

Claim No. KB-2023-003361

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

BEFORE THE HON. MR JUSTICE CHAMBERLAIN



BETWEEN:

MINISTRY OF DEFENCE

Claimant

– and –

(1) GLOBAL MEDIA AND ENTERTAINMENT LIMITED

(2) INDEPENDENT DIGITAL NEWS AND MEDIA LIMITED

(3) TIMES MEDIA LIMITED

(4) ASSOCIATED NEWSPAPERS LIMITED

(5) TELEGRAPH MEDIA HOLDINGS LIMITED

(6) THE FINANCIAL TIMES LIMITED

(7) THE PRESS ASSOCIATION LIMITED COMPANY

Defendants

(8) BARINGS LIMITED

Defendant for the purposes of costs only

ORDER

PENAL NOTICE

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

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

UPON the Claimant's application heard on Friday 1 September 2023 for a *contra mundum* interim non-disclosure order on notice to Associated Newspapers Limited and to Global Media and Entertainment Limited, prohibiting publication or disclosure of information relating to the unauthorised disclosure in early 2022 of a database identifying the personal details and other data of Afghan Relocations and Assistance Policy ("ARAP") and the Afghan Locally Employed Staff Ex Gratia Scheme ("EGS") applicants, such incident being discovered by HMG in mid-August 2023 [such disclosure being identified herein as "**the Data Incident**"];

AND UPON Mr Justice Robin Knowles CBE making a *contra mundum* interim non-disclosure order with a non-disclosure provision ["the Super-injunction"] having effect until a return date of 1 December 2023;

AND UPON Mr Justice Chamberlain having considered this matter further at hearings on (i) 13 October 2023, (ii) 31 October and 1 November 2023, (iii) 1 December 2023, (iv) 18 December 2023, (v) 1-2 February 2024, (vi) 27 March 2024, (vii) 30 April and 1 May 2024, (viii) 11 November 2024, (ix) 20-21 February 2025 and (x) 1, 7, 8, 11, 14 and 15 July 2025;

AND UPON Defendants (1) to (7) having been added at various times as Defendants to these proceedings (and being identified collectively herein as "**the Media Defendants**");

AND UPON Barings Limited (trading as Barings Law), having made applications (i) orally through counsel at a hearing on 23 May 2025, for an order that the Claimant pay its costs of and associated with directions hearings in these proceedings on 19 and 23 May 2025; and (ii) in written submissions dated 16 June 2025, that Barings Limited be added as a party for the purposes of costs only;

AND UPON Mr Justice Chamberlain having made an order, dated 25 June 2025, that Barings Limited be added as a Defendant for the purposes of costs only;

AND UPON the Special Advocates making submissions in CLOSED on the 1 July 2025 that the Super-injunction should be discharged;

AND UPON the Claimant applying to the Court on 4 July 2025 to discharge the Super-injunction;

AND UPON the Media Defendants and the Special Advocates supporting the request for discharge of the Super-injunction;

AND UPON the Claimant agreeing to pay the costs of the Media Defendants of these proceedings on the standard basis, with such costs to be subject to detailed assessment if not agreed;

AND UPON the Claimant applying orally on 7 July 2025 for a further *contra mundum* interim non-disclosure order;

AND UPON hearing leading counsel for the Claimant and Media Defendants and the Special Advocate at hearings in OPEN (in private) and CLOSED on 7, 8, 11 and 14 July 2025;

AND UPON the Court having set out, in an order dated 25 June 2025 a separate timetable for resolution of Barings Limited's costs application

IT IS ORDERED as follows:

(1) The Super-injunction is discharged with effect from 12 noon on 15 July 2025.

(2) Any person who, without the express consent of the Claimant:

- (i) at the date of this Order has been in possession of; or
- (ii) at the date of this Order is in possession of; or
- (iii) at any time after the date of this Order comes into possession of:

(a) the database identifying the personal details and other data of ARAP and EGS applicants which contains more than 33,000 records and was subject to the Data Incident [hereafter, "**the Dataset**"];

or

(b) any extract or part thereof, or information that they know, believe or suspect to be derived from the Dataset [(a) and/or (b) together described hereafter as “**the Protected Information**”]

must comply with any request (within seven days of that request) from the Claimant for delivery up of Protected Information and/or for the destruction of any copies of Protected Information, subject to paragraph (3).

(3) The Claimant must not make any such request of:

- (i) any legal professional; or
- (ii) any Media Defendant or any accredited journalist employed or engaged by any Media Defendant

without first applying to the Court.

(4) Upon notification of such an application, any individual falling within paragraph (3) must not publish, disclose, disseminate or use the Protected Information until the Court makes an order of the Court permitting them to do so or the Claimant withdraws the application.

(5) Nothing in this Order shall prevent the publication, disclosure, dissemination or use of any information, where this is permitted in accordance with any order made by the Court in its ruling on redactions to material in the OPEN (IN PRIVATE) bundle in these proceedings, pursuant to the Order of Chamberlain J made on 1 July 2025, any subsequent Order, and/or with the express consent of the Claimant.

(6) Nothing in this Order shall prevent the publication, disclosure, dissemination or use of any information where this is permitted in accordance with the express consent of the Claimant in respect of the Media Defendants’ notes of hearings in these proceedings or in accordance with any order made by the Court.

(7) No person may publish, disclose or disseminate any personal data derived from the Protected Information, without the express consent of the Claimant and/or the data subject.

- (8) Pending further order, no person shall publish, disclose or disseminate, except as set out in paragraphs (5)-(7) above, any description of any of the contents of the “case notes” column of the Dataset, without the express consent of the Claimant or further order of the Court.
- (9) There is to be a hearing on 22 July 2025 for the Court to consider further whether any description of the contents of the case notes column may be published, such hearing to be held IN PRIVATE and/or in CLOSED session.
- (10) No person may publish, disclose, disseminate or use any information derived from any hearing or document filed with the Court or from the Court’s records in these proceedings, save insofar as:
- (a) publication, disclosure, dissemination and use is permitted under paragraphs (5)-(7) above; or
 - (b) the information is contained in any Order or judgment of this Court or the Court of Appeal in these proceedings that has been made public; or
 - (c) the Court has expressly permitted or the Claimant has expressly agreed to such publication, disclosure, dissemination or use.
- (11) Nothing in this Order prevents reference to any of the Protected Information in the conduct or for the purpose of legal proceedings, subject to any restriction on the publication and/or disclosure of the Protected Information imposed by any court or tribunal seised of those proceedings. Where the Claimant is not a party to those proceedings, the parties to those proceedings are to put the Claimant on notice of any reference to any of the Protected Information.
- (12) Nothing in this Order prevents any person from referring to any of the Protected Information for the purpose of taking legal advice from a solicitor or counsel.
- (13) Nothing in this Order prohibits the Claimant (acting for any legitimate purpose in connection with the Data Incident) from sharing any Protected Information with:
- (a) Ministers or officials within the Ministry of Defence and/or any other government department or agency; and/or

- (b) any law enforcement agency; and/or
- (c) any foreign liaison partner; and/or
- (d) any member or committee of either House of Parliament; and/or
- (e) any other person.

(14) Any person provided with information under paragraph (13)(a)-(d) is not prevented by the terms of this Order from communicating that information to others for any corresponding legitimate purposes including the prevention of harm. Nothing in this Order prohibits the taking of steps by persons referred to in paragraph (13)(a)-(d) to prevent harm.

(15) No transcript or recording of any hearing in these proceedings is to be made available to the parties or to any third party without further order of this Court.

(16) The provisions in Part 5.4C of the CPR dealing with access to and the supply of documents from the Court records do not apply in respect of the records of the Court in these proceedings including the Claim Form and any statements of case, written evidence or submissions or other documents filed by the parties (“the Court file”); and the Court file is to be kept securely at all times in the custody of the Court Service at the Royal Courts of Justice and is not to be searched or inspected by anyone (other than officials of the Court acting in the exercise of their duties as such) without the permission of the Court. Any application by a non-party for access to any document on the Court file is to be made on notice to the Claimant and Media Defendants.

(17) The Claimant must file with the Court by 4pm on 22 July 2025 a copy of the bundles redacted in accordance with the Order of Chamberlain J dated 1 July 2025 and any further order made on or before 15 July 2025.

(18) Nothing in this Order affects proceedings in Parliament.

(19) Liberty to apply.

CONTACT DETAILS FOR THE PURPOSES OF PARAGRAPH 1(C)

Email address: darr-security@mod.gov.uk

BY THE COURT

15 July 2025