

2019-96 Powell vs Toronto Sun

January 14, 2020

The National NewsMedia Council has found that corrective action was taken to address the level of explicit detail in a November 6 news article published in the Toronto Sun.

The article, “Man, 52, accused of sexually assaulting three children,” reported on the arrest of a Toronto man accused of repeatedly sexually assaulting three minors. The original article published on November 6 referenced the children’s ages at the time of the incidents and their family circumstances, and included explicit details of six specific incidents of sexual assault.

Complainant Louise Powell argued that the amount of detail and explicit nature of the information reported in the November 6 article constituted irresponsible reporting and was insensitive to the alleged victims and their family. She also questioned how such details were obtained.

In reviewing the complaint and article in question, the NNC noted that the news media organization updated the article on November 8. The updated version excluded all details about the specific incidents, and removed references to the children’s ages and family circumstances.

Both versions of the story characterized the alleged offences as horrendous sexual abuse and stated the years in which the alleged offences occurred based on information from unnamed sources.

The Toronto Sun responded to the complaint by stating that it removed some explicit details in the online version of the story following reader concerns about the article content. The news media organization stated that the information in the original article was from open court and not subject to a publication ban.

The NNC noted that while the article included a date on which it had been updated, there was no notice of correction or editor’s note stating which changes had been made or why.

The news media organization responded by stating that any online story that has been updated includes the original publication date and the date on which it was updated.

The NNC supports reporting on Canada’s open courts system, as it promotes accountability and transparency. It also recognizes that journalists must weigh individual privacy concerns with the duties of a free press.

While respect for personal privacy should not unduly inhibit reporting on matters in the public interest, special consideration is given to minors and the victims of crimes. In such cases, journalistic standards call for particular discretion when reporting facts.

The accuracy of the facts in this case is not in dispute. While the NNC accepts that information on the charges was obtained from open court, it notes that both the original and updated versions of the article contain details from unnamed sources.

The use of unnamed sources is reserved for rare circumstances, and best practice in those cases is to be transparent with the reader by providing as much contextual information as possible and an explanation of why it was necessary to withhold their identity.

In this case, Council found the news media organization's response that the information was taken from open court to be inconsistent, as both articles referenced unnamed sources.

Even in cases where information is publicly available, editorial discretion calls for journalists to evaluate which details in the public record are relevant to the story.

It should be noted that matters related to publication bans rest with the court, and the issue of victim identification was outside the scope of the original complaint. However, the NNC notes that best practice calls for excluding information that could tend to identify individuals covered by a publication ban.

In this case, the NNC supports the news media organization's decision to remove specific details about the alleged victims and explicit details about the alleged sexual assaults to prevent undue harm to those involved. For these reasons, the NNC finds this complaint resolved due to corrective action.

That said, the NNC notes that the news media organization did not provide a correction or editor's note stating why or how the article had been changed.

Council noted that the original and updated articles resulted in two vastly different versions of the story, and that the lack of explanation to readers regarding these significant changes was particularly concerning.

Corrections serve to promote transparency and accountability as well as build trust with readers. Best practice is to correct errors and acknowledge changes in a consistent and transparent manner. In cases where information in an article is corrected, clarified or omitted, a brief statement noting such changes and the reasons behind them is often sufficient to provide readers with appropriate indication of how the article has been changed.

Council was also concerned with how the news media organization responded to the complaint. Despite the fact that the news media organization was given the opportunity to provide an explanation to readers about the significant changes to the article, no explanation was provided.

The NNC acknowledges that the news media organization took steps to make changes to the article to adhere to widely accepted practice, and finds the complaint about the level of detail in the article resolved due to corrective action. That said, it is the view of Council that the lack of transparency surrounding the story's sources and subsequent changes to the article fell short of best practice.