

CABINET SECRETARY FOR CULTURE, TOURISM AND MAJOR EVENTS

Note of meeting with Margaret and Jim Watson and Hacked Off

19 April 2018

Attendees:

Mrs Margaret Watson

Mr Jim Watson

Evan Harris, Executive Director, Hacked Off

Nathan Sparkes, Policy and Parliamentary Officer, Hacked Off

Elinor Owe, Culture and Historic Environment Division

Iain Waller, Culture and Historic Environment Division

Ms Hyslop asked whether there were any recent developments around the Watsons' case of which the Scottish Government should be aware. Mrs Watson noted a report in the Daily Mail on a Parliamentary Report on children who commit violent crime that used pictures of their daughter Diane alongside children who had committed murder, including the girl convicted of killing Diane.

Mrs Watson further noted the recent Kerslake Review on the response of the emergency services to the bombing of Manchester Arena. The Review presents evidence on the poor conduct of elements of the press following this event in dealing with relatives of the victims and presents recommendations to improve the way in which the press approaches relatives in such circumstances.

Action: Officials to consider the Kerslake Review and its recommendations for a Scottish context, linking with justice and policing policy.

Ms Hyslop noted the recent Scottish Law Commission Report on defamation, which recommended against defamation of the deceased and that the Scottish Government was currently considering what action it might take in response to the report. Mrs Watson indicated that they had not been notified of the publication of this report. Mrs Watson further suggested that victims' tribunals should be considered as a forum that could address cases such as theirs [REDACTED].

Action: Officials to check the process by which the report was compiled and ensure that the SLC had considered the Watsons' case.

Action: Officials to ensure that the Watsons are kept up to date on any action taken by the SG in follow up to the SLC defamation report.

Mr Harris noted that the victims' perspective is very important in these debates and suggested that victims might often not have the same access to decision makers as the press. He noted recent developments around the interpretation of article 8 of the European Convention on Human Rights that may make recourse, akin to defamation of the deceased, possible. Ms Hyslop noted the SG's responsibility to ensure all legislation is compatible with the ECHR.

Action: Officials to consider recent case law around the interpretation of ECHR article 8 in relation to the reputation of deceased individuals.

Mr Harris noted recent changes to the Editors' Code of Practice – the standards code used by the regulator IPSO – which relate to reporting on deceased individuals. He suggested that IPSO's measures around inappropriate reporting on deceased individuals were ineffective.

Action: Officials to assess any recent changes to the Editors' Code of Practice.

Mr Harris presented a document setting out a further draft amendment to the Data Protection Bill which he believes would address concerns that the SG has expressed in relation to costs-shifting measures and their potential impact on local publications through explicitly excluding publishers with a turnover below £100 million. He also believes that the amendment ensures that devolved competence is properly considered.

Action: Officials to consider this draft amendment and its potential impact, [REDACTED]

Action: Officials to look into which publications in Scotland would be caught by the proposed size exemption.

Regarding the proposed second phase of the Leveson Inquiry, Ms Hyslop noted the SG position that, if it is undertaken, it should reflect devolved competence, both in its proceedings and recommendations.

Action: [REDACTED]

Copylist

First Minister

Cabinet Secretary for Culture, Tourism and Major Events

Cabinet Secretary for Justice

Minister for Community Safety and Legal Affairs

Director for Culture, Tourism and Major Events

[REDACTED], Culture and Historic Environment

[REDACTED], Culture and Historic Environment

[REDACTED], Culture and Historic Environment

[REDACTED], Culture and Historic Environment

[REDACTED], Civil Law

[REDACTED], SGLD

[REDACTED], SGLD

[REDACTED], Police Division

[REDACTED], Police Division

[REDACTED], Special Advisor

[REDACTED], Special Advisor