



HUGH TOMLINSON QC

MAIN AREAS OF PRACTICE:

Arbitration
Civil actions against the police
Commercial and corporate law
Crime and regulatory
Human rights law
Media and Information
Public and private International law
Public law

Called to the Bar 1983

Appointed to Silk 2002

CONTACT:

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Manager
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Hugh has a wide-ranging practice in both private and public law. He is a noted specialist in media and information law including defamation, confidence, privacy and data protection. His practice also includes advisory work and litigation in the freedom of information field. He is joint author of the leading practitioner texts on the law of human rights and on civil actions against the police. Hugh is highly rated by the directories in defamation and privacy, data protection civil actions against the police and commercial dispute resolution. He is a regular participant in Council of Europe human rights judicial training seminars.

In addition to his media and human rights work, Hugh is regularly instructed in substantial commercial, professional negligence and construction disputes. He acts as an ICC arbitrator and is an accredited mediator.

In 2015, Hugh was the winner of the Legal 500 award as “IP, IT and Media Silk of the Year” and the Chambers and Partners Award as “Defamation Silk of the Year”.

RECENT CASES INCLUDE:

Media and Information

Vidal-Hall v Google Inc [2015] 3 WLR 409 (Acted for the claimants in an application for permission to serve out in claim for misuse of private information and in data protection against Google. In a landmark decision Court of Appeal disapplied section 13(2) of the Data Protection Act 2013, allowing claims for distress damages to be made without proof of loss. Court also held that misuse of private information is a tort. Appeal against section 13(2) decision to be heard by the Supreme Court in October 2016)

Ahuja v Politika Novine [2015] EWHC 3380 (QB) (first case on service out of the jurisdiction under section 9 of the Defamation Act 2013)

OPO v Rhodes [2015] 2 WLR 1373 (Acted for defendant on a claim for an injunction in the tort of intentional infliction of mental suffering preventing the publication of a book. The Supreme Court discharged the injunction and clarified the elements of the tort)

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DIRECTORIES' RECOMMENDATIONS

HERES WHAT THEY SAY

Chambers & Partners, 2019
(Data Protection)

“He is so receptive to new ideas, and to exploring the scope and applicability of data protection law to unusual problems.”, “Hugely knowledgeable, he always has the confidence of his clients.”

Chambers & Partners, 2019
(Defamation & Privacy)

“A true expert in this field. He gives succinct, practical advice which is invaluable.”, “The go-to privacy silk. He has led the new era of reputation management.”

Legal 500, 2018 (IT and Telecoms)

“He is one of the leading data protection experts in the context of privacy and reputation management cases.”

Chambers & Partners 2018
(Data Protection)

“He has a genuine passion for the law, and is approachable and client-friendly.”, “His instincts are very good, and he’s also very calm, which is an enormous asset.”

Legal 500, 2018 (Media & Entertainment)

“He is superb in this area.”

Max Mosley v Google Inc [2015] EWHC 59 (QB) (permission to serve data protection proceedings out of the jurisdiction granted, case subsequently settled)

ZYT v Associated Newspapers [2015] EWHC 1162 (QB) and **AMC v News Group Newspapers [2015] EWHC 2361 (QB)** (Acted for the claimants in these two privacy injunction cases, the only privacy injunctions granted against media defendants in 2015)

Cooke v MGN [2014] EWHC 2831 (QB) (The first case on the meaning of “serious harm” under section 1 of the Defamation Act 2013)

Heggin v Persons Unknown [2014] EWHC 2808 (QB) (permission to serve data protection proceedings on Google in California, case subsequently settled on eve of trial)

Various Claimants v News Group Newspapers [2014] Ch 400 (application concerning the test to be applied on an application for a Norwich Pharmacal order in the phone hacking litigation)

R v Marines A to E [2013] EWCA Crim 2367 (application for anonymity orders in relation to British soldiers convicted of murdering a wounded Afghan insurgent)

Other areas of work:

Liberty and others v Security Services [2015] 3 All ER 142 (Acted for Amnesty International on claim concerning the legality of interception by the security services under s.8(4) of RIPA)

R (Ingenious Media) v HMRC [2015] EWCA 173 (application for judicial review of a decision by HMRC to provide information concerning the claimants to the media, appeal to the Supreme Court pending)

R (Hitchen) v Oxford Magistrates Court [2015] EWHC 271 (Admin) (judicial review of decision concerning the removal of a driving licence of a 78 year old woman on the basis of undiagnosed “age related cognitive impairment”)

Eurasian Natural Resources Corp v Sir Paul Judge [2014] EWHC 355 (QB) Director’s duties to delivery up documents, implied terms)

Other notable cases include:

Animal Defenders International v United Kingdom (2013) 57 EHRR 21 (Grand Chamber of European Court of Human Rights decision on compatibility of restrictions on political advertising with Article 10 of Convention)

H v News Group Newspapers [2011] 1 WLR 1645 (Leading case on anonymity orders in civil cases)

K v News Group Newspapers [2011] 1 WLR 1827 (Privacy injunction case dealing with the rights of children and other third parties)

Clift v Slough Borough Council [2009] EWHC 1550 (QB) (important case on the relationship between qualified privilege and the duties of public authorities under Article 8)

Corporate Officer of the House of Commons v Information Commissioner [2009] 3 All ER 403 (freedom of information case in which Hugh acted for the applicant who succeeded in obtaining full disclosure of MPs expenses)

In re Trinity Mirror [2008] QB 770 (a leading case concerning reporting restrictions relating to the children of defendants in criminal cases)

HRH Prince of Wales v Associated Newspapers [2008] Ch 57 (the case concerning the Prince of Wales travel journals)

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PUBLICATIONS

Lender Claims, with T Grant (Sweet & Maxwell, 2010)

Civil Actions Against the Police, with R Clayton (Sweet & Maxwell, 3rd Edition, 2004)

The Law of Human Rights, with R Clayton, (Oxford University Press, 2nd Edition, 2009)

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