

James Hein vs. Saskatoon StarPhoenix

The National NewsMedia Council has dismissed a complaint about use of a Facebook photo in a news story.

James Hein alleges the Saskatoon StarPhoenix violated his copyright in using a photo from his Facebook account to illustrate the accused driver in a car crash, and that use of the photo identified him.

The paper responded to the complaint by explaining copyright exemption for fair dealing. It also apologized for its delay in responding to the complainant and pledged to review its process. The complainant was not satisfied and believes his rights have been violated.

In dismissing the complaint, the NewsMedia Council noted that the photo was taken from a Facebook page that was readily searched and accessible to the public. The photo was used according to Facebook's stated access policy, and the paper relied on fair dealing provided in the Copyright Act.

The photo was tightly cropped to the accused's face, and it is not possible to identify another person in the photo.

The NewsMedia Council says the story of the car crash and the photo were newsworthy in the community because of the fatalities and the circumstances. The reporting and use of such a photo is standard practice.

It is unfortunate that the complainant has suffered negative publicity, but there has been no breach of journalistic standards or practice.