

AIDAN EARDLEY

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Call: 2002

SPECIALISATION

- Defamation and other claims involving the publication of false information
- Privacy and breach of confidence
- Freedom of Information
- Data Protection
- Contempt of Court
- Harassment
- Media Injunctions
- Reporting restrictions
- Media-related human rights law

Aidan has a broad practice encompassing all aspects of media and information law. His clients have included national newspapers, broadcasters, magazines and book publishers, MPs, celebrities, trade unions, police officers, government departments, public authorities, website operators, regulatory bodies and large and small companies. He has appeared in courts and tribunals at every level of seniority.

Aidan is a member of the Attorney General's A Panel of Counsel.

RECOMMENDATIONS

Recommended as a leading junior in Chambers and Partners 2017 for Defamation/Privacy & Data Protection and also The Legal 500 2016 Defamation & Privacy and Data Protection. Nominated for Junior of the Year in Defamation/Privacy in 2011 and winner of Defamation/Privacy Junior of the Year 2013 at the Chambers and Partners Bar Awards.

Outstanding reputation for media law matters with a strong track record acting both for and against the media. He draws praise for his understanding of the DPA and his strong advocacy skills. "He is very impressive and provides very good advice on privacy." **Chambers and Partners 2017 Defamation/Privacy**

Rises to the top rank of juniors this year in data protection and information law on the back of a growing appreciation of his expert counsel in a range of critical issues in the field, often on behalf of news media organisations. "He is very good; he is very clever, very hard working and has supreme legal knowledge." "He is very knowledgeable in data protection and gives good advice on the options." **Chambers and Partners 2017 - Data Protection**

He has a very thorough approach and is always on top of the detail. **The Legal 500 2016 - Defamation/Privacy**

He is fiercely bright and his advice is trusted and valued by clients. **The Legal 500 2016 - IT and telecoms (including data protection)**

Respected junior who represents national newspapers, celebrities, public authorities and businesses, as well as co-authoring leading commentary within the field. "He has an exceptional brain combined with a first-class work ethic." "He has a superb knowledge of the law and good judgement." "He is very well regarded - he's feisty, extremely nice and provides very good advice on privacy." **Chambers and Partners 2016 - Defamation/Privacy**

Accomplished junior counsel with a well-respected practice focused on media and entertainment law, and the publication and information based issues central to it. He often appears on behalf of The Guardian in freedom of information actions, and also provides advice to local authority organisations. *"He is very sensible, very shrewd and tactically aware."* *"Aidan is very clever and very competent."*
Chambers and Partner 2016 – Data Protection

'He is very experienced, has good commercial instincts and looks for sensible solutions.'
The Legal 500 2015 – Defamation and Privacy

A very sound junior.'
The Legal 500 2015 – Data Protection

Aidan has acted in cases of substantial weight and significance in the defamation field in the last year. Solicitors instruct him not only for his impeccable legal knowledge but also for his affable manner when dealing with clients. *"Superb knowledge of the law."* *"He has an exceptional brain combined with a first-class work ethic. His advice is commercial yet carefully measured."*
Chambers and Partners 2015 – Defamation and Privacy

Aidan is a widely acknowledged expert in high-profile FOI and data protection-related media matters. *"Aidan has a modest, unassuming and understated presence, which works well in a tribunal environment, but he is also robust and knows the points he wants to argue."*
Chambers and Partners 2015 – Data Protection

'Head and shoulders above most in his field.'
The Legal 500 2014 - Defamation and Privacy

'Recommended for his information law and media/privacy expertise.'
The Legal 500 2014 – Defamation and Privacy

A supremely confident lawyer, who is lauded for his technical ability. Sources are quick to point out, however, that his obvious scholastic ability does not mean he is unaware of the realities of commerciality, and praise his understanding of clients' needs. *"Always gives sensible, commercial and timely advice."* *"He has exceptional brainpower and a first-class work ethic. His advice is commercial yet carefully measured."*
Chambers and Partners 2014 – Defamation and Privacy

Represents a wide range of clients in matters in this field, as well as in wider media law. These clients include national newspapers and broadcasters, well-known personalities and trade unions. *"Aidan is very responsive. I trust his judgement completely and he is very easy to deal with. You know what you are getting from him: first-class service. Also, he is very client-friendly."* *"He is strategic, bright and extremely hard-working. He is good to have on-side."* *"I would describe him as a quite cerebral lawyer. He is very thoughtful and measured and inventive legally. Very much a lateral thinker, he thinks outside the box."*
Chambers and Partners 2014 – Data Protection

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

B.A. (Hons) (First Class) French and Philosophy, Merton College, Oxford

Distinction, CPE (postgraduate law diploma) City University, London

Outstanding, BVC (Bar Vocational Course) Inns of Court School of Law

Awarded Scarman Prize (for 2nd highest BVC results at ICSSL, 2002), Student of the Year award and Buchanan Prize (for highest BVC results at Lincoln's Inn, 2002), Denning Scholarship (Lincoln's Inn, 2001), Hardwicke Entrance Scholarship (Lincoln's Inn, 2000)

Pupil at One Brick Court 2002-3

Tenant at One Brick Court from 2003

RECENT/NOTABLE CASES

Defamation

- *Bukovsky v CPS* [2016] EWHC 1926 – successful defence of libel claim brought in respect of CPS press release announcing criminal charges against well-known Soviet dissident. See also [2015] EWHC 4115.
- *Simpson v MGN Ltd* [2016] EWCA Civ 772; [2015] EWHC 77 – junior counsel for successful claimant in trial of meaning as a preliminary issue and strike out of justification defence. Reversed on appeal.
- *Ibru v various media defendants* (2015/16) – counsel for the defendants. Strike out of multiple libel claims followed by successful application for Extended Civil Restraint Order.
- *Cruddas v Calvert & Others* (2013-2015) – junior counsel for defendants in libel/malicious falsehood claim against The Sunday Times and two of its journalists, including successful interlocutory appeal and successful appeal against finding of liability in libel: [2014] EMLR 5; [2015] EMLR 16.
- *Contostavlos v News Group Newspapers Ltd* [2014] EWHC 1339 – junior counsel for successful claimants in trial of meaning as a preliminary issue.
- *El Naschie v Macmillan Publishers Ltd* [2012] EWHC 1809 – junior counsel for defendants in successful defence of libel claim (justification, fair comment, *Reynolds* privilege).
- *Khader v Aziz* [2011] EMLR 2 – for 2nd defendant at first instance and in Court of Appeal. Successful application for summary judgment/strike out.
- *Timtchenko v The Economist Newspaper Ltd* (2009) – junior counsel for defendant. Settled.
- *Rath v Guardian News & Media Ltd* (2008) – junior counsel for defendants. Discontinued by claimant.
- *Sheffield Wednesday FC Ltd & Ors v Hargreaves* [2007] EWHC 2375 – successful *Norwich Pharmacal* application against website operator.
- *Polanski v The Condé Nast Publications Ltd* [2005] 1 WLR 637 – 2nd junior counsel for defendant in House of Lords. Decision on claimant's right to give evidence from abroad by video link.
- *Wood v CC West Midlands Police* [2004] EMLR 20 – 2nd junior counsel for defendant in Court of Appeal. Appeal on qualified privilege and addition of slander claim out of time

Privacy/Confidence

- *Sir Cliff Richard, OBE v BBC & Chief Constable of South Yorkshire Police* – junior counsel for BBC in Sir Cliff Richard's claim concerning coverage of a police investigation (no longer pursued) into an allegation of sexual assault on a child.
- *Price v Powell & Ors* – for claimant, including successfully resisting summary judgment application and application for trial on preliminary issue. Settled. [2012] EWHC 3527; [2013] EWHC 1325.
- *WXY v Gewanter & Ors* – for successful claimant in privacy/harassment action. Claimant awarded permanent injunction and substantial damages against third defendant and substantial third party costs order against his funder; settlement with other defendants: [2012] EWHC 496; [2012] EWHC 1490; [2012] EWHC 1601; [2012] EWHC 3184; [2013] EWHC 589.
- *Gora v Gora* (2010) - for successful claimant. Claim concerning alleged secret recording of telephone conversations. Settled at trial with payment of damages and costs.
- *Lord Browne of Madingley v Associated Newspapers Ltd* [2007] 3 WLR 289 - junior counsel for successful defendant in High Court and Court of Appeal. Injunction application.
- *Green Corns Ltd v Claverley Group Ltd* [2005] EMLR 31 - junior counsel for defendants. Injunction application.

Freedom of Information

- *Home Office v Information Commissioner & Yeo* [2016] UKFTT 2015 0213 – for appellant in successful appeal against decision requiring disclosure of training materials for Home Office presenting officers in immigration appeals.
- *R(Evans) v Attorney General* [2015] 2 WLR 813 (Supreme Court) – junior counsel for claimant in successful judicial review of Attorney General's decision to veto the disclosure of Prince Charles's communications with ministers.
- *Evans v Information Commissioner & 7 Government Departments* – counsel/junior counsel in successful appeal concerning Prince Charles's communications with ministers, and related appeal to Court of Appeal: [2012] UKUT 313; [2012] UKUT 340; [2013] UKUT 75; [2014] EWCA Civ 253; [2015] UKUT 193; [2015] UKUT 233; [2015] UKUT 382.
- *Home Office v Information Commissioner & Cobain* – counsel for additional party in First-tier Tribunal and on appeal to Upper Tribunal, where the issue was the "steps discretion" under FOIA s50(4): [2014] UKUT 306; [2015] UKUT 27.

- *Cobain v Information Commissioner & CPS* (2012) – counsel for successful appellant in First-tier Tribunal appeal concerning case papers from the prosecution of Nick Griffin.
- *HEFCE v Information Commissioner & Guardian News and Media Ltd* (2010) – counsel for successful additional party in Information Tribunal appeal.
- *Ministry of Defence v Information Commissioner & Evans* (2007) – counsel for partially successful additional party in Information Tribunal appeal.
- *Guardian Newspapers Ltd v ICO & CC Avon and Somerset Police* (2007) – counsel for appellant in Information Tribunal appeal.

Contempt of Court

- *Attorney General v The Condé Nast Ltd* [2016] 682; EWHC [2015] EWHC 3322 – junior counsel for Attorney General in successful committal for strict liability contempt and subsequent penalty hearing.

Data Protection

- *Price v Can Associates Ltd* – acting for Katie Price in claim against her former management company concerning compliance with DPA s7. Continuing.
- *Arthur J. Gallagher Holdings (UK) Limited & Ors v Ross & Ors* (2015) – counterclaim in employment dispute concerning handling of data generated in the course of undercover surveillance. Settled.

Harassment

- *Brand & Goldsmith v Berki* [2015] EWHC 3373; [2014] EWHC 2979 - counsel for Russell Brand and Jemima Goldsmith in their successful claim for harassment, including application for urgent interim injunction.
- *Peck & Ors v Haven* (2013) - Successful county court claim for harassment injunction to protect leader and employees of a borough council.

Human Rights

- *Ashley v CC Sussex Police* [2008] 2 WLR 975. Junior counsel for intervener in House of Lords. Appeal as to whether continuation of assault claim against police force in respect of a fatal shooting was an abuse of process and/or infringed the article 6 rights of the officer who fired the shot, who had been acquitted of murder and manslaughter.

PUBLICATIONS AND SEMINARS

- Contributor - Arlidge, Eady & Smith on Contempt, 4th Edition - December 2011; Supplement to 4th Edition – 2013; 5th Edition (forthcoming)
- Co-Author Duncan & Neill on Defamation, 3rd Edition - October 2009 and 4th Edition published January 2015.
- Articles on media law in *The Times*, *Entertainment Law Review*, *New Law Journal*, *Workplace Law* and others.
- Talks for One Brick Court external events, publishers and solicitors. Speaking on FOIA at the 2013 IBC Protecting the Media Conference.

OTHER INFORMATION

- Appointed part-time judge of the First-tier Tribunal (Social Entitlement Chamber), 2013
- Attorney General's 'B' Panel 2011-2016; 'A' Panel from September 2016.
- Speaks good French

INTERESTS

Classical music, theatre, cinema, travel, running