

M Lidbury
[12] December 2011
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IN THE MATTER OF THE LEVESON INQUIRY

WITNESS STATEMENT OF MICHAEL LIDBURY

I, **MICHAEL LIDBURY**, Journalist, of The Northern and Shell Building, Number 10 Lower Thames Street, London, EC3R 6EN, **WILL SAY AS FOLLOWS:**

- A. I am the Picture Editor of The Daily Express. I make this statement in response to a request of the Leveson Inquiry (the "Inquiry") to the solicitors for Northern & Shell dated 1 December 2011 to provide witnesses who might attest to the circumstances pictures used in newspapers might be bought or obtained.
- B. I confirm that all matters in this statement are true and, unless I specify to the contrary, are based upon my own knowledge and a review of the relevant documents. Where matters are not within my own knowledge, I state the source and believe the same to be true.
- C. For convenience, I have reproduced as subheadings the questions asked of me in the 1 December letter.

Please provide a brief description of your career history to date

1. By way of introduction I completed the National Council for the Training of Journalists course in 1974. I then worked for Surrey and South London Newspapers, the West London recorder, and the South London Star first as Sports Editor then overall Editor until 1985. I was the Deputy Picture Editor for

the Evening Standard from 1985 until 1987, when I moved to the Daily Express to take on the position of Assistant Picture Editor. I was promoted to the position of Night Picture Editor in January 1987, before becoming the Deputy Picture Editor in 2002. I began the role I currently hold in November 2009.

How are the photographs which appear in your newspaper obtained? The Inquiry assumes that some are bought from paparazzi or other freelance photographers, and others are taken by staff photographers. Are there any other sources of photographs?

2. Photographs are indeed purchased from photographic agencies, freelance photographers or in some cases the paparazzi. Freelance photographers operate individually and are different to the paparazzi in as much as they cover stories and events that are not just celebrity based. Additionally pictures are provided by news agencies either on retainer or paid on commission. They can also come from other sources, including PR companies, TV companies, and indeed are sometimes supplied by members of the public.

Please provide a copy of any code of practice or manual which regulates the activity of your employed photographers. What sanctions are imposed if your photographers fail to act in accordance with that code? How many times have you imposed sanctions on your employed photographers over the last four years? Please give specific examples. If there is no code, then please explain how photographers are given guidance as to which photographs it is appropriate to take?

3. Our company code of conduct is based on Editors Code of Conduct. In my experience however, we have never had to impose sanctions on our photographers. That is not to say that a photographer is not given, both before assignments, and in response to requests during such assignments, proper and full guidance upon what is and what is not acceptable conduct.
4. If a circumstance ever emerged where I felt that proper sanction was appropriate, then I would first inform the legal department of the issue. If I felt

the issue merited further investigation, or the photographer further censure, then I would bring the issue to the attention of the editor.

How do you ensure that photographs taken by your employed photographers have not been taken in a private context, or taken in a situation that has caused distress or fear to the subject of the photograph? How often do you refuse to publish a photograph on the grounds that it was taken in a context of harassment, or without regard to privacy?

5. I always ask our photographers about the context in which the pictures were taken and will not publish the work unless satisfied with such. We do not publish if the pictures are obviously intrusive, and we therefore refuse a great many pictures every day. For example we receive an extraordinary number of photos of the Middletons, but rarely in fact publish any of them. I also refer to paragraph 32 of Gareth Morgan's statement.

To what extent do you, or can you, regulate the conduct of agency photographers?

6. The only way to regulate the conduct of agencies is by not buying their pictures. We can of course exercise no control upon them directly.

How do you ensure that photographs taken by agency photographers have not been taken in a private context, or taken in a situation that has caused distress or fear to the subject of the photograph?

7. With regard to agency photos – we receive roughly 15,000 photos a day from freelancers and others every day. Included are countless photographs of celebrities that we would deem inappropriate, either in terms of their content, or the context of their capture. As above, we ask questions of our agency photographers to ensure that we are aware of the context in which the pictures were taken. A distressed face, obviously private moment, or questionable location for example will certainly prompt a call in any event to the freelancer or agency for reassurance and confirmation that privacy is being respected.

What sanctions are you able to impose against photo agencies or individual photographers if you discover that photographs have been taken in an unacceptable context?

8. There are few sanctions that can be taken against unconnected private companies such as photographic agencies. However I have never blacklisted an agency.

What measures are taken to ensure that any photo provided to your newspaper by an employed photographer or otherwise has not been digitally altered?

9. There is software that enables you to check the authenticity of a photograph, the most simple of which is Photoshop which allows for the photograph to be increased in size and the areas enhanced. It is then easy to see if something has been altered. On occasion persons in photographs are moved slightly so that the picture is not unnecessarily large; however that is a common industry technique, and is done to save space. I would never allow or take part in any alteration of photographs where the intention is to mislead.

Did your newspaper instruct any photographer, employed or otherwise, to follow or take photographs of the mother of Hugh Grant's baby (Tinglang Hong) before or after the birth of her child?

10. No.

Was an employed photographer from your newspaper present outside the home of the mother of Hugh Grant's baby in the first two weeks of November 2011?

11. When it became known that Hugh Grant was back in the UK and had visited his child, many newspapers, including ours, sent photographers to both his house and the home of the mother of his baby. Mr Grant is a person of intense public interest, and his arrival at the home of his newborn baby would

have been a newsworthy picture. There was indeed a hope that he might come outside and pose with the newborn. That is not in fact that uncommon. When Mr Grant asked the photographers to leave, ours did.

Were you offered pictures of the mother of Hugh Grant by any agency or individual photographer? Were any pictures purchased?

12. The Daily Express was offered pictures of both Hugh Grant with Ms Hong and Ms Hong on her own. These pictures were taken previously and had already been published prior to the birth of the baby.

Has your newspaper published any photographs of the mother of Hugh Grant's baby?

13. The pictures I referred to above were subsequently published following the birth of Mr Grant's child.

Did your newspaper instruct any photographer, employed or otherwise, to follow or take photos of Kate McCann on her return from Portugal in September 2007?

14. No.

Did your newspaper publish any photos of Kate McCann taken in this period? If so, did the picture editor inquire into the context in which the photos were taken? If so, what in your view justified the publication of these photos?

15. The Daily Express did publish photos of Dr McCann during this period. We did not follow her, but photographs were taken on some occasions when Kate and Gerry McCann left their house. For example, outside their house they gave statements on developments alongside their press spokesman, Clarence Mitchell. We did not however publish any photos of the children, and followed any request that might have been made about occasions of privacy. However we felt that since the story was still of such public interest, there was no issue with using pictures of Mr and Mrs McCann, so long as such was

done with all due respect for privacy. Again, we did not take or publish any pictures of them with their children.

Has your newspaper ever published photographs of the children of JK Rowling? If so, what is the justification for such publication?

16. No.

Did your newspaper ever instruct a photographer, employed or otherwise, to take photos up the skirt of Charlotte Church? Has your newspaper ever published photos taken up the skirt of Charlotte Church, or up the skirt of any other individual? What is the justification for such publication?

17. No.

Is there anything else you would like to add?

18. I think it is pertinent to state that any implication that photographers working for the Daily Express are in anyway similar to the paparazzi is wholly wrong. When my photographers are asked to move on, or to not take photos of a specific event, my photographers will do just that. The paparazzi may remain even when asked to leave, but it may not necessarily be for use in the British press. There is a worldwide market, subject to none of our legal controls or moral guidelines, which will pay good money for photographs of British based celebrities, and this market can encourage some of the behaviour that I assume the inquiry is concerned with.

19. I am proud of what we do as a newspaper, and our conduct in this area. I would state however that I think that examples of poor conduct on behalf of some British papers, such as phone hacking, are appalling. However, that is the extreme, and I firmly believe that the vast majority of British newspapers are well managed, behave appropriately with regard to celebrities, and have no agenda other than wishing to report the news.

STATEMENT OF TRUTH

I believe that the facts stated in this Witness Statement are true.



MICHAEL LIDBURY

Dated: 12 December 2011