

LIBERTY

PROTECTING CIVIL LIBERTIES
PROMOTING HUMAN RIGHTS

Liberty Council Meeting Summary

July 2011

Privacy injunctions and press freedom

The meeting discussed privacy, particularly in the context of anonymity and super injunctions prohibiting the publication of information. Consideration was given to the factors currently taken into account by judges when assessing whether to grant injunctive relief and to the sensitive balancing exercise which must be carried out between the right to respect for private and family life under Article 8 of the Convention on Human Rights and the right to freedom of expression under Article 10.

Many points were raised in the course of discussion, including the impact of social media on the debate, difficulties in defining the public interest and the need to balance press freedom with personal privacy in varied contexts. The meeting discussed the importance of journalism which uncovers abuses of public power, in addition to problematic cases involving relationships between consenting adults where one party wishes to share details with others, including friends and family. The meeting agreed on the importance of the Human Rights Act and the principles developed through the common law in undertaking the sensitive balancing act between free speech and personal privacy. While Council did not take the view that further specific legislation was required in this area, there was a desire for increased procedural transparency about, for example, the numbers of injunctions granted etc.