



AidAN EARDLEY  
 Call: 2002

Registered name on the Bar Standards  
Board Register: Aidan Eardley  
Vat Number: 830649624

## Overview

Aidan is a highly experienced junior, currently ranked in the top band by Chambers and Partners for both Defamation and Data Protection, he is also listed in Who's Who Legal 2018. He has a broad practice encompassing all aspects of media and information law, acting for claimants and defendants. His clients have included national newspapers and broadcasters, MPs, celebrities, trade unions, government departments, public authorities, website operators, regulators 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. He also sits as a part-time judge of the First-tier Tribunal (Social Entitlement Chamber). Since 2018 he has been a member of the Bar Standards Board's Advisory Pool of Experts advising the BSB on data protection matters.

## Recognition

Aidan has an outstanding reputation for media law matters and has a strong track record of acting both for and against the media. He draws praise for his understanding of the DPA and his strong advocacy skills. *"He has an exceptional brain combined with a first-class work ethic." "An intelligent and authoritative barrister. He is very sensible and measured."* Chambers and Partners 2019 (Defamation/Privacy)

Instructed by a wide spectrum of clients across the information law domain, from data controllers and regulators to information requesters and data subjects, and is a particular expert in cases involving the media. He often represents government departments and public authorities, and serves on the Treasury Solicitor's 'A' Panel. *"He always comes across as accessible, and his knowledge is fantastically detailed." "He is easy to work with, brilliant with clients, and someone who produces excellent defences."* Chambers and Partners 2019 (Data Protection)

*"Very bright with impeccable attention to detail."* The Legal 500 2018 (Defamation and Privacy)

*"He is easy to work with, brilliant with clients and produces an excellent defence."* The Legal 500 2018 (Data Protection)

*"His judgement and authority when in court are absolutely superb. He is a highly respected advocate who is extremely precise in his paperwork."* Chambers and Partners 2018 (Defamation/Privacy)

*"He's generally recognised as a leading expert in data protection, who's very helpful, knowledgeable and easy to use." "Very good on the detail, and good on his feet."* Chambers and Partners 2018 (Data Protection)

*"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)

*"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)

*"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/Privacy)

*"Head and shoulders above most in his field."* The Legal 500 2014 (Defamation and Privacy)



Aidan was the winner of the Defamation/Privacy Junior of the Year Award 2013 at the Chambers and Partners Bar Awards

## Representative Cases

### Defamation

**Butt v Secretary of State for the Home Department** [2017] EWHC 2619 (QB) – Counsel for the defendant at the trial of preliminary issues in a libel claim concerning a government press release. The court ruled that the press release was a statement of opinion.

**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. Upheld on appeal (where Aidan was junior counsel) [2017] EWCA Civ 1529.

**Howell v South London Church Fund and Southwark Diocesan Board of Finance** (QBD, 27.07.17) – For the defendant in application for interim injunction and disclosure in libel claim. Interim injunction refused. Indemnity costs awarded against claimant.

**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 second defendant at first instance and in the Court of Appeal. Successful application for summary judgment/strike out.

**Polanski v The Condé Nast Publications Ltd** [2005] 1 WLR 637 – 2<sup>nd</sup> Junior Counsel for defendant in House of Lords. Decision on the claimant's right to give evidence from abroad by video link.

**Wood v CC West Midlands Police** [2004] EMLR 20 – 2<sup>nd</sup> Junior Counsel for defendant in Court of Appeal. Appeal on qualified privilege and addition of slander claim out of time.

### Privacy/Confidence

**Linklaters LLP & LBS v Mellish** [2019] EWHC 177 – Junior counsel for claimant in urgent interim injunction application to restrain threatened breach of confidence by ex-employee.

**Hemsworth (formerly 'SWS') v Department for Work and Pensions** [2019] EMLR 2, [2019] EMLR 3 – counsel for defendant, who had settled a privacy claim brought by the claimant, successfully resisting claimant's application to make a statement in open court under cover of anonymity and his further unsuccessful application to prevent his identification as the person who had unsuccessfully sought anonymity.

**Sir Cliff Richard, OBE v BBC & Chief Constable of South Yorkshire Police** [2018] 3 WLR 1715– Junior Counsel for BBC throughout 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. Subsequently 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.

### **Data Protection**

**Sir Cliff Richard, OBE v BBC & Chief Constable of South Yorkshire Police** [2018] 3 WLR 1715– Junior Counsel for BBC throughout 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 Can Associates Ltd** – Counsel for Katie Price in claim against her former management company concerning compliance with DPA s7 (settled).

**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).

### **Contempt of Court/Reporting Restrictions**

**Ministry of Justice v Ellis** [2018] EWCA Civ 2686 - Counsel for applicant in successful application, upheld on appeal, to commit respondent and impose a general civil restraint order for breach of an order prohibiting him from conducting litigation on behalf of others.

**Yalland & Ors v Secretary of State for Exiting the European Union** [2017] EWHC 629 – Representing media in challenge to anonymity rulings protecting identity of claimants seeking judicial review of the Article 50 process.

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

**R v Dharmasena** – Intervening for media in first prosecution for FGM to ensure provisions protecting the identity of the victim had a proper legal basis and were proportionate.



## 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. Defendant's application for permission to appeal refused at oral hearing in 2017.

**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 to *Arlidge, Eady & Smith on Contempt*, 4<sup>th</sup> edition (2011) 5<sup>th</sup> edition (2017)

Co-author, *Duncan and Neill on Defamation*, 3<sup>rd</sup> edition (2009) 4<sup>th</sup> edition (2015)

Articles on media law in *The Times*, *Entertainment Law Review*, *New Law Journal*, *Workplace Law*

*What are the secrets to securing and resisting privacy injunctions that protect reputation?* White Paper Conference, Defamation and Privacy, November 2018

*The "Right to be forgotten" under the GDPR*, MBL conference "GDPR 6 months on", October 2018

*Subject Access Requests and Journalism*, One Brick Court Seminar *Broken Boundaries: New Frontiers in Media and Information Law*, June 2017

## Qualifications

BA (Hons) (First Class), French and Philosophy, University of Oxford (Merton College)

CPE (postgraduate law diploma), City University (2001), Distinction

Scarman Prize (for second highest BVC results at Inns of Court School of Law), 2002

Student of the Year Award and Buchanan Prize (for highest BVC results at Lincoln's Inn), 2002

DipRAM (postgraduate performers' diploma, cello), Royal Academy of Music, 1995

Good French

Member, Human Rights Lawyers Association