

CATRIN EVANS KC



MAIN AREAS OF PRACTICE:

Commercial Law
Civil Liberties and Human Rights
Court Order Affecting the Media
Data Protection
Defamation and Privacy
Harassment
Investigations
Media and Information Law
Public Law: Information, Data, Privacy

Called to the Bar 1994
Appointed to Silk 2016

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K – for defendant sisters in #metoo privacy, data and libel claim about allegations of sexual assault.

Appleby Global Group LLC v BBC [2018] EMLR 14 – For the BBC in mass data leak breach of confidence claim relating to its investigation into the 'Paradise Papers' and off-shore finance industry.

NT1/NT2 v Google LLC [2018] 3 WLR 116 – For Google LLC (with Antony White KC) in data protection and privacy "right to be forgotten" claims; the first trials of such claims in England and Wales since the ECJ's "Google Spain" decision.

Various Claimants v News Group Newspapers Ltd (2017) – For respondent Rebekah Brooks in third party disclosure application brought by claimants in ongoing phone hacking/privacy claims against *The Sun*.

Richardson v Google Inc. [2016] EWHC 1534 (QB) – For Google Inc. in defence of privacy and data protection claims and in an application for an Extended Civil Restraint Order.

Kutcher & Kunis v Associated Newspapers Ltd (2015-2016) – For MailOnline (with Antony White KC) in data protection and misuse of private information claim by married actors and their child relating to publication of photos in California.

Axon v Ministry of Defence v News Group Newspapers Ltd [2016] EWHC 787 (QB) – Junior for *The Sun* newspaper (with Antony White KC) in trial of privacy and indemnity claims arising from Metropolitan Police Operation Elveden investigation.

Paul Weller v Associated Newspapers Ltd [2016] EMLR 7 – Junior counsel for Mail Online (with Antony White KC) in privacy claim by the well-known musician; raised important developing issues re privacy/images/children.

Vidal-Hall v Google Inc [2016] QB 1003 and [2014] 1 WLR 4155 – Junior for Google Inc. (with Antony White KC) in landmark case raising two important issues of law: is misuse of private information a tort; and can distress damages be claimed as of right under s.13 Data Protection Act 1998? Claim alleging privacy and data protection breaches from use of online cookies.

Hannon & Dufour v News Group Newspapers Ltd [2015] EMLR 1 – Junior for *The Sun* newspaper in privacy claims arising from Operation Elveden.

Trushin v National Crime Agency [2014] EWHC 3551 – For NCA in claim by Russian businessman raising what Foskett J described as potentially important wider issues about NCA's role as data controller and its obligations as a public authority viz claimant's Article 8 rights.

Heggin v Google Inc. (2014) – Junior for Google Inc. in injunction claim and first English 'application of ECJ 'right to be forgotten'; led by Andrew Caldecott KC.

Leveson Inquiry (2011) – Adviser to major media organisation.

Lily Allen v Big Pictures (2009) – For Big Pictures picture agency in harassment/privacy injunction application.

Lord Browne v Associated Newspapers Ltd [2008] QB 103 – For defendant with Victoria Sharp KC and Aidan Eardley in successful resistance of privacy injunction appeal by the chairman of BP.

Cream Holdings v Banerjee [2005] 1 AC 253 – Breach of confidence: junior for defendants in important House of Lords decision for freedom of expression under HRA.

Lord Coe v Associated Newspapers Ltd (2004) – For defendant in successful resistance of urgent application for interim privacy injunction.

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Naomi Campbell v MGN Ltd [2004] 2 AC 457 – Junior to Andrew Caldecott KC and Antony White KC for the claimant in landmark House of Lords decision on privacy.

Victoria and David Beckham v Niblett & Michael O'Mara Books Ltd (2000) – Acted for Beckhams' chauffeur/publisher's source in breach of confidence injunction claim.

DEFAMATION, MALICIOUS FALSEHOOD

Hijazi v Yaxley-Lennon – for claimant Syrian refugee (with Ian Helme) in libel trial against Tommy Robinson

Wright v McCormack - for a blogger journalist (with Ben Silverstone), in cause celebre libel case over Tweets alleging that the claimant's claim to be Satoshi Nakamoto, the creator of the Bitcoin cryptocurrency, was fraudulent.

Bindel v Pink News - for the LGBT online news publication Pink News (with Ben Silverstone), being sued for libel by feminist journalist Julie Bindel

Ansari v Amini, Google Ireland Ltd, Google LLC – for Google in libel, breach of confidence and data protection case related to search results

Ward v Associated Newspapers Ltd [2020] EWHC 2797 (QB) – for Mail on Sunday in libel claim related to historic criminal proceedings

Greensill Capital (UK) Ltd & Lex Greensill v Reuters News & Media Ltd [2020] EWHC 1325 (QB) – for Reuters in libel claim about a statement issued by Greensill Capital in relation to bonds sold by Sanjeev Gupta; claims discontinued after preliminary ruling on meaning

Carruthers v Associated Newspapers Ltd [2019] EWHC 33 (QB) – For Mail Online in libel, privacy and DPA claims: determination that words consisted of opinion; summary judgment for the defendant.

Morgan v Associated Newspapers Ltd (No.1) [2018] EWHC 1850, (No.2) [2018] EMLR 25 and (No.3) [2018] 12 WLUK 96 – For the Daily Mail/Mail Online in libel claim determining issues as to meaning, scope of honest opinion and summary judgment/strike out.

Melania Trump v Associated Newspapers Ltd (2016-2017) – For MailOnline in defence of the libel claim by the First Lady of the United States

Nick Brown MP v Bower & Faber & Faber Ltd [2017] 1 WLR 4703 – For the defendants in libel claim by Shadow Chief Whip in relation to a passage in book about the Blair Government and whether serious harm to reputation should be tried as preliminary issue.

Ahmed v Express Newspapers and Associated Newspapers Ltd (2017) – For ANL in strike out of libel claim; relevance of recent criminal conviction.

Rowland v Mitchell (2013-2015) – Junior counsel for police officer who successfully sued Andrew Mitchell MP for libel over the 'Plebgate affair'.

Prince Alwaleed Bin Talal Bin Abdulaziz Al Saud v Forbes LLC (2013-2015) – for American publisher in libel claim concerning the 'Forbes Billionaires' List'.

Fox v Boulter [2013] EWHC 4012 (QB) – For Ministry of Defence and Cabinet Office in successful resistance of third party disclosure application in libel litigation brought by Dr Liam Fox.

Karpov v Browder [2013] EWHC 3071 (QB) – Junior for defendants in successful strike out of libel internet publication claim about the death of a whistleblower in Russian custody and allegations of a \$230m tax fraud.

Tamiz v Google Inc [2013] 1 WLR 2151 – Junior for Google in successful resistance of appeal against strike out for abuse of process but which did not

uphold the decision below that Google is not liable at common law or in statute for defamatory words posted by bloggers ([2012] EMLR 24).

Tamiz v Guardian Media Ltd [2013] EWHC 2339 (QB) – For defendant newspaper in successful strike out of libel claim on grounds including abuse of process.

Tesla Motors Ltd v BBC [2013] EWCA Civ 152 – For the BBC led by Andrew Caldecott KC in successful strike out of libel and malicious falsehood claims arising from the 'Top Gear' programme. Also below: [2012] EWHC 310 and [2011] EWHC 2760.

Bento v Bedfordshire Police (2012) – For defendant police force, led by Richard Rampton KC, in libel action about a murder conviction and later acquittal; also Court of Appeal decision as to whether should be jury trial.

Thornton v Telegraph Media Group Ltd [2012] EMLR 8 – Junior for *Daily Telegraph* in trial of offer of amends, malice and malicious falsehood arising on a book review.

Morrissey v McNicholas [2011] EWHC 2738 – Strike out for want of prosecution/abuse application - for NME music magazine in claim brought by the singer Morrissey.

Metropolitan International Schools Ltd v Design Technica Corp and Google Inc [2009] EMLR 27 – Junior counsel for Google Inc (with Antony White KC) in important ruling that Google is not a publisher at common law in respect of search results generated by its search engine.

Bray v Deutsche Bank AG [2009] EWHC 1356 (QB) and [2008] EMLR 12 – For defendant bank with Andrew Caldecott KC in case about a press release and rulings on summary judgment applications in relation to qualified privilege and malice.

Lord Stevens v Sunday Life and Lord Stevens v Sunday World (2008-2010) – Junior counsel for 20 claimants in libel claims in the Northern Ireland High Court against two newspapers over allegations arising from the Lord Stevens Inquiry into the murder of Patrick Finucane.

Bond v BBC [2009] EWHC 539 (QB) – For BBC with Andrew Caldecott KC in preliminary trial of meaning by judge alone in respect of a *Panorama* programme about allegations of 'bung' taking into football.

Tesco Stores (UK) Ltd v Guardian News & Media Ltd [2009] EMLR 5 – For *The Guardian* newspaper, led by Andrew Caldecott KC, in important offer of amends case.

Paul McKenna v MGN Ltd [2006] EWHC 1996 (QB) – Junior for the *Mirror* newspaper in a case brought by the well known hypnotist in which the justification defence failed at a trial by judge alone.

Sir Elton John v Associated Newspapers Ltd (2006) – For the *Daily Mail* in an offer of amends case.

Kieren Fallon v MGN Ltd [2006] EWHC 783 (QB) – For the *Racing Post*, led by Richard Hartley KC, in a claim about race fixing allegations.

Greene v Associated Newspapers Ltd [2005] (QB) 972 – For defendant in important decision on libel injunctions and the Human Rights Act, at first instance and, with Andrew Caldecott KC, in Court of Appeal.

Taylor -v- Director of the Serious Fraud Office & ors [1999] 2 AC 177, HL – Junior for the SFO and the Law Society in case in the Court of Appeal and House of Lords establishing immunity from suit for police investigators.

HARASSMENT, DEFAMATION

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Suttle v Walker (2019) Jan 2019, Nicklin J – for claimant in harassment, libel and DPA claim; £55,000 damages and injunction as a result of campaign of cyber-bullying on Facebook

EMPLOYMENT, DATA PROTECTION

Cooper v National Crime Agency [2019] EWCA Civ 16 – For NCA in unfair dismissal and data protection claims arising from NCA use of police information in connection with employee disciplinary proceedings; successful resistance of appeals.

MEDIA REPORTING RESTRICTIONS/ CONTEMPT OF COURT/ COMMITTALS

R (on the application of TT) v Registrar General for England and Wales [2019] EWHC 1823 (Fam) – acted for transgender father applicant seeking to retain anonymity in public law proceedings related to description as ‘mother’ on child’s birth certificate.

Attorney-General v Random House Group Ltd [2009] EWHC 1727 (QB) – For Random House in contempt injunction proceedings in relation to a published book deemed to pose a substantial risk to the course of justice in an ongoing terrorist trial.

Attorney General v Smith [2008] EWHC 250 (Admin) – Acted for the Attorney General in RSC Order 52 committal proceedings in Divisional Court; respondent received 3 month custodial sentence for interfering with the administration of justice by impersonating a litigant in the county court.

Haw & Tucker v City of Westminster Magistrates Court [2008] QB 888 – Acted for City of Westminster Magistrates Court in a case in the Divisional Court which determined the correct statutory route for appeals from committals for contempt in the magistrates court.

R v Hamer (2006) – For media organisations in successful application in Manchester Crown Court to lift section 39 reporting restriction in relation to juvenile convicted of murdering a fellow pupil.

AG v Pelling [2005] EWHC 414 (Admin) – For Attorney General in committal proceedings led by Andrew Caldecott KC.

AG v Express Newspapers (2004) – For defendant, led by Andrew Caldecott KC, in prosecution under Contempt of Court Act.

The Clywch Inquiry (2003) – For BBC in successful application to the Children’s Commissioner for Wales to lift reporting restrictions in child abuse inquiry.

R v Great Grimsby Crown Court, ex parte Littlewood, Court of Appeal (Criminal Division), (2002) A LL ER (D) 328 (Feb) – Acted for successful newspaper when Court of Appeal upheld Crown Court refusal to grant anonymity order to defendant accused of sex offences in children’s homes. Also acted for the newspaper in the Divisional Court in the defendant’s unsuccessful application for permission to bring judicial review of Crown Court decision.

FREEDOM OF INFORMATION

Cieslik v Information Commissioner and Ors (2015) – For Dept for Transport in First-tier Tribunal appeal under FOIA and the Environmental Information Regulations.

Department for Culture Media & Sport v Information Commissioner [2008] UKIT EA 2007/0090 – For DCMS (with Jonathan Swift) in successful appeal from the IC's decision to order disclosure of information engaging the exemptions in s35(1)(a) and (b) of FOIA (ministerial communications and minister/civil servant communications).

Tanner v Information Commissioner [2008] UKIT EA 2007/0106 – For HM Revenue & Customs in successful application of summary disposal procedure under the Information Tribunal (Enforcement Appeals) Rules 2005. First specific guidance from the Tribunal on this procedure.

McIntyre v Information Commissioner and Ministry of Defence (2008) – Acted for the additional party in FOIA appeal to the Information Tribunal in relation to the exemption in section 36(2).

Meunier v Information Commissioner and National Savings and Investments [2007] UKIT EA 2006 0059 – For additional party in FOIA appeal to the Information Tribunal on the exemption in section 44.