

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

MEDIA & COMMUNICATIONS LIST

**The Honourable Mr Justice Nicklin
15 May 2025**

B E T W E E N:

HRCG CARE LIMITED

Claimant

-and-

PERSON(S) UNKNOWN

(responsible for obtaining data from the Applicant's IT systems from on or about 26 January 2025 to on or about 12 February 2025 and/or who has disclosed or is intending or threatening to disclose the information thereby obtained)

Defendant(s)

ORDER

PENAL NOTICE

IF YOU THE DEFENDANT(S) DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED OR FINED OR HAVE YOUR ASSETS SEIZED.

ANY PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO WHOM THIS ORDER APPLIES TO BREACH THE TERMS OF THIS ORDER MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

THIS ORDER

1. Following an interim injunction and other orders being previously granted, the Judge:
 - 1.1 read the application of the Claimant by Application Notice dated 7 May 2025 ("the Application"), together with the supporting witness statements referred to

in Confidential Schedule 1, the Particulars of Claim dated 14 March 2025 and the skeleton argument served on behalf of the Claimant;

- 1.2 considered the Order made by the Honourable Mr Justice Soole on 28 February 2025;
 - 1.3 considered the Order made by Susie Alegre sitting as a Deputy High Court Judge dated 1 April 2025;
 - 1.4 considered the provisions of the Human Rights Act 1998 (“HRA”), section 12, insofar as they are relevant, and the service of documents provisions in both Orders;
 - 1.5 reviewed the status and public availability of documents on CE-File; and
 - 1.6 considered the written submissions of the Claimant dated 8 May 2025 (default judgment) and 14 May 2025 (responding to an inquiry from the Court regarding access to documents on the Court file.
2. The Defendant, having been served with the Claim Form and Particulars of Claim, has not filed any response to the Claim Form or Particulars of Claim.
 3. The Judge was satisfied it was proper to proceed with the determination of the Application in the Defendant's absence having had regard to CPR 23.11 and s.12(2), HRA.
 4. The Judge was also satisfied it was proper to deal with the matter without a hearing having regard to CPR 23.8(c) and paragraph 39 of the ***Practice Guidance: Interim Non-Disclosure Orders [2012] 1 WLR 1003***. This was because:
 - 4.1 there has been a public judgment in the claim already ([2025] EWHC 794 (KB));
 - 4.2 there appear to have been no material developments which affect the grant of the original injunction; and
 - 4.3 a copy of this order will be published on www.judiciary.uk.

DEFAULT JUDGMENT

5. Pursuant to CPR r.12.3(1), judgment in default is entered for the Claimant on its claim.

FINAL INJUNCTION

6. The Defendant or each of them must not use, publish or communicate or disclose to any other person or make available to be accessed by any other person (other than: (i) by way of disclosure to legal advisers instructed in relation to these proceedings for the purpose of obtaining legal advice in relation to these proceedings; or (ii) for the purpose of carrying this Order into effect) all or any part of the information referred to in Confidential Schedule 2 to this Order (“the Information”).

7. The Defendant or each of them must, by 4pm on 30 May 2025, deliver up to the Claimant's solicitors and/or delete and/or destroy the Information in their possession, custody or control.
8. The Defendant or each of them must by 4pm on 6 June 2025 provide to the Claimant's solicitors a witness statement with a statement of truth explaining: (i) that they have delivered up and/or deleted and/or destroyed the Information and explaining how they have done so; and (ii) giving details about whether they have passed any of the Information to a third party and identifying any said third party and their contact details.

ACCESS TO DOCUMENTS FROM THE COURTS RECORDS

9. Upon the Judge being satisfied that it is strictly necessary, no copies of
 - 9.1 the confidential schedule(s) to any statements of case;
 - 9.2 the confidential schedule(s) to any order;
 - 9.3 the confidential witness statements
 - 9.4 the confidential schedule(s) or exhibit(s) to the applications and to the skeleton argumentswill be provided to a non-party without further order of the Court.
10. Any non-party other than a person notified or served with this Order seeking access to, or copies of the abovementioned documents, must make an application to the Court, proper notice of which must be given to the Claimant via its solicitors (see contact details in paragraph 19 below).
11. By 4.30pm on 23 May 2025, the Claimant must file the following documents (redacted as necessary) so that they are available to non-parties under CPR 5.4C (whether as of right or following an application to the Court):
 - 11.1 the First Witness Statement of Patrick Birchall dated 28 February 2025 and exhibit;
 - 11.2 the Second Witness Statement of Patrick Birchall dated 27 March 2025 and exhibit;
 - 11.3 the Skeleton Arguments of the Claimant submitted to and considered by the Court dated 28 February 2025 and 27 March 2025 (without markings suggesting that the document is confidential or subject to restrictions on third party access to the Court file); and
 - 11.4 the Third Witness Statement of Patrick Birchall dated 7 May 2024 an exhibit.

Each document must be clearly identified by description when filed on CE-File.

SERVICE OF DOCUMENTS

12. The Claimant has permission to serve this Order and any other documents for this application on the Defendant or each of them via the email address(es) identified in

Confidential Schedule 2 and such service will be deemed to be effective on the date on which the communication is sent, save that unless or until the Defendant or each of them provides to the Claimant's solicitors their full name and an address for service, the Claimant is only required to serve on, or provide to, the Defendant or each of them, this Order excluding Confidential Schedule 1.

PROTECTION OF HEARING PAPERS

13. The Defendant or each of them must not publish or communicate or disclose or copy or cause to be published or communicated or disclosed or copied any statements of case and any schedules, witness statements and exhibits thereto and information contained therein that are made, or may subsequently be made, in support of the Application ("the Hearing Papers"), provided that the Defendant or each of them shall be permitted to copy, disclose and deliver the Hearing Papers to the Defendant's or each of their legal advisers for the purpose of these proceedings.
14. The Hearing Papers must be preserved in a secure place by the Defendant or each of them and/or by the Defendant's or each of their legal advisers on their behalf.
15. The Defendant or each of them shall be permitted to use the Hearing Papers for the purpose of these proceedings provided that the Defendant's or each of their legal advisers shall first inform anyone to whom the said documents are disclosed of the terms of this Order and, so far as is practicable, obtain their written confirmation that they understand and accept that they are bound by the same.

COSTS

16. The Defendant or each of them shall pay the Claimant's costs of this application and the action as a whole, to be assessed if not agreed.

INTERPRETATION OF THIS ORDER

17. A Defendant who is an individual who is ordered not to do something must not do it themselves or in any other way. They must not do it through others acting on their behalf or on their instructions or with their encouragement.
18. A Defendant which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

NAME AND ADDRESS OF THE CLAIMANTS' LEGAL REPRESENTATIVES

19. The Claimant's solicitors are:

Pinsent Masons LLP
Crown Place
30 Earl Street
London
EC2A 4ES

Telephone: + 44 (0) 20 7418 7000

Fax + 44 (0) 7418 7050
Email: cyber.litigation@pinsentmasons.com

COMMUNICATIONS WITH THE COURT

20. All communications to the Court about this Order should be sent to: Room WG08, Royal Courts of Justice, Strand, London, WC2A 2LL, quoting the case number. The telephone number is 0203 936 8957. The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

REASONS

- (A) I have dealt with the application for default judgment and consequent orders without a hearing for the reasons set out in 4 above.
- (B) When this application came before me, the entire CE-File was marked as “Private”. The effect of that was that the case had no public visibility, thereby rendering practically impossible the ability of any non-party to see documents from the Court’s records pursuant to CPR 5.4C. Following this Order, that designation will be removed. Certain documents – which contain material that the Court has determined must be withheld – will remain unavailable to third parties unless an application is made. Largely that is because the nature of the claim means that, if the information were not withheld, the administration of justice would be prejudiced. I have directed that public versions (which redact or withhold protected information) must be filed with the Court by the Claimant to facilitate open justice.

15 May 2025