



JONATHAN SCHERBEL-BALL
Call: 2010

Called to the Northern Ireland Bar: 2013
Registered name on the Bar Standards
Board Register: Jonathan Scherbel-Ball
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Overview

Jonathan is recognised as a leading junior practising in all aspects of media, communications and information law. He is a member of the Attorney General's 'C' Panel of Counsel. Jonathan is also called to the Bar of Northern Ireland.

Jonathan regularly acts for both claimants and defendants; his clients include many leading media organisations, for example, the BBC, Channel 4, Sky, Times Newspapers, Johnston Press and The Sun. He also regularly represents leading technology and internet companies including Google. Jonathan advises many government departments and public authorities in his role as a member of the Attorney General's Panel of Counsel, including the Cabinet Office, Ministry of Justice, the NCA and CAFCASS.

Jonathan's practice spans all aspects of media and information law in equal measure and he is ranked as a leading junior in both 'Defamation and Privacy' and 'Data Protection' in Chambers & Partners. In recent years, Jonathan has developed particular expertise in the fields of online intermediary liability, the "right to be forgotten", investigative journalism, reporting restrictions and open justice, and political extremism.

Recognition

Defamation and data protection practitioner who is well respected for his defence work. His practice is augmented by his previous in-house experience at the BBC. He has a significant Northern Irish practice and regularly represents publishers and broadcasters, as well as a range of blue-chip multinational companies and major health trusts. *"He has an excellent knowledge of all aspects of defamation, data protection and privacy law."* *"Willing to go the extra mile for clients."* Chambers and Partners 2019 (Defamation/Privacy)

Well regarded for the strength of his representation in a number of areas in information law, especially where it interacts with principles of privacy and reputation management. He has additional expertise in cases dealing with the application of Articles 8 and 10 of the ECHR. He acts for both claimants and defendants, and his clients include media entities, online service providers, health trusts and global businesses. *"He always goes the extra mile, and is all over the case like a dog with a bone."* *"Nothing is ever a problem for him, and he tackles issues head-on."* Chambers and Partners 2019 (Data Protection)

'Absolutely meticulous in his analysis and work.' The Legal 500 2018 (Defamation and Privacy)

"He's extremely responsive and able to add value in a short span of time". "A truffle hound for data protection issues, he produces excellent work product and is very hard-working." Chambers and Partners 2018 (Data Protection)

"Jonathan is extremely user-friendly, very sharp, and always up to speed on the most recent case law". Chambers and Partners 2018 (Defamation/Privacy)

Jonathan is "deeply knowledgeable, perceptive, productive and responsive". The Legal 500 2017 (Defamation and Privacy)

"He is very strong in the crossover between reputation management and data protection. Genuinely engaged, committed and hugely diligent." "The energy that he brings to a case is absolutely phenomenal. A great team player, his ability to come up with pretty much every available legal argument for assessment is incredibly impressive." Chambers and Partners 2017 (Data Protection)

"He has a genuinely encyclopaedic knowledge of this area of law." "He's fantastic - incredibly responsive, really sharp and not afraid to give a frank view, which is refreshing." Chambers and Partners 2017 (Defamation/Privacy)



"He is extremely technically accomplished, imaginative and really on top of his brief." "Very solicitor-friendly and ferociously hard-working." Chambers and Partners 2016 (Data Protection)

"He's very clever, very helpful and very user-friendly. He's popular and committed, and has everything you want in a junior; he's modern, pragmatic and sensible." Chambers and Partners 2016 (Defamation/Privacy)

Jonathan is regarded as "really diligent, committed, responsive and engaged. He bounces with ideas, and has masses of enthusiasm." Chambers and Partners 2015 (Data Protection)

Clients say of Jonathan "he was at the BBC – because of his background he really understands what the clients want." Chambers and Partners 2015 (Defamation/Privacy)

Jonathan "has quickly made a name for himself in the defamation field". Commentators say that, "as a former solicitor, he understands exactly what clients need from counsel". "A good solid performer who is confident in court for someone so young." Chambers and Partners 2014 (Defamation/Privacy)

Jonathan is "years ahead of his level of call when one looks at his experience" and "able to add considerable value to any case." One commentator said: "He's both creative and a walking legal dictionary." Chambers and Partners 2013 (Defamation/Privacy)

Representative Cases

Defamation and Privacy

Declan Arthurs v News Group Newspapers [2017] NICA – Junior Counsel for the publisher of the Sun on Sunday, defeating an application for an interim injunction for misuse of private information relating to the family background of an individual appearing in a reality talent programme.

Townsend v Google Inc [2017] NIQB 81 – Junior Counsel for Google, in the first right to be forgotten claim to be substantively determined by a UK court, concerning previous criminal convictions.

Cushnahan v BBC and anr [2017] NIQB 30 – Junior Counsel for the BBC successfully resisting a claim for interim injunctive relief sought in a variety of privacy and contempt torts and partially striking out the claim as an abuse of process.

KL & NN v Sunday Newspapers Ltd [2015] NIQB 88 – Junior Counsel for the defendant newspaper in a leading case in Northern Ireland about the procedure appropriate for anonymising parties to civil proceedings.

Scappaticci v BBC (unreported 2015) – Junior Counsel for the BBC in its defence of an injunction application brought by the alleged former British agent.

Slocombe v Ricochet Ltd and Channel 5 (unreported 2015) – Counsel for the defendant in its defence of an injunction application brought to prevent a broadcast of *Cowboy Builders*.

Loughran v Century Newspapers [2014] NICA 26 – Junior Counsel for the defendant, the publisher of the Belfast News Letter, in a libel action brought by a former head of the Northern Ireland Civil Service. The defendant asserted a defence of statutory qualified privilege.

Hussein v Hamilton Franks & Co Ltd [2013] EWHC 462 (QB) – Counsel for the claimants obtaining damages and injunction against their inclusion in a defamatory online "blacklist".

Morrice v BBC (2012 – 2013) – Junior Counsel for the defendant in its defence of a significant libel claim (asserting defences of justification, honest comment and responsible journalism) brought by a prominent geologist.

Tilbrook v Parr [2012] EWHC 1946 (QB) – Counsel for the defendant successfully striking out a claim for libel brought by the chairman of a political party – a reference to a political party incapable of defaming the party's chairman.

King v Grundon [2012] All ER (D) 96 (May) – Counsel for the defendant in libel action which was successfully struck out on the grounds of 'Jameel' abuse, substantial truth and absolute privilege.



Way v Northcliffe Media Ltd (unreported, 2012) – Counsel for a publisher striking out a claim for harassment and libel brought against the publishers of a regional newspaper in relation to a series of articles concerning the claimant.

Neil Morrissey v Associated Newspapers Ltd (unreported, 2011) – Junior Counsel for the defendant in libel action brought by the famous television actor against the publishers of the Daily Mail – unilateral statement in open court is premature when there are still matters in dispute between the parties as to damages.

Taranissi v BBC (2007-09) – Solicitor for the BBC in libel action brought by a prominent IVF clinician in respect of a *Panorama* investigation into the IVF industry in the UK, as part of which Jonathan led a successful application in the Administrative Court for access to court documents - *R (on the application of Taranissi) v Human Fertilisation and Embryology Authority* [2009] EWHC 130

Haddock v MGN and others [2008] NICH 14 – Solicitor in successful defence of an application for a permanent injunction sought by a leading loyalist in order to prevent the reporting of his identity and whereabouts upon his release from prison, citing Article 2 and Article 8 ECHR.

Information and Internet Intermediary Law

Cooper v National Crime Agency (2017, unreported) – Junior Counsel for the defendant in its successful defence at trial of a data protection claim arising out of the claimant's employment.

Townsend v Google Inc. [2017] NIQB 81 – *Junior Counsel for Google, in the first right to be forgotten claim to be substantively determined by a UK court, concerning previous criminal convictions.*

Hazelwood v ICO & Cabinet Office (EA/2016/0204) Counsel for the Cabinet Office before the First Tier Tribunal in respect of an appeal concerning the scope of s.37 FOIA and the honours system.

Galloway v Frazer, Google Inc and others [2016] NIQB 7 – Junior Counsel for Google Inc. defending a claim brought by a well-known politician in relation to online content posted by third parties.

Singh Khosa v Secretary of State for Justice (2016, unreported) – Counsel for the Secretary of State in response to a data protection claim brought by way of judicial review.

Heggin v Persons Unknown and Google Inc [2014] EWHC 3793 (QB); [2015] 1 Costs L.O. 65 – Junior Counsel for Google Inc defending a claim brought by an international businessman under the Data Protection Act in relation to Google search results and other Google products.

McIntosh v ICO and BBC (EA/2014/0033), 24 October 2014 – Counsel for the BBC in its defence of an appeal under the Freedom of Information Act before the First Tier Tribunal relating to the meaning of 'personal data' under the Data Protection Act 1998.

Miller v ICO and BBC (EA/2013/0253, 21 July 2014) – Junior Counsel for the BBC before the First Tier Tribunal in its defence of an appeal concerning the scope of its journalistic designation as a public authority under the Freedom of Information Act in respect of its cricket output and sports rights.

Newbery v Information Commissioner and BBC (EA/2009/0014, 8 November 2012) – Junior Counsel for the BBC in Information Tribunal decision concerning the application of the Freedom of Information Act to the BBC and the application of the personal data exemption under s.40 FOIA.

Montford v Information Commissioner and BBC (EA/2009/0014, 14 August 2012) – Counsel for the BBC in Information Tribunal ruling which determined that the Environmental Information Regulations 2004 did not apply to the BBC.

In November 2015, Jonathan was the author of the Media Lawyers Association's submissions to the Independent Commission reviewing the Freedom of Information Act 2000.

Reporting Restrictions and Reporting the Courts



In recent years, Jonathan has appeared on behalf of media organisations challenging reporting restrictions in a number of high profile criminal cases, including in the trial of Vicki Pryce and Chris Huhne and the “LIBOR rigging” criminal proceedings.

Surrey County Council v Al-Hilli [2013] EWHC 2190 (Fam) – Counsel for the Sunday Times in its successful opposition to an application by Surrey Police to exclude the media from access to care proceedings in the Family Division on the basis of Article 2 ECHR.

Hunt v Hunt [2012] All ER (D) 217 (Oct) – Counsel for Times Newspapers Limited in successful application to report proceedings in the Family Division of the High Court and to name the parties to proceedings pursuant to s.97 of the Children Act 1989 in international child abduction case.

R v Premier News Ltd and anr (2012, unreported) – Counsel for the publishers of a local newspaper charged with naming youths in contravention of s.49 of the Children and Young Persons Act 1933.

Regulatory Work and Journalistic Sources

R (on the application of Craig) v BBC [2008] EWHC 1369 – solicitor in the successful defence of an application for judicial review on the basis of a purported infringement of freedom of expression as protected by Article 10 ECHR.

Applications for journalists’ materials under PACE and Terrorism Act: Jonathan has acted, as a solicitor and a barrister representing media organisations, in relation to a wide variety of confidential applications for journalists’ sources and materials in relation to terrorism and related criminality.

Publications and Seminars

Contributor to *Arlidge, Eady & Smith on Contempt*, 5th Edition, 2017

Criminality and Privacy: Uneasy Bedfellows, New Frontiers in Media and Information Law, June 2017

Media Access to Court Documents: Transparency in the Family Court, Family Law Bar Association Annual Conference, 2014

Perception and Reality: Publicity Developments in the Family Courts, Family Law Bar Association, December 2013

Contributing Editor of *Survey of English Libel Law*, Media Law Resource Center, 2011-2015

Contributing researcher on comparative defamation analysis for *Article 19, the Global Campaign for Free Expression*, 2006-07

The Business of Keeping Secrets, Commercial Litigation Journal, 2007

Qualifications

MA Hons (Oxon), Modern History and Politics, University of Oxford

MPhil, Modern European History, University of Cambridge

Postgraduate Diploma in Law, Oxford Brookes University

Legal Practice Course, Oxford Institute of Legal Practice

Qualified as a Solicitor at Dechert LLP, 2007