



Extending Privacy Law in the UK?

Following his success in the High Court against the News of the World, Max Mosley is reported to be considering a challenge to the European Court of Human Rights for a change in the law that would make it compulsory for newspapers to inform the subject of stories that there is a possibility of their publishing private information about them.

The statement from his legal team said "Without a legal or regulatory duty upon newspapers to notify an individual before the publication of private information about them, the UK has no real or effective protection in place for the right of privacy, something which it is obliged to do under the Human Rights Act".

Caroline Kean, litigation partner at Wiggin, said Mosley's European challenge showed a "very naive understanding of the way the UK courts work".

She said "The procedure that enables the courts to grant an injunction is something where courts make a snap decision based on the evidence in front of them and primarily is aimed at preserving the status quo while the parties have a longer period in which to put more detailed cases in front of the court.

Contrary to what he's saying the courts will nearly always grant an interim injunction ... it amounts to a doctrine of prior restraint that is anathema to our court process.

What is needed is that people take heed of what is in the public interest. And editors must be free to stand and fall by their own judgement".

For further details see The Press Gazette, 6 October 2008