

CATRIN EVANS

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Call: 1994

Silk: 2016

SPECIALISATION

- Privacy laws
- Data protection
- Internet law
- Defamation
- Media injunctions
- Contempt of court
- Reporting restrictions
- Protection of sources/production orders
- Freedom of information
- Harassment
- Malicious falsehood/trade libel
- Human rights law, particularly relating to privacy, data privacy and freedom of expression
- Media- and information-related judicial review and regulatory work

Catrin Evans QC has a wide-ranging practice in the higher courts within the media and information law fields and was for many years, before taking silk in 2016, star- or top-ranked in the legal directories as a leading junior. In 2008 and 2015 she won the Chambers & Partners Bar Awards Junior of the Year for Defamation/Privacy. She was on the Attorney-General's A Panel of junior counsel.

In addition to defamation and other claims involving false, intrusive or damaging publications she has particular expertise in European Convention freedom of expression and privacy laws, having been involved in many of the developing Articles 8 & 10 cases since the Human Rights Act came into force. This includes the House of Lords cases of *Naomi Campbell v MGN Ltd* (established the modern tort of misuse of private information) and *Cream Holdings v Banerjee* (defined the test for injunctive relief under s.12 of the HRA), and *Greene v Associated Newspapers Ltd* (reaffirmed the special protection for freedom of expression against interim injunctions in libel cases) and *Weller v Associated Newspapers Ltd* (privacy rights of children of celebrities).

In recent years Catrin has also been dealing with the growing number of claims arising from online communications and users' data privacy rights, particularly those with an international jurisdiction angle. Reported examples have included *Metropolitan International Schools v Google Inc* (search engine not liable for defamatory results), *Tamiz v Google Inc* (blogger host not liable for defamatory posts), *Vidal-Hall v Google Inc*. (various data privacy issues related to the placing of cookies on browsers), and *Heggin v Google Inc* (the first 'right to be forgotten' case brought in the English courts). She also advises broadcasters, newspapers and corporates on data privacy issues pre- and post-publication.

Catrin also deals with media reporting restrictions, police production orders and related freedom of speech matters in all courts and appears in the Divisional Court on committal applications and other contempt related matters (both the media and non-media variety).

Catrin advises on Freedom of Information Act requests and acts in appeals to the Information Rights Tribunal (again both the media and non-media variety and as appellant and respondent). She also handles media regulatory work.

RECOMMENDATIONS AND AWARDS/NOMINATIONS

AWARDS

In addition to winning the **Chambers & Partners award for Junior of the Year in Defamation/Privacy** in 2008 and 2015, Catrin has been nominated for that award on 4 other occasions since 2006.

DIRECTORIES

Catrin is ranked in the following categories: Defamation/Privacy and Data Protection in **Chambers and Partners** and Defamation/Privacy, Media & Entertainment and Data Protection in the **Legal 500**.

Among the epithets over the years Catrin is said to have 'Superb analysis and an eye for detail which produce excellent performances in court.' (**The Legal 500 - Defamation and Privacy 2015**); "is good with clients", and is "very calm, assured and analytical" (**Chambers and Partners 2015 - Defamation/privacy**); is "clever, efficient" and "a great strategic thinker" (**Chambers and Partners 2015 - Data Protection**); is "an exceptional barrister and a delight to work with" (**The Legal 500 2014**); "her style of advocacy is very effective - clear, not pompous; confident, not arrogant. Clients like her." (**Chambers and Partners 2014 - Defamation/Privacy**); and "she is just brilliant. Friendly and approachable, she always makes herself available"; "Catrin is one of my first ports of call. I trust her judgement and she is good and quick on her feet. You get the complete package with her"; and "she keeps a calm head in a storm." (**Chambers and Partners 2014 - Data Protection**); "probably the junior of choice for media defendants" (**The Legal 500 2013/14**), "an absolutely superb advocate who is calm, thoughtful, persuasive and highly committed" (**Chambers and Partners 2013**); praised as "great on her feet" and "one of the best juniors at her level" (**Chambers and Partners 2012**).

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

BA (Hons) (First Class), English Literature, University of Essex
Common Professional Examination (postgraduate law diploma), South Bank University, London
Inns of Court School of Law, London
Pupillage - 1994-95: 1 Brick Court (media) & 1 Middle Temple Lane, Chambers of Dines & Trollope QC (crime)
1995- Tenant - 1 Brick Court

Privacy/breach of confidence/data protection

- *Axon v Ministry of Defence v News Group Newspapers Ltd* [2016] – Junior for the *Sun* newspaper in trial of privacy and indemnity claims arising from Metropolitan Police Operation Elveden investigation.
- *Paul Weller v Associated Newspapers Ltd* [2016] EMLR 7 - Junior for Mail Online in privacy claim by the well know musician; raised important developing issues re privacy/images/children.
- *Vidal-Hall v Google Inc* [2015] 3 WLR 409 and [2014] 1 WLR 4155 – Junior for Google Inc in landmark case raising 2 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.
- *Hegglin v Google Inc.* (2014) - junior for Google Inc. in injunction claim and first English 'application of ECJ 'right to forget'; led by Andrew Caldecott QC.
- 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 QC 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.
- *Naomi Campbell v MGN Ltd* [2004] 2 AC 457 – junior to Andrew Caldecott QC 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

- *Rowland v Mitchell (2013-2015)* - junior 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 QC 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 QC, 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 Designtecnica Corp and Google Inc* [2009] EMLR 27 – Junior counsel for Google Inc 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 QC 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 2 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 QC 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 QC, in important offer of amends case.
- *Paul McKenna v MGN Ltd* [2006] EWCH 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 QC, 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 QC, in Court of Appeal.
- *Taylor -v- Director of the Serious Fraud Office & ors* [1999] 2 AC 177, HL: libel and slander – 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.

Media reporting restrictions, contempt of court and committals

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

- *AG v Pelling* [2005] EWCH 414 (Admin) – for Attorney General in committal proceedings led by Andrew Caldecott QC.
- *AG v Express Newspapers* (2004) – for defendant, led by Andrew Caldecott QC, 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) ALL 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.

Miscellaneous

- *Weir v Department of Transport* (Railtrack shareholder trial) (2005) – for respondent Office for National Statistics in successful resistance of application brought by class action claimants for documents relating to allegations of malice against Stephen Byers (former Secretary of State for Transport).
- *Rupert Allason v Random House UK Ltd* [2003] All ER (D) 328 (Oct), Ch.D - copyright - freezing injunction - for defendant in successful application for release from an undertaking so as to rely on documents for an application outside the jurisdiction.
- *Blue Underground v British Board of Film Classification*, 2002 – junior for the Board in successful resistance of appeal to Video Appeals Committee over classification of a sexually violent video.
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PUBLICATIONS AND SEMINARS

Catrin is happy to take part in seminars or workshops on any subject within her fields. Examples of previous seminars include privacy laws and photographs of children; new provisions for website operators in the 2013 Defamation Act (autumn 2013), "Reporting restrictions and privacy rights", Justice conference (2009); "Freedom of Information Act – How It Operates and Early Lessons"; "Privacy after Naomi Campbell"; ; ; "Data Protection and Privacy Laws for Media Defendants", "Privacy Rights in the Work Place", "The Offence in

Section 55 of the Data Protection Act –Unlawful Obtaining of Personal Data”.

Author of the 2002 Issue of Atkin’s Court Forms (Butterworths) title on Confidence, Privacy and Data Protection and co-author with Sarah Palin of the 2006 issue (with comprehensive text and precedents on breach of confidence, privacy, the Data Protection Act 1998 and the Regulation of Investigatory Powers Act 2000).

OTHER INFORMATION

Member of the Bar Pro Bono Unit

INTERESTS

Theatre, ballet, film, visual arts