

Complaint by Mr Mark Acklom about *Conman: The Life and Crimes of Mark Acklom*

Type of case	Fairness and Privacy
Outcome	Not Upheld
Service	Sky News
Date & time	8 October 2019, 10:00
Category	Privacy
Summary	Ofcom has not upheld this complaint about unwarranted infringement of privacy in connection with the obtaining of material included in the programme, and in the programme as broadcast.

Case summary

The programme told the story of Mr Mark Acklom, described in the programme as “*Britain’s most notorious conman*”. It included footage of Mr Acklom during court proceedings in Spain where he faced charges of fraud, as well as footage of him being led by police officers from a plane at Bristol Airport to an awaiting police van after being extradited to the UK. The footage was obtained without Mr Acklom’s knowledge and consent and he complained that his privacy had been unwarrantably infringed in connection with the obtaining of this footage and of its inclusion in the programme as broadcast.

Ofcom found that Mr Acklom did not have a legitimate expectation of privacy in relation to the filming and subsequent broadcast of the footage of him without his consent. Therefore, Ofcom’s considered there was no unwarranted infringement of Mr Acklom’s privacy in connection with the obtaining and broadcast of the footage included in the programme.

Programme summary

On 8 October 2019, Sky UK Limited ("Sky") broadcast a special report programme on Sky News¹ entitled: *Conman: The Life and Crimes of Mark Acklom*.

The programme told the story of Mr Acklom, described in the programme as *"Britain's most notorious conman"*. During the introduction, footage was shown of Mr Acklom in handcuffs and drinking from a water bottle during his criminal proceedings in Spain. The programme's reporter, Mr Martin Brunt, explained that during Mr Acklom's *"30-year criminal career, [Mr Acklom had] not only defrauded his own family, but also countless complete strangers"*.

During the programme, the reporter spoke to: a number of people who claimed that they were victims of Mr Acklom's fraudulent behaviour; police officers who investigated his crimes; and a criminal psychologist who gave her views on Mr Acklom's behaviour. The programme also provided details of his early life through to his extradition and trial in the UK. The reporter explained that Mr Acklom had formed a relationship with a woman, Ms Carolyn Woods, after posing as a *"wealthy banker based in Switzerland"* under a false name. Ms Woods explained that she had offered to loan Mr Acklom £26,000, and that over a period of several months she had lent him *"everything that [she] had"*. The programme detailed how, after realising that she had been *"swindled"*, Ms Woods made contact with Mr Brunt, which prompted a *"four-year-long manhunt"* for Mr Acklom.

The programme followed the reporter's four-year journey of tracking Mr Acklom across Europe. In the programme, the reporter explained that he had tracked Mr Acklom to Spain and discovered that he had rented an office in Alicante. The reporter spoke to another of Mr Acklom's alleged victims, his former Personal Assistant, who said that she had paid for the rent for the office on behalf of Mr Acklom but was never repaid. The programme explained that Spanish police had arrested Mr Acklom at this office in relation to fraudulently selling British property he did not own to Spanish nationals, but that he had fled to Italy after being freed on bail. The reporter said that it *"took the Spanish authorities four months to extradite Acklom"*, and that he was put on trial in Cartagena, Spain.

The programme included footage of Mr Acklom, filmed by the programme makers, in a Spanish courtroom where he faced charges relating to the property fraud. The footage appeared to be taken from several angles in the courtroom and showed Mr Acklom in handcuffs sat in front of a panel of judges and giving evidence in Spanish. The programme did not contain English subtitles of the complainant's testimony and there was only a faint audio of what he said. The reporter said that Mr Acklom:

"looked and sounded Spanish and he held everyone's attention, even in that setting, even in handcuffs he had charisma ... in fluent Spanish, Acklom tried to persuade the judges that he was completely innocent. At the time of the crime, he explained, he had just come out of prison and was trying to build a new life. He said he was asked to help sell the London flats purely because he spoke English. Listening intently were Acklom's victims, the Cervantes brothers..."

¹ The programme was first broadcast on Sky Crime on 7 October 2019.
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In a separate interview, the lawyer of the Cervantes brothers spoke in Spanish about the fraud and the English subtitles said:

“He sold my clients three apartments by the Thames in London, properties he pretended he owned. He tricked them into paying him more than 200,000 Euros with a very clever fraud. He hasn’t paid a penny back”.

The reporter explained that following the trial, Mr Acklom was convicted and sentenced to three years in prison.

Later in the programme, brief footage of Mr Acklom during the Spanish court proceedings was shown as the reporter said:

“I had been intrigued by Acklom’s admission in court that he had just got out of prison. It suggested that the scale of his crimes in Spain was far greater than anyone had suspected”.

The programme then moved on to look at Mr Acklom’s criminal convictions in Spain and anomalies between his Spanish and UK criminal records.

The programme explained that in 2015, Mr Acklom had applied for a pardon and was freed temporarily on condition that he surrendered his passport and remained in Spain. However, the reporter said *“...but again he went on the run”*. As footage was shown again of Mr Acklom during his Spanish court proceedings, the reporter said:

“for a long time I had been on the trail of Mark Acklom, Britain’s most notorious conman. I’d finally caught up with him when he was convicted of fraud in a Spanish court in 2015. But on temporary release from jail awaiting an appeal, he had vanished. Again. In 2016, UK police finally put Acklom on their most wanted list”.

The programme then showed the reporter travelling to Zurich after he had received news that Mr Acklom was in Switzerland. The reporter explained that had he learned that Mr Acklom had changed his name by deed poll and had acquired a new passport.

Later in the programme, the reporter explained that Swiss police had arrested Mr Acklom in Switzerland. The reporter said that Mr Acklom was taken to a prison, his extradition to the UK was put on hold, and he was held on remand while British and Swiss criminal charges were considered. The reporter said that *“during that time, Acklom was convicted of more crimes, Swiss cheque and credit card fraud, and jailed for 120 days”*.

Towards the end of the programme, the reporter explained that Mr Acklom had eventually been extradited to the UK in relation to allegations that he had defrauded Ms Woods out of £750,000. Footage was shown of Mr Acklom being led, with his hands on his head and his face unobscured, by three detectives down the steps of a plane at Bristol Airport and a short distance across the runway to an awaiting police van. The reporter said:

“After eight months, Acklom lost his fight against extradition. A team of detectives brought him back to the UK. On arrival, he was charged with twenty counts of duping Carolyn Woods into giving him all her money. A date was set for his trial. In the end, there was no trial. Acklom did a remarkable deal with prosecutors. He pleaded guilty to five of the twenty charges. The rest were dropped. He was jailed for five years and eight months; time already served in custody meant his sentence would be much reduced”.

Various people were then shown speaking about Mr Acklom’s extradition and prison sentence, including Ms Woods.

The programme concluded with footage of Mr Acklom being led out of the courtroom during the Spanish proceedings. As he was led out, Mr Acklom turned around and looked directly into the camera. The reporter said:

“But, is this really the end of the story of Mark Acklom the conman? He’s wanted again in Spain; he didn’t complete his last jail sentence there. But eventually, he will be free again, he’ll be back in the streets again; and it’s likely that he’ll return to the only life he knows. So, beware of a conman called Mark Acklom, or whatever name he decides to give next”.

Summary of the complaint and broadcaster’s response

Complaint

- a) Mr Acklom complained that his privacy was unwarrantably infringed in connection with the obtaining of material included in the programme because:
- footage of Mr Acklom’s Spanish court proceedings shown in the programme was obtained “illicitly” by the broadcaster; and,
 - he was filmed without his knowledge or consent being led by police officers from a plane at Bristol Airport to an awaiting police van after being extradited to the UK.
- b) Mr Acklom complained that his privacy was unwarrantably infringed in the programme as broadcast because:
- footage of his Spanish court proceedings, which he said was obtained “illicitly” by the broadcaster, was shown in the programme without his knowledge and consent; and,
 - footage of him being led by police officers from a plane at Bristol Airport to an awaiting police van after being extradited to the UK was broadcast without his knowledge or consent.

Broadcaster’s response

Sky said that Mr Acklom has been considered one of the UK’s most wanted fugitives since October 2016 and was “flagged” under “Operation Captura”, a multi-agency initiative involving the National Crime Agency and Crimestoppers to track down British fugitives abroad. Sky said that its reporter had spent four years investigating the story, collating evidence and reporting on the legal proceedings against Mr Acklom in Spain, Switzerland and the UK.

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In relation to the footage filmed during the Spanish court proceedings, where Mr Acklom was on trial for property fraud, Sky said that the footage was not obtained “illicitly”, as alleged by Mr Acklom in his complaint, nor had it been obtained secretly. Sky said that it had been granted verbal permission to film by the court, along with various other media outlets. Consequently, Sky said that it was unable to provide Ofcom with any written confirmation of the court’s permission to film. Sky said that, as in the UK, cameras in foreign courtrooms are permitted to film certain parts of the proceedings. It said that it was clear from the footage that other cameras were present with permission to film. Sky also said that it was “keenly aware of the restrictions around filming in courtrooms without permission”, and that any request to covertly film footage would not have been approved, nor, if it had been covertly recorded, would it have been approved for inclusion in any broadcast.

In relation to the footage of Mr Acklom being escorted from a plane at Bristol Airport, the broadcaster said that Mr Acklom had arrived back in the UK on a scheduled flight which the reporter was also booked onto. It said that the flight was accessible to anyone who purchased a ticket. The broadcaster also said that the reporter filmed Mr Acklom’s descent from the plane in plain sight.

Sky said that, when considering the balance between Mr Acklom’s right to privacy and the public interest in reporting his eventual return to the UK to face trial for significant crimes for which he was then imprisoned, it believed that the obtaining and subsequent broadcast of the footage was warranted. Sky said that Mr Acklom has a long history of evading arrest, skipping court-mandated appointments, and changing his name whilst on the run. It said that in 2015, immediately following his temporary release on application for a pardon, he fled Spain after serving one year of his three-year sentence. He was eventually tracked down and arrested in Geneva in 2018, where he had been living under an assumed name, and was imprisoned for 120 days in Switzerland before his extradition to the UK was approved. The broadcaster said that both filming, and being able to show, Mr Acklom’s return to the UK in the custody of the British authorities after his eight-month fight against extradition was clearly in the public interest and would also have been of some comfort to his victims.

Preliminary View

Ofcom prepared a Preliminary View that the complaint should not be upheld. Both parties were given the opportunity to make representations on the Preliminary View. Mr Acklom made representations. Sky initially did not make any representations, however following receipt of Mr Acklom’s representations, Ofcom invited Sky to comment on Mr Acklom’s position that Sky should have been able to demonstrate that it had received permission to film the Spanish court proceedings in writing. Ofcom asked Sky to confirm whether the reporter made an oral application to the court for permission to film. Both parties’ representations are summarised, insofar as they are relevant to the complaint entertained and considered by Ofcom, below.

Complainant’s representations

Mr Acklom stated that he interpreted our Preliminary View as saying that he has no right to privacy, given that Ofcom found that the footage was in the public interest. He also believed that the coverage was “sensationalised” and went beyond what could reasonably be expected in the circumstances.

With regards to the obtaining of the footage of Mr Acklom at Bristol Airport, Mr Acklom said that the only information which the broadcaster should have been able to obtain was that he was being extradited within 10 days and he thought they should not have been able to find out which precise

flight he was on. He said that the broadcaster had been provided with “privileged information” which enabled the reporter to be on board the same plane as him. He said that he was “extremely distraught and distressed [and] even afraid” by the programme makers’ presence on the flight. Mr Acklom said that all the Bristol Airport footage achieved was to “sensationalise events further”.

With regards to the obtaining of the footage of him in the Spanish court, Mr Acklom said that he was not aware of any other media outlets being present during his court proceedings in Spain. Mr Acklom added that he believed that UK courts give the press permission to film in writing, as do the Spanish courts, however he acknowledged that he did not know if this was the case.

Broadcaster’s representations

Sky said its reporter had confirmed that permission was sought and obtained by the local fixer from the court administrators in advance of filming. Sky said that other media outlets, including the Cartagena Court Agency, were present and filming at the same time. Sky reiterated that it has strict internal policies and the footage would not have been broadcast without prior permission from the court.

Decision

Ofcom’s statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unwarranted infringement of privacy in, or in connection with the obtaining of material included in, programmes in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching this decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording and transcript of the programme and both parties’ written submissions, and both parties’ representations in response to the Preliminary View. After careful consideration of the representations, however, we considered that the points raised did not materially affect the outcome of Ofcom’s decision to not uphold the complaint.

In Ofcom’s view, the individual’s right to privacy has to be balanced against the competing right of the broadcaster to freedom of expression and of the audience to receive ideas and information without undue interference. Neither right as such has precedence over the other and where there is a conflict between the two, it is necessary to intensely focus on the comparative importance of the specific rights. Any justification for interfering with or restricting each right must be taken into account and any interference or restriction must be proportionate.

This is reflected in how Ofcom applies Rule 8.1 of Ofcom’s Broadcasting Code (“the Code”)², which states that any infringement of privacy in programmes or in connection with obtaining material included in programmes must be warranted.

In addition to this rule, Section Eight (Privacy) of the Code contains “practices to be followed” by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of Rule 8.1 and failure to follow these practices will only constitute a breach where it results in an unwarranted infringement of privacy.

- a) Ofcom considered Mr Acklom’s complaint that his privacy was unwarrantably infringed in connection with the obtaining of material included in the programme because:
- footage of Spanish court proceedings was obtained “illicitly” by the broadcaster; and,
 - he was filmed without his knowledge or consent being led by police officers from a plane at Bristol Airport to an awaiting police van after being extradited to the UK.

In considering this complaint, Ofcom had regard to Practice 8.5 of the Code, which states: “Any infringement of privacy in the making of a programme should be with the person’s and/or organisation’s consent or be otherwise warranted”.

We first assessed the extent to which Mr Acklom had a legitimate expectation of privacy in the particular circumstances in which the relevant material was obtained. The test applied by Ofcom as to whether a legitimate expectation of privacy arises is objective: it is fact sensitive and must always be assessed in light of the circumstances in which the individual finds him or herself. The Code’s statement on the meaning of “legitimate expectation of privacy” makes clear that such an expectation: “...will vary according to the place and nature of the information, activity or condition in question, the extent to which it is in the public domain (if at all) and whether the individual concerned is already in the public eye. There may be circumstances where people can reasonably expect privacy even in a public place...”.

Filming of court proceedings

In considering the obtaining of the footage of Mr Acklom during court proceedings in Spain, we took into account that Mr Acklom was filmed while he was on trial for fraud offences in Spain relating to properties in the UK. The broadcast footage showed that he was filmed wearing handcuffs and addressing the court in Spanish. While there was only a faint audio of Mr Acklom speaking included in the programme, the programme described some of the information that had been obtained during the filming, including that Mr Acklom had “*tried to persuade the judges that he was completely innocent*” and that “*he was asked to help sell the London flats purely because he spoke English*”. Mr Acklom was also filmed drinking from a water bottle while handcuffed, and later being led by a police officer out of the courtroom, again in handcuffs.

We took into account of the broadcaster’s position, as reiterated in its response to Mr Acklom’s representations on Ofcom’s Preliminary View, that the reporter had been granted permission by the court to film the proceedings along with other media outlets, although it explained it did not

² [Ofcom’s Broadcasting Code](#).

have written confirmation of the court's permission as it had been obtained verbally. Having carefully viewed the broadcast footage, it appeared to Ofcom that the reporter who had filmed the footage had been located in plain sight of court officials throughout filming; on one occasion, the programme had included footage which appeared to show Mr Acklom looking directly at the camera. In these circumstances, it was Ofcom's view that the reporter had filmed openly in the courtroom, and that Mr Acklom would, or ought to, have been aware that the proceedings were being filmed by the reporter (and other media outlets), although Ofcom acknowledged that he may not have been fully aware of the exact purpose of the filming.

Ofcom also took into account that Mr Acklom had been filmed during open court proceedings in a courtroom while on trial for fraud and that these proceedings appeared to be open to members of the public. While we acknowledged that Mr Acklom may have found appearing in the Spanish criminal court proceedings to have been a sensitive situation, he was not filmed doing or saying anything of a private or personal nature. We considered too that it would have been a matter of public record that he had been charged with the offences for which he was standing trial and would be participating in such proceedings, and that the statements that he was filmed making to the court, which were summarised in the programme's commentary, would also have formed part of his evidence in the proceedings and therefore also formed part of the official public record of the proceedings. We also took into account that Mr Acklom did not seem to be in a particularly vulnerable state, for example, he did not appear to be distressed or visibly upset.

Taking all the factors above into account, and in circumstances where it appeared that Mr Acklom had been filmed openly, Ofcom considered that Mr Acklom did not have a legitimate expectation of privacy in relation to the circumstances in which he was filmed on this occasion.

Ofcom found, therefore, that Mr Acklom's privacy not unwarrantably infringed in connection with the obtaining of the material included in the programme in this respect.

Filming of arrival at airport

In considering the obtaining of the footage of Mr Acklom at Bristol Airport, Ofcom took into account that Mr Acklom was filmed following his extradition to the UK as he walked accompanied by three detectives, with his hands on his head, down the steps of a commercial aircraft and a short distance across the runway to an awaiting police van.

We took into account that Mr Acklom had been filmed from a distance, although it did not appear to Ofcom that the reporter had filmed Mr Acklom and his interactions with the police surreptitiously, for example through use of a hidden camera. Nevertheless, we acknowledged that it appeared that Mr Acklom had been unaware that he was being filmed as he descended from the aircraft. Ofcom was unable to determine whether the reporter had filmed Mr Acklom from a location which would ordinarily have been accessible to members of the public. However, we took into account the apparent proximity of the reporter to the plane, as well as Sky's and Mr Acklom's representations that the reporter had been on the same flight. Given this, we considered that it was possible that footage of Mr Acklom had been obtained from a location in Bristol Airport that was accessible only to a limited number of people, for example passengers on the same flight, or those who may have been disembarking nearby aircraft.

We also took into account that Mr Acklom had been filmed while being extradited to the UK to face criminal charges following a multi-national investigation across Europe. We recognised that obtaining footage that showed a person being removed from a plane by the police and being led to a police van during an extradition process is likely to be a sensitive situation for the person concerned. However, we considered that whether someone has a legitimate expectation of privacy in footage of an arrest, or relating to a police investigation, will depend on all the circumstances of a particular case.

In this case, we considered that, although Mr Acklom was filmed being led from the plane by detectives to an awaiting police van, the footage did not show or disclose any sensitive or personal information about him, other than the fact of his extradition. We also understood that the complainant's identity as a suspect in relation to serious criminal offences, as well as the fact of his extradition to the UK, had been released into the public domain by the UK authorities, who had specifically requested the assistance of the public to locate Mr Acklom's whereabouts. Therefore, in these particular circumstances, we did not consider that the fact of his extradition to the UK constituted private or sensitive information about him. Moreover, while we recognised that Mr Acklom had been filmed from a distance, he did not appear in the footage to be in a particularly vulnerable state, nor did he appear visibly distressed or upset. Given this, therefore, we did not consider that the footage which had been obtained included any images or information of a particularly private or sensitive nature about Mr Acklom.

Taking all the factors above into account, and in the particular circumstances of this case, Ofcom considered that Mr Acklom did not have a legitimate expectation of privacy in relation to the circumstances in which he was filmed on this occasion.

Ofcom considered that Mr Acklom's privacy was not unwarrantably infringed in connection with the obtaining of the material included in the programme in this respect.

- b) We next considered Mr Acklom's complaint that his privacy was unwarrantably infringed in the programme as broadcast because:
- footage of his Spanish court proceedings, which he said was obtained "illicitly" by the broadcaster, was shown in the programme without his knowledge or consent; and,
 - footage of him being led by police officers from a plane at Bristol Airport to an awaiting police van after being extradited to the UK was broadcast without his knowledge or consent.

In considering this complaint, Ofcom had regard to the following Code Practices:

Practice 8.4: "Broadcasters should ensure that words, images or actions filmed or recorded in, or broadcast from, a public place, are not so private that prior consent is required before broadcast from the individual or organisation concerned, unless broadcasting without their consent is warranted".

Practice 8.6: "If the broadcast of a programme would infringe the privacy of a person or organisation, consent should be obtained before the

relevant material is broadcast, unless the infringement of privacy is warranted”.

Ofcom began by assessing whether Mr Acklom had a legitimate expectation of privacy in the programme as broadcast in relation to the footage included in the programme. As set out at head a) above, the test applied by Ofcom as to whether a legitimate expectation of privacy arises is objective, fact sensitive and must always be judged in light of the circumstances in which the individual concerned finds him or herself.

Footage of court proceedings

As described in the “Programme summary” above, the programme included footage of Mr Acklom during his trial in a Spanish court for fraud and provided details of the offence for which he had been charged and ultimately convicted and sentenced to three years in prison. The programme also described that Mr Acklom had *“tried to persuade the judges that he was completely innocent”* and that *“he was asked to help sell the London flats purely because he spoke English”*.

We took into account that Mr Acklom had been filmed openly during court proceedings in a courtroom while on trial for fraud and that the court proceedings appeared to be open to members of the public. As set out at head a) above, we also understood that the reporter had been granted permission by the court to film the proceedings, along with other media outlets. We noted that, by the time of the broadcast, the outcome of this trial had been decided upon and Mr Acklom had been convicted. We also took into account that nothing of a particularly private, personal or sensitive nature was revealed in the footage other than Mr Acklom’s appearance during the court proceedings. We considered that the statements that he was shown making to the court, which were summarised in the programme’s commentary, would also have formed part of his evidence in the proceedings and therefore also formed part of the official public record of the proceedings. Therefore, taking all the above factors into consideration, we considered that, in the particular circumstances, Mr Acklom did not have a legitimate expectation of privacy in relation to the broadcast of the footage of him during the Spanish court proceedings.

Ofcom considered that Mr Acklom’s privacy was not unwarrantably infringed the programme in this respect.

Footage of arrival at Bristol Airport

We then turned to the footage included in the programme which showed Mr Acklom being led by three detectives from a plane at Bristol Airport, with his hands on his head, a short distance across the runway to a police van after being extradited to the UK. The programme revealed that he had unsuccessfully fought his extradition and that, on arrival, he was charged with 20 counts of *“duping”* Ms Woods into *“giving him all her money”*, but that there was no trial as Mr Acklom *“pleaded guilty to five of the 20 charges. The rest were dropped. He was jailed for five years and eight months; time already served in custody meant his sentence would be much reduced”*.

We took into account that the footage showed Mr Acklom in police custody during his extradition to the UK to face serious criminal charges. We understood that at the time the footage had been obtained, the criminal proceedings against him were ongoing and that he had not been convicted, although the extradition proceedings were a matter of public record at the time of the filming, and he subsequently pleaded guilty to a number of the charges. However, we do not consider that the

fact that Mr Acklom had pleaded guilty to a number of charges by the time the footage was broadcast obviates all rights of privacy that a person subject to those criminal proceedings might reasonably expect, especially in relation to events occurring before the individual is charged, such as their arrest. Specifically, Ofcom took the view that the detail of Mr Acklom's interaction with the police officers at Bristol Airport was not otherwise likely to be in the public domain, or known to a wide number of people at the time of broadcast, other than those people who might have witnessed this occurrence at the airport at the time.

As discussed above, we recognised that broadcasting footage that showed a person being led from a plane by the police to an awaiting police van during an extradition process is likely to be a sensitive situation for the person concerned. However, we considered that a legitimate expectation of privacy in footage relating to an arrest, or a police investigation, will depend on all the circumstances of a particular case.

In this instance, the footage included in the programme did not reveal any personal or sensitive information about Mr Acklom, other than the fact that he had been extradited to the UK to face serious criminal charges, which we did not consider constituted private or sensitive information about him for the reasons explained above. Moreover, while we recognised that Mr Acklom had been filmed from a distance, the footage did not appear to show him in a particularly vulnerable state, nor did he appear visibly distressed or upset. In Ofcom's view, and for the same reasons as outlined above at head a), Mr Acklom did not have a legitimate expectation of privacy with regards to the inclusion of unobscured footage of him in the programme in the circumstances.

Ofcom considered that Mr Acklom's privacy was not unwarrantably infringed the programme in this respect.

Ofcom has not upheld Mr Acklom's complaint of unwarranted infringement of privacy in connection with the obtaining of material included in the programme, and in the programme as broadcast.