

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

**The Honourable Mr Justice Nicklin
5 October 2023**

B E T W E E N:

CWL

-and-

LONDON BOROUGH OF HACKNEY



Defendant

**ANONYMITY AND REPORTING
RESTRICTION ORDER**

UPON APPLICATION by the Claimant by Application Notice dated 3 October 2023 seeking anonymity for the Claimant in proceedings to be issued against the Defendant under Part 8 seeking an order pursuant to s.167 Data Protection Act 2018 (enforcement of a subject access request) ("the Anonymity Application")

AND UPON READING the Witness Statement of Sophie Naftalin dated 3 September 2023 in support of the Anonymity Application

WIHTOUT A HEARING IT IS ORDERED that

Anonymity

1. Pursuant to s.6 Human Rights Act 1998, and/or CPR 39.2 the Judge, being satisfied that it is strictly necessary, ordered that:
 - (a) the Claimant's name is to be withheld from the public and must not to be disclosed in any proceedings in open court;

- (b) the Claimant is permitted to issue these proceedings naming the Claimant as “CWL” and giving an address c/o the Claimant’s solicitors; and
- (c) there be substituted for all purposes in these proceedings in place of references to the Claimant by name, and whether orally or in writing, references to the letters “CWL”.

The Claimant’s name on CE-File will be anonymised in accordance with this paragraph.

Reporting restriction

- 2. Pursuant to s.11 Contempt of Court Act 1981, there shall be no publication of the identity of the Claimant or of any matter likely to lead to the identification of the Claimant in any report of, or otherwise in connection with, these proceedings, provided that nothing in this Order shall prevent the publication, disclosure or communication of any information which is contained in this Order.

Restrictions on access to documents on the court file

- 3. Upon the Judge being satisfied that it is strictly necessary:
 - (a) Without further order of the Court, a non-party may not obtain access to or copies of any confidential schedules to any (i) statements of case; (ii) witness statements; (iii) applications; (iv) Orders; and/or skeleton arguments (“the Restricted Documents”) from the Court file.
 - (b) Any non-party wishing to obtain access to or copies of the Restricted Documents, must make an application to the Court, such application to be made by Application Notice served on the parties at least 24 hours before the Application is made.

Publication of the order

- 4. Pursuant to CPR 39.2(5) a copy of this Order will be published on the Judiciary Website.

Service of this Order on the Defendant

- 5. As soon as practicable and in any event by 4.30pm on 12 October 2023, the Claimant must serve on the Defendant a copy of this Order and (if the Claimant has not already done so) a copy of the Application Notice and evidence in support.

Costs

- 6. Costs of the Application are to be in the case.

Applications to vary/discharge by a non-party

7. Any Application by a non-party to vary or discharge Paragraphs 1 to 3 of this Order must be made by Application Notice, issued, filed and served on the parties at least 24 hours before the Application is made.

Application to vary/discharge by the Defendant

8. This Order has been made without giving the Defendant an opportunity to make submissions. As such, the Defendant may apply to discharge or vary this Order, but any Application to do so must be made by Application notice, issued, filed and served by 4.30pm on 19 October 2023.

REASONS

- (A) I am satisfied that the personal circumstances of the Claimant, and the nature of the claim and the issues that are likely to arise during the proceedings, means that it is strictly necessary to anonymise the Claimant. That should enable proceedings to be conducted in open court and permit full reporting of the proceedings, and the issues raised. The limited interference with open justice that the anonymity order represents is necessary and proportionate.
- (B) This was an *ex parte* application. The authorities identified by the Claimant in the witness statement in support of the application did not properly identify the points that could be raised against making the order. The Court was also not provided with the most relevant authorities. In an *ex parte* application for an anonymity order (and corresponding reporting restrictions) the Court should be referred to ***Practice Guidance (Interim Non-Disclosure Orders) [2012] 1 WLR 1003*** which provides a proper summary of the principles to be applied.
- (C) The Order contains the standard liberty to apply provisions both for the Defendant and non-parties.

5 October 2023