

IN THE COURT OF APPEAL (CIVIL DIVISION)

Case Number: A2/2017/1186

ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Popplewell J

Neutral Citation Number: [2017] EWHC 695 (QB)

BETWEEN:

James STUNT

Appellant

-and-

ASSOCIATED NEWSPAPERS LTD

Respondent

-and-

THE INFORMATION COMMISSIONER

Intervener

ORDER

BEFORE the Master of the Rolls, Lord Justice McFarlane and Lady Justice Sharp

UPON reading of the Appellant's Notice dated 26 April 2017 and the Respondent's Notice dated 3 October 2017

AND UPON hearing leading Counsel for the Appellant, the Respondent and the Intervener

AND UPON the handing down on 30 July 2018 of a judgment

IT IS ORDERED THAT:

1. The question as to whether sub-sections 32(4) and (5) of the Data Protection Act 1998 ("DPA") are compatible with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 will be referred to the Court of Justice of the European Union ("CJEU") for a preliminary ruling under Article 267 of the Treaty on the Functioning of the European Union.

2. The following directions will apply to the procedure by which the terms of the request for a preliminary ruling are to be determined:
 - a. The Intervener will by 4pm on 31 August 2018 serve a draft request on the Appellant and the Respondent.
 - b. The Appellant and the Respondent will by 4pm on 14 September 2018 notify the Intervener whether the draft request is agreed or of any proposed revisions to the draft request.
 - c. The Appellant, the Respondent and the Intervener will by 4pm on 26 September 2018 seek to agree the draft request.
 - d. In the event of agreement by that date, the Appellant will by 4pm on 27 September 2018 file and serve the agreed draft request.
 - e. In the event that the Appellant, the Respondent and the Intervener are not agreed by 4pm on 26 September 2018, they will by 4pm on 5 October 2018 file and exchange submissions in support of their respective positions on the matters in dispute and the terms of the request will be determined by the Court on the papers.
3. Pending the determination of the reference to the CJEU these proceedings shall be stayed in so far as they are claims under the DPA which the Respondent contends fall within sub-section 32(4) of the DPA as interpreted by this Court.
4. All issues of costs are reserved.

Dated **30 July 2018**