



AIDAN WILLS

MAIN AREAS OF PRACTICE:

Public Law
Human Rights
Media and Information Law
Police Law
Prison Law
Education Law
Employment Law
Discrimination and Equality

Called to the Bar 2015

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Aidan's practice covers public law and human rights, media and information, discrimination and employment law. He has appeared in the European Court of Human Rights, Court of Appeal, High Court, Upper Tribunal (AAC), County Court, Employment Tribunals, and First-Tier Tribunal (SEN), as well as before the Parole Board and various administrative bodies.

PUBLIC LAW & HUMAN RIGHTS

Aidan's broad public law and human rights practice covers policing, prisons, education, surveillance and investigatory powers, community care, and challenges to public service closures and consultation processes. His recent cases include:

- *R (Bridges) v Chief Constable of South Wales Police* [2020] EWCA Civ 1058: a challenge to the use of live Facial Recognition technology by the police (led by Dan Squires QC).
- *R (AA) v Metropolitan Police* CO/5068/2019: concerning compliance with the PSED when deploying police officers in schools (led by Sarah Hannett).
- *R (Liberal Democrats) v ITV* [2020] 4 WLR 4: a challenge to the Liberal Democrats' exclusion from a televised election debate (led by Guy Vassall-Adams QC).
- *R (AA & BB) v Gloucestershire County Council* CO/809/2018: a challenge to a local authority's policies on Education, Health and Care Plans (led by Sarah Hannett).
- *Big Brother Watch & ors v UK* [2018] ECHR 722: concerning the UK's bulk surveillance regimes under RIPA 2000 (acted for the Bureau of Investigative Journalism, led by Gavin Millar QC).
- *R (DSD & ors v Parole Board & SSJ)* [2018] 3 WLR 829: challenges to the decision to direct the release of John Warboys and to the lack of transparency in Parole Board proceedings (led by Gavin Millar QC).
- *R (Buckingham) v Corby CCG* [2018] EWHC 2080 (Admin): a challenge to a CCG's failure to consult and a breach of the PSED when downgrading an urgent care centre (led by Sarah Sackman).
- *R (MRN) v SSHD - CO/5259/2017*: a challenge to data sharing between the NHS and Home Office, leading to the suspension of the MoU (led by Guy Vassall-Adams QC).
- *R (AA) v SSHD - CO/3947/2017*: a challenge to the detention for immigration enforcement purposes of a disabled victim of torture.

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SELECTED PUBLICATIONS

Books

Chapters on “Privacy & Data Protection in Court Proceedings, Police Investigations and Spent Convictions” and “the Right to Erasure” in *Criminal Records, Privacy and Criminal Justice System* (Bloomsbury, 2019).

Co-author of two chapters in *Online Publication Claims* (Matrix, 2018).

[Democratic and Effective Oversight of National Security Services](#) (Commissioner for Human Rights of the Council of Europe, 2015).

[International Intelligence Cooperation and Accountability](#) (edited volume with H. Born and I Leigh) (Routledge, 2011).

Journal articles

“Richard Lloyd v Google LLC - landmark judgment in representative data protection action” *Entertainment Law Review* vol. 31 issue 2.

“ML and WW v Germany - article 8 right to be forgotten and the media” (with H Tomlinson QC) *Entertainment Law Review* vol. 29 issue 7.

“Spent convictions and the right to be forgotten” *Entertainment Law Review* vol. 29 issue 6.

“The Facebook Ireland cases: intermediary liability and the safe harbour defences under the e-commerce regulations” *Entertainment Law Review* vol.28, issue 4.

“PJS v News Group Newspapers – Court of Appeal grants privacy injunction,” (with Sara Mansoori) *Entertainment Law Review* vol.27, issue 5.

Aidan’s advisory work has covered potential challenges to adult social care charging, welfare benefits schemes, council tax schemes, library and hospital closures, and consultation processes concerning changes to public services.

Aidan has experience of making urgent applications for interim relief in judicial review cases. He also has expertise in making applications to the European Court of Human Rights (ECtHR), and intervening in proceedings before the ECtHR, on issues ranging from police powers to surveillance, the use of force in immigration enforcement, and libel.

With a particular interest in the use of new technologies in policing and national security, Aidan was involved in the first case concerning the use of Facial Recognition technology and has advised on the human rights and data protection implications of Mobile Phone Extraction by police. Previously, he spent eight years doing legal policy work on national security and human rights, both at the Geneva Centre for Security Sector Governance and as an independent consultant. He has acted as a consultant to (among others) the European Parliament, the Commissioner for Human Rights of the Council of Europe, and the UN Special Rapporteur on counter-terrorism and human rights. Aidan has published widely on the regulation and oversight of security services and police, public inquiries, access to information and security sector whistleblowing.

MEDIA, DATA PROTECTION & INFORMATION LAW

Aidan’s media and information law practice spans privacy, libel, data protection, harassment, and breach of confidence. His recent/ongoing matters include:

- Advising on challenges to the publication of reports by regulators.
- Challenges to the inclusion of findings against third parties in judgments.
- A privacy and right to erasure claim against Google LLC.
- Privacy and data protection claims arising from the misuse of information by police, the prison service and local councils.
- Libel and data protection claims concerning “due diligence” services.
- *JKL v VBN* ([2019] EWHC 2227 (QB) and [2020] EWHC 458 (QB): a privacy injunction; applications for specific and non-party disclosure.
- *R (Open Rights Group) v SSHD* [2020] 1 WLR 811: a challenge to the immigration exemption in the Data Protection Act 2018 (acted for Liberty, intervening).
- *Doyle v Smith* [2019] EMLR 15: a libel case concerning the application of the public interest defence to a blogger (led by Guy Vassall-Adams QC).
- *Khan v Khan* [2018] EWHC 241 (QB): an application for an interim injunction in a harassment claim (led by Hugh Tomlinson QC).
- *Bains & ors v Moore & ors*: a privacy, confidence and DPA case concerning corporate espionage (led by Hugh Tomlinson QC).
- *Tamiz v UK* [2018] EMLR 6: on the liability of internet intermediaries (assisted with MLDI’s intervention).
- The NGN Mobile Telephone Voicemail Interception Litigation.

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With experience of data protection law in both the private and public law spheres, Aidan advises regularly on a wide range of data protection matters including data breaches (including representative claims), data sharing, international data transfers, the data protection implications of new technologies, and the right to erasure.

Aidan is regularly instructed in cases concerning the identification of anonymous publishers (including by way of Norwich Pharmacal relief and self-identification orders); relief against persons unknown; notice-and-take-down procedures; and the liability of internet service providers. Aidan has experience of information law claims with an international element, including the application of the GDPR to non-EU data controllers, claims by foreign claimants against UK-based entities, and section 9 of the Defamation Act 2013.

A pre-publication night lawyer at *The Guardian* and *The Observer*, Aidan is a contributing author to Matrix's [Online Publication Claims](#) and the co-author (with [Guy Vassall-Adams QC](#)) of an [online defamation training course](#). He has written for the *Entertainment Law Review*, *The Media Lawyer*, *McNae's*, *LexisPSL* and *The Reporter*.

Production orders, search warrants and investigatory powers

Aidan has provided advice and representation on production orders and investigatory powers touching on journalistic and source material. His recent work in this area has included:

- Representing (led by Guy Vassall-Adams QC) media organisations in the Metropolitan Police's applications for production orders under the Terrorism Act 2000 concerning the so-called "Beatles" cell.
- Advising on resisting applications for production orders under the Charities Act 2011.
- Advising on a challenge to a search warrant.
- Acting for the Bureau of Investigative Journalism (led by Gavin Millar QC) in the challenge to the UK's bulk surveillance regimes before the ECtHR.
- Advising on responses to the Law Commission's proposals on the reform of official secrecy laws, and the consultation on the Codes of Practice under the Investigatory Powers Act 2016.

(Restrictions on) open justice

Aidan acted for the media (led by Gavin Millar QC) in a leading case on open justice, *DSD & ors v Parole Board & SSJ* [2018] 3 WLR 829, which included a challenge to the Parole Board Rule prohibiting the making public of information about proceedings. He has also advised a media organisation on a challenge to restrictions on open justice in the Court of Appeal. Aidan frequently acts in privacy, data protection and public law cases in which necessary restrictions on open justice are sought.

EDUCATION LAW

Aidan's education law practice spans public law, private law and the SEN tribunals. His public law expertise includes:

- Academisation and changes to academies (including faith-based designations).

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- Alternative educational provision under section 19 of the Education Act 1996.
- The right to education under Article 2 of the First Protocol to the ECHR.
- School admissions.
- Off-rolling.
- School transportation.
- Local authority policies on the format of Education Health and Care Plans (EHCPs).
- Disputes as to the local authority responsible for SEN provision.
- Schools financing schemes.
- Issues arising from the deployment of police officers in schools.

He has appeared in FTT and Upper Tribunal appeals concerning the content of EHCPs, placements, and refusals to assess/ issue. He successfully represented the appellants in the following Upper Tribunal cases:

- *JE v Croydon HS/1120/2018*: concerning a refusal to assess.
- *GK v North Somerset [2018] UKUT 259 (AAC)*: concerning the making of provision outside term time.

Aidan represents parents challenging permanent exclusions before Independent Review Panels and governing bodies, and has served as a clerk to a governing body's disciplinary committee. He has also advised on challenges to examination results.

In the context of higher education, Aidan has acted for universities and students in claims for breach of contract and under the Equality Act 2010. Prior to his legal career, Aidan worked in both further and higher education institutions (as a student advisor at the City of Bristol College and as a research assistant at the University of Bristol).

CRIMINAL RECORDS, DISCLOSURE AND BARRING

Aidan has experience of both the public and private law aspects of the disclosure of information arising from criminal investigations and convictions, including:

- Appeals against DBS barring decisions.
- Challenges to the content of Enhanced Criminal Records Certificates and decisions of the Independent Monitor.
- Privacy and data protection claims arising from the publication of information about police investigations and spent convictions.
- Exercising the right to erasure against primary publishers and search engine operators, including through civil claims and complaints to the ICO.
- Advising on a public law challenge to a Notification Order under the Sexual Offences Act 2003.
- Securing the amendment of a Notification Order under the Magistrates' Court's civil slip rule jurisdiction.

Aidan has contributed chapters on erasure, privacy and data protection to the recently published practitioners' text Jones & Jones, *Criminal Records, Privacy and Criminal Justice System* (Bloomsbury, 2019). In 2019 he co-

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organised an interdisciplinary conference on this topic, bringing together public, criminal and information law specialists.

PRISON LAW

Aidan's public law prison work has covered issues ranging from (re)categorisation decisions to segregation, access to faith-related services, close supervision centres, licence conditions, release on Home Detention Curfew, and decisions of the Parole Board. Aidan was instructed (led by Dan Squires QC) in *R (Elsemaid) v SSJ - CO/2608/2018*, a systemic challenge to the failure to give meaningful reasons to segregated prisoners, which led to the SSJ agreeing to provide further training and to require that local Segregation Monitoring and Review Groups monitor the adequacy of the reasons given. He is instructed in an ongoing judicial review concerning the Separation Centre system.

Aidan's private law prison work has covered challenges to the misuse of a prisoner's personal data, segregation, restrictions on collective worship, and assaults on prisoners. He also represents prisoners before the Parole Board.

EMPLOYMENT LAW

Aidan has experience of claims concerning unfair dismissal: unlawful deduction of wages; redundancy payments; TUPE transfers; discrimination on the grounds of sex, race and disability; harassment; victimisation; whistleblowing; and the Fixed-term Employees Regulations. He has also worked on complex jurisdictional and conflict of laws issues in the employment field. Aidan was junior counsel for the appellant in *Moorthy v HMRC* [2018] 3 All ER 1062 (CA), a case concerning the taxation of injury to feelings awards.

Before coming to the Bar, Aidan worked on whistleblower protection in the national security field and was heavily involved in drafting the public interest disclosure principles in the [Global Principles on National Security and the Right to Information \(Tshwane Principles\)](#). He also volunteered at Public Concern at Work (working on whistleblowing policy) and at South West London Law Centres (where he worked on employment cases).

EDUCATION

Graduate Diploma in Law (Dist), BPP University, London.

Master of International Affairs, Graduate Institute of International and Development Studies (distinction equivalent), Geneva, Switzerland.

BA Politics (First Class Hons), University of Nottingham.

LANGUAGES

French (advanced)

OTHER

Aidan is an ADR Group Accredited Civil & Commercial Mediator.

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Aidan is regulated by the Bar Standards Board and accepts instructions under Standard Contractual Terms. To find out more information on this and the way we work at Matrix, including our fee transparency statement, please see our [service standards](#).