

### **Private Lives**

***In an age where even the most intimate details of celebrities' lives are well documented by the press, can all information about famous individuals be classed as "public property"? In a jurisdiction where there is no express right to privacy, is it even possible to commit a breach of privacy in the UK? Alan Ma investigates with reference to a recent High Court case.***

English common law, unlike the laws of many other jurisdictions, does not recognise a specific right to privacy. However, for those wishing to protect information about their personal lives in the UK, a number of rights relating to privacy, including the 1998 Human Rights Act, still enable them to do so. Indeed, setting out a right of "respect for" private life and listing a number of circumstances in which interference with this right would be justified, the above Act is said by many to be equivalent to a UK right to privacy. Singer Adele Adkins' recent courtroom victory against picture agency Corbis Images UK Ltd demonstrates how seriously the English Courts take the provision in Article 8(1) of the Act that "everyone has the right to respect for his family and private life, his home and his correspondence."

#### **Breach of Privacy**

The parents of Angelo Adkins brought proceedings against Corbis Images UK Ltd after family photographs of his "milestone moments" were leaked to the international press. Lawyers for the renowned singer Adele Adkins and her partner Simon Konecki

expressed the couple's determination that their son was not and must never be "public property". In an amicable settlement, Corbis paid out a five-figure sum in damages and legal costs to the two-year-old, to be put in a trust fund by his parents until he comes of age. As the photographs of Angelo were of "routine, everyday family occasions", which were in no way associated with Adele's public engagements, Corbis infringed upon key principles of the 1998 Data Protection Act in leaking them to the English press. The singer's lawyers confirmed that the image agency had identified the names of the paparazzi responsible for the images and had written to them, stressing that legal action would be taken against them if they photographed Angelo in circumstances that breached his privacy and/or violated his rights under the Data Protection Act. The claim against the second defendants was consequently withdrawn.

#### **Dr Ma's Remarks**

The High Court's decision is significant because it demonstrates how a specific UK image right is not necessary for individuals to protect information about their and their

families' personal lives. Particularly, the case highlights the existence of laws to defend the children of parents living in the public eye. While some famous individuals choose to raise their children in the spotlight, this is not always the case and celebrity offspring are not automatically "public property". The fact that proceedings were issued against a picture agency rather than a publication also suggests the need to take care around the taking, as well as the publishing, of photographs of celebrities and their families.

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