

Cases to read for Week 2 privacy discussion:

#### *Breach of Confidence*

- Prince Albert v Strange (1849)
- Duchess of Sussex v Mail on Sunday [2021] EWCA Civ 1810
- Douglas v Hello [2001] 2 All ER 289

#### *What a difference the Human Rights Act made...*

- Kaye v Robertson [1991] FSR 62
- Campbell v MGN [2004] 2 All ER 995

#### *The Public Interest*

- Mosley v NGN [2008] EWHC 1777
  - (contrast Naomi Campbell's case on this point)

#### *MOPI and Criminal Suspects*

- Sir Cliff Richard v BBC [2018] EWHC 1837
- ZXC v Bloomberg [2020] EWCA Civ 611
- Alaadeen Sicri v Associated News [2020] EWCA 3541

#### *Identification issues & "Think of the children!"*

- Murray v Big Picture [2007] EWHC 1908
- Weller v Associated News [2014] EWHC 1163
- Re S [2004] UKHL 47
- Edward RockNRoll v NGN [2013] EWHC 24
- PJS v NGN [2016] UKSC 26

#### *Do injunctions work?*

- AMM v HXW [2010] EWHC 2457
- CTB
- PJS

#### *Beginning to dissolve the privacy / libel division?*

- LNS (John Terry) v Persons Unknown [2010] EWHC 119 (QB)
- Alaadeen Sicri v Associated News [2020] EWCA 3541

*As time permits, we will also discuss the following question from a past examination paper:*

Eddie Brando is an Irish actor who, in early January 2024, was plucked from obscurity when he was spotted by renowned director Quantum Tortoise in a short film uploaded to WeTube, and cast in the leading role of Baz Normal in Quantum's controversial hit film, *PepperHot*. Unfortunately for Eddie, he is now discovering that fame also has its

downside, and he is upset by what he feels is unfair media intrusion into his private life.

Last week, the *Sunday Sizzle* published what it claimed to be "an expose of astounding dishonesty: the bland, unsexy Eddie Brando he doesn't want you to see!" The article contrasts Eddie's leather jacket wearing, 'rock and roll bad boy' persona as an actor with old photos of Eddie in his previous life as a tweed-wearing, serious academic called Edward Marlowe. Edward Marlowe was a Senior Lecturer in Arcane Jurisprudence at the University of Stepney in East London until 2010, when he quit academia in order to follow his dream of acting after having been persuaded to appear in several student films and having his performances widely praised. The paper includes several photographs of Edward Marlowe from this period. These photos have been taken from a mix of sources, including old university promotional materials, and an old Facespace account in the name of Edward Marlowe that Eddie still uses to keep in touch with some of his pre-fame university friends. The *Sunday Sizzle* gained access to this page by pretending to be a former contemporary of Eddie's during his PhD years. Last Monday morning, the *Sizzle's* sister paper, the *Dirty Shame*, carried another piece under the title "not so rock and roll now, eh, Eddie?" This article mocks Eddie for being "boring". It includes photos of Eddie and his wife on a street in Bow, walking to what the paper says is their local pub, accompanied by their newly-adopted rescue dog. Eddie's wife has always stayed out of the limelight and has never made a public appearance with Eddie. Eddie typically refuses to talk about her in interviews, only ever uttering "I don't talk about my relationships." This article teases a further piece to come, in which the paper promises a "revealing tell all interview with Eddie's former fiancé. She's certainly not afraid of telling us the full truth about Eddie, including what he likes in the bedroom!"

Eddie is angry with these articles which he considers to be a breach of his privacy. He feels that they are motivated by revenge, as in the early period of his acting career he appeared in a well-received stage satire as a thinly veiled parody of Rudy Morgue the owner of NewsClub Newspapers which publishes both the *Sunday Sizzle* and the *Dirty Shame*. It is well known that Rudy Morgue came to see the show and was greatly angered by it. Eddie is also concerned that his former fiancé might reveal certain intimate details of their relationship, including a fondness he had for wearing ladies fishnet stockings and a suspender belt in the bedroom. Eddie is worried that this will be done not only to spite him, but also to embarrass his now wife with his past life before meeting her, some of the details of which they have never discussed. The same former fiancé was known to Eddie and his friends as something of a loose cannon; when she and Edie split up acrimoniously in 2003, she had spread a number of false rumours about Eddie, accusing him, among other things, of having an eating disorder. Eddie fears that if this is revived, it may cost him acting work by making him seem unstable.

Eddie is very keen to pursue legal action to protect his privacy. Advise Eddie on his likely chances of success.