to a story, we will not publish it if to do so would breach the Code.

20. The only sanction that I am able to impose on agencies is simply to not buy pictures from them. I regularly turn down sets of photographs on the grounds of invasion of privacy and harassment. Recent examples include:
- 20.1 Kate Middleton at a hair appointment – rejected as intrusive;
 - 20.2 Paul McCartney and his family on holiday – rejected as they appeared to be on a private beach;
 - 20.3 Pippa Middleton shopping – rejected as, whilst she was in a public place, there was no news development to justify the taking of the pictures and it appeared she was being followed;
 - 20.4 Pictures of various elderly public figures looking extremely ill – rejected as gratuitous and unfair to the individuals concerned.
21. Unfortunately it is the case that each day agencies send pictures to us of a type which we do not want, which we did not ask for and which we would never even consider publishing. I have called agencies to advise against the taking of such photographs; however, I cannot dictate how they should operate. It is their business to run and therefore their choice and they can simply ignore me. My only course of action is to refuse to buy such material.

G. Digitally altered photographs

22. The Inquiry has asked me about digitally altered photographs. Generally speaking, the digital alteration of photographs can never be justified. The only exceptions that come to mind are the pixelating of images to disguise identities (particularly of children) and so-called "mock-ups", i.e. images which the reader will clearly appreciate have been altered for comedic purposes. I have included some examples of such mock-ups (both as they appeared in the newspaper and proof prints) at Exhibit LC1.
23. My regular photographers would certainly never dream of altering their photographs. If they were found to have done so, they would be dismissed. In terms of agencies, I always look very closely at any pictures I am considering putting forward for publication. If I were to have any concerns I would quiz the agency and if I were still not satisfied, that set or photo would not be put up for consideration. To my knowledge an agency has never sought to

deceive me with a digitally altered photograph. If they were found to have done so, I would lose trust in them and would never use them again.

H. Hugh Grant

24. The Inquiry has asked me about the Mail on Sunday's involvement in photographing the mother of Hugh Grant's baby, Tinglang Hong.
25. The only story we have run on Hugh Grant and Ms Hong was on 6 November 2011 and was the result of a deal negotiated between our news desk and an agency called WENN (World Entertainment News Network) who offered up an interview and photos on behalf of her ex-boyfriend. This piece, along with the proof prints of the pictures used, is included at Exhibit LC2. I understand that Hugh Grant told the Leveson inquiry that £125,000 had been paid to the ex-boyfriend for these pictures. The reality is that we paid WENN less than fifteen per cent of that amount. In the same piece we also used a photo of Mr Grant and Ms Hong together that was already in the Associated Newspaper picture library and which was originally provided by an agency. This picture had been taken in a public place with no evidence of any sort of intrusion or harassment.
26. All of these pictures were taken prior to the birth. None of our photographers were ever instructed to take photographs of Ms Hong either before or after the birth.

I. Kate McCann

27. The Inquiry has asked me about the Mail on Sunday's involvement in the photographing of Kate McCann. We did not instruct any photographer to follow the McCanns after returning from Portugal.
28. I have included all the Mail on Sunday articles relating to the McCanns that I am aware of at Exhibit LC3. All of the pictures used were either released by the McCanns, were taken at public events (such as press conferences) or were taken in public places with the knowledge of the couple. I have included proof prints of the pictures used to show where they were sourced from and also to show that the pictures which were published abided by the Code.

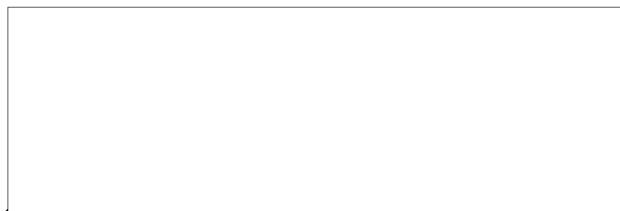
J. JK Rowling

29. The Inquiry has asked if the Mail on Sunday has ever published photographs of the children of JK Rowling. We have not published such photos, nor would we in the future if any such photos were offered.

K. Charlotte Church

30. The Inquiry has asked if the Mail on Sunday has ever instructed a photographer to take photographs up the skirt of Charlotte Church. I can state categorically that the Mail on Sunday has never instructed a photographer to take any such photographs. We would have no interest whatsoever in doing so and the readership of the Mail on Sunday would be appalled if we were to do so.

Signed



Date

John Timmer
2012