

RESPONSE TO COMPLAINT FROM Ms BOON dated 29 NOVEMBER 2023

I have reviewed the 2 primary documents of the complaint being the email from the 29th November 2023, and the 61 annotations to my draft article.

Whilst Ms Boon mentions a number of Standards Code paragraphs in her complaint she has not been specific as to how her concerns relate to actual non-compliance; this makes it difficult to address them directly.

Ms Boon includes in her complaint that Derby News published, despite a pre-publication complaint being submitted. To my understanding, and the general advice from IMRESS, a pre-publication complaint is not a vehicle to stop publication. Given the previous considerable transparency given to Ms Boon regarding potential conclusions, and her responses, it was clear that this letter on 24th November was an attempt to block a legitimate article. I did give her a further chance to submit a response prior to publication, on the 25th, although I now know that this wasn't received until the 29th November. I didn't believe that publishing on the 26th would result in any real risk to Ms Boon. Her personal Facebook post (public – **Appendix 2**) on 30th November served to confirm my opinion as it effectively increased the article's reach and raised further questions about her actions with readers including, potentially, Man A and Man B.

A detailed review of each of the annotations to the Draft Article is contained in **Appendix 1**.

In summary none of the annotations question the accuracy of the article, or compliance with the Standards Code. It is noted that a number of her annotations (detailed below) contradict her previous position and contain material factual errors to support her case; some also contradict the advice from the Digital Forensics Analyst; these points have changed from that which was asserted before the date of the article.

I have followed the advice of IMPRESS in my main response. I have set out how I believe that I have adhered to the IMPRESS Standards Code in the publication of the article, addressing those sections referenced in the complaint.

In conclusion, the complaint presents no evidence of non-compliance with the IMPRESS Standards Code and consequently, the complaint, in its entirety, is **DISMISSED**.

SUPPORTING ANALYSIS

Background to the article.

The scope of the article is solely on the authorship of the poster sent out in June 2023 given that the prima facie author, as per the document properties, was Vanessa Boon. The article specifically states that it is not focussing, or commenting, on the content of the poster and whether the men referred to are innocent, or otherwise, and does not imply anything with respect to any women that may have been affected by these men, historically. That has always been made clear to Ms Boon.

My investigation did involve an understanding of some of the history to provide context and inform previous behaviour. At no point was I enquiring into any private matters associated with the women in the "Survivor's Circle". This was done deliberately to avoid issues which would invade privacy and unlikely to be of public interest.

During the investigation, and in much of this complaint, Ms Boon has conflated the scope of the article with the private matters of the “Survivor’s Circle” not covered by the article. This has led to much confusion in her responses.

I have only addressed issues in the context of the scope of the article.

Accuracy

The main thesis of the article is based on a technical investigation of Ms Boon’s name being on the document properties of the poster (pdf document). The investigation took place over a 5 month period to ensure that all options were analysed.

In addition to a number of emails/messages with Ms Boon over the 5 months, I attended a meeting with her, and her colleague, at her request on 23 August 2023. A follow up was suggested by Ms Boon on 20 September 2023 which I declined, preferring to document my latest position; this was issued on the same day. I felt that this would be more effective than a further meeting. I advised her of my conclusion that she was the author of the document and asked her to comment on any factual inaccuracies; she provided a response on 4 October 2023.

Much of Ms Boon’s responses did not focus on the issues directly addressed in my email and endeavoured to draw in wider matters. Also, the implications of some of my key points were significantly misunderstood; this necessitated follow up emails for clarification.

Ms Boon offered independent input (which was from an anonymous/ unattributable Digital Forensics Analyst) as to how her name appeared on the poster which I followed up with Canva, directly, and found that it was incorrect. I also checked it by testing the process, thoroughly, to support my conclusions.

I emailed Ms Boon on 1 November 2023 detailing the conclusions of my discussions with Canva and my own testing. This email concluded “...which therefore can only mean that you created the original Canva design document” and asked for a response “Have I missed anything in arriving at this conclusion?” I received no response.

On 18 November 2023 I sent a full draft of the article requesting input, by 24 November 2023, for use in the article. I sent a reminder WhatsApp message on 23 November 2023. I received the email response on 24 November 2023 which was also copied to IMPRESS. As there was no specific detail on the claimed errors I wrote again on 25 November 2023 providing an extension and clarifying that any input could result in an edit, comment or deferral. No response was received. I now understand that this was not received until after publication on 29 November 2023.

[There is no definition of what is a ‘reasonable’ time. Ms Boon was given 6 days to respond to the article and 25 days from my email detailing my core investigation conclusions, and over 2 months from the time I emailed her to state that I had concluded that she was the author of the poster. The annotations to the draft, by Ms Boon, were created on November 23rd albeit not sent to Derby News until the 29th – this implies that the 6 days was ample time to respond to the article as requested]

In this respect I believe I have been reasonable in trying to provide Ms Boon an opportunity to understand the nature and conclusions of the article and ample time to respond in compliance with s 1.1.2 (e).

I found Ms Boon to be particularly unreliable in her communications and questioned everything she told me and insisted on 3rd party documentary evidence to substantiate any of her claims. She complains that I have ignored some of her evidence; it is my editorial right to decide which evidence is “safe” and which isn’t, to ensure accuracy.

The Standards Code makes a requirement to carefully check information from an anonymous source hence the direct conversations with Canva, and my own testing, and not relying on the anonymous/redacted email from the Digital Forensic Analyst.

As required under s 1.2 the core facts are presented in the first section of the article and the material “opinion” in a specifically headed section so there is no doubt over which aspects are my opinion.

The opinions expressed in the 2nd section are clearly derived from the detailed and logical presentation of the technical position supported by the software house, by reference to documents, and by test. This is detailed in the article and shows compliance with s 1.3

Additional comments on the annotations to my draft article sent 29/11/23 as part of the complaint which show that some of Ms Boon’s key comments re: accuracy are incorrect. These are critical to her claim that the article does not comply with s 1.1. Ms Boon is defining accuracy by reference to her evidence and not against that which has been reliably established by Derby News.

1. Ms Boon now states that the “Men’s Group” - “specifically asked me to download” the document; this is the first time that she has mentioned an “instruction” of this nature. The email from the “Men’s Group” (a copy is in the possession of Derby News) does not state that the document should be “downloaded” it merely requested “add your answers”. Factually incorrect. (Annotation 13 Appx 1)
2. Ms Boon refers to her conversation with Canva as evidence of inaccuracy in the article. My direct conversation with Canva (over many emails), referencing specifically the advice given to Ms Boon, confirmed that it was incorrect and was only relevant in a specific circumstance which is not covered by Ms Boon’s version of events. My own testing has also confirmed this. (Annotation 14 Appx 1)
3. Ms Boon now claims that the Canva document was not capable of being edited. This is a change from her previous position; it also conflicts with the report from the Digital Forensics Analyst who suggested that updating the Canva link was an option. (Annotation 15 Appx 1)
4. Ms Boon asserts that the “Men’s Group” poster was modified after its creation date, even though the metadata does not bear this out. As she claims not to have been the author of the poster, nor have any knowledge of it, then it is not possible for her to assert that there were modifications after the creation date. This is **pure speculation** on her part described as “Error: misrepresentation” and should have not been included in the complaint. It is noted that this mis-alignment of dates was first presented in the Derby News article and completely undermines her alibi; this annotation is clearly trying to “plug a gap” in her explanation. For completeness, where the author is changed in the metadata the modified date is updated – unless of course software is then used to change the modification date. The metadata on the document is entirely consistent with a document produced from Canva without modifications which fundamentally proves that Ms Boon’s comments on the complaint are incorrect. (Annotation 19 Appx 1)

The above 4 points refer to specific changes in Ms Boon's explanation of events following the publication of my article. They raise significant questions as to the reliability of Ms Boon's assertions on accuracy and misrepresentation and therefore the validity of the overall complaint.

Additionally on Annotation 12, Ms Boon recognises that the Digital Analyst concluded that the "name transfer" theory was "most probable". On her Facebook post she writes that this is not the case and that the most probable theory is someone editing the metadata. She now contradicts the Digital Forensics Analyst.

In summary:

- **most of the evidence provided by Ms Boon, in the complaint, is irrelevant to the article/not material, and critical areas are unsafe / inaccurate.**
- **there is significant evidence of steps being taken to ensure accuracy by cross-validation, corroboration, testing, and giving Ms Boon multiple opportunities to respond to the core conclusions. This is fully compliant with s1.1**
- **the article is clearly structured to differentiate between the presentation of the facts and the presentation of opinion. It is clear that the opinions result directly from the stated facts. This is fully compliant with best practice defined in s1.2 and s1.3**

The evidence is that the process followed by Derby News has been in full compliance with s 1.1, 1.2 and 1.3 of the IMPRESS Standards Code:

Harassment

As referenced above, the contact between myself and Ms Boon was principally through email/ messages, including one meeting and a follow up, both suggested by herself. Whilst I accept that she may have been frustrated with my attempts to clarify some key facts at no point until 24 November 2023 did she express any wish to disengage from communicating with me or make any other negative comments about my conduct during the previous 5 months.

I only contacted her on 25 November (copying IMPRESS) to ensure the best compliance with s 1.1.2 (e).

There is no evidence of deception. I have always identified myself as Derby News and have been transparent about the nature and scope of the investigation.

In summary, the evidence is that Derby News has been in full compliance with s 5.1 of the IMPRESS Standards Code.

Justice

There are no known police investigations with respect to the production of this poster.

The police investigations that Ms Boon refers to relate to historical cases which are outside of the scope of this article. Consequently, the article does not impact on any criminal proceedings under s 6.1 of the Standards Code

In summary, the evidence is that Derby News has been in full compliance with s 6.1 of the IMPRESS Standards Code.

Privacy

No personal details have been released about Ms Boon. Background information about her is in the public domain, including screenshots from a public event (Council meeting).

The email correspondence, whilst headed as “Private and Confidential” was provided in pursuance of the investigation and were provided willingly by Ms Boon for consideration. Most of the information provided by Ms Boon was irrelevant to the article. The elements used in the article do not invade Ms Boon’s privacy and were appropriate for the nature of the article.

In summary, the evidence is that Derby News has been in full compliance with s 7.1 of the IMPRESS Standards Code.

Discrimination

Ms Boon claims in her email “I am only facing all this because I am a woman and I am standing up for other women who have been discriminated against and abused and smeared for speaking up.”

The Standards Code, in particular s4.1, states that “publishers must not make prejudicial or derogatory reference to anybody based on the following characteristics” – of which there are 10 quoted. The article makes no prejudicial comments about Ms Boon’s gender or encourages hatred by virtue of that characteristic.

The article was not written because Ms Boon is a woman – it was written because her name was on the poster document.

In summary, the evidence is that Derby News has been in full compliance with s 4 of the IMPRESS Standards Code