

15 July 2026

Dale Vince v. Associated Newspapers Limited
Appeal No: CA-2025-001573
Neutral Citation Number: [2026] EWCA Civ 899

JUDGMENT SUMMARY

**Important note for media and public: this summary forms no part of the court’s decision. It is provided so as to assist the media and the public to understand what the court decided. The full judgment of the Court of Appeal is the only authoritative document. Judgments are public documents and are available at:
www.judiciary.uk, <https://caselaw.nationalarchives.gov.uk>**

Introduction

1. This case raised the circumstances in which a claim for unfair processing could be made against a newspaper under articles 5 and 82 of the UK General Data Protection Regulation (UK GDPR).
2. Article 5(1)(a) of the UK GDPR provided that: “[p]ersonal data shall be ... processed lawfully, fairly and in a transparent manner in relation to the data subject”. Article 82(1) of the UK GDPR granted “[a]ny person who has suffered material or non-material damage” as a result of an infringement: “the right to receive compensation from the controller ... for the damage suffered”.

3. In this case, the data subject was Mr Dale Vince (Mr Vince) and the data controller was Associated Newspapers Ltd (Associated Newspapers).
4. Associated Newspapers published newsprint and online articles in the Daily Mail and Mail+ about Mr Vince on 8 and 9 June 2023 (the articles). The Daily Mail article is attached as annex A to this media summary. The essence of Mr Vince's complaint was that some of the articles unfairly juxtaposed the headline "Labour repays £100,000 to sex pest [or sex harassment] donor" alongside pictures of Mr Vince, when the "sex pest donor" referred to was **not** Mr Vince, but another Labour Party donor. Mr Vince claimed that the unfair processing of his personal data caused him both material and non-material damage.
5. Mr Vince had previously brought defamation proceedings against Associated Newspapers in respect of the articles. Those proceedings were struck out by HHJ Lewis as disclosing no reasonable cause of action on 15 July 2024. He applied the principles in *Charleston v. News Group Newspapers Ltd* [1995] 2 AC 65 (*Charleston*) to the effect that a claim in libel may only be founded on the whole of an article, rather than headlines or selected parts. HHJ Lewis held at [41] that: "[t]aken together, it is agreed that the article was not defamatory of the claimant at common law, and so the claim must fail".
6. Mr Justice Swift (the judge) struck out Mr Vince's claim for unfair processing as an abuse of process [J40] under CPR Part 3.4(2)(b) on the grounds that "what [had] happened in this case [was] a significant departure from any ordinary or proper use of the court's process" [J29]. The judge also entered summary judgment for Associated Newspapers.

7. Mr Vince appealed against both of the judge's decisions. He appealed the strike out on the ground that, on the law and facts, the case ought not have been struck out. Mr Vince contended that he ought to have been awarded summary judgment in respect of his unfair processing claim. The judge had been wrong to import the "wholly alien and inapplicable common law" *Charleston* principles for the purpose of assessing the autonomous concept of the fairness of data processing under the UK GDPR. It was obvious that there was no real prospect of Associated Newspapers successfully defending Mr Vince's unfair processing claim. Millions of people had been misled and Mr Vince had been caused financial loss (the costs of securing the correction of the articles) and distress, and his reputation had been severely damaged.
8. In response to the strike out arguments, Associated Newspapers submitted that the judge had been wrong as to the principles he applied. Had he applied the correct principles, the unfair processing claim would have been held to vex Associated Newspapers twice with a second claim based on identical facts, which could and should have been brought at the same time as the defamation claim (as the judge found at [J23]-[J28]). Holding the unfair processing claim in reserve, when it was known about and advanced at the outset, was an abuse of process.
9. In response to the unfair processing arguments, Associated Newspapers contended that Mr Vince has repackaged his claim that the articles were inaccurate as a claim that his data has been unfairly processed. Mr Vince accepted that he has no claim under the UK GDPR for inaccuracy under article 5(1)(d) ("personal data shall be ... accurate ..."). In substance, Mr Vince's unfair processing claim was founded only on the inaccurate and misleading juxtaposition of his photo alongside the "sex pest" headline. The judge was right to think that the question of fairness could only be evaluated by reference to the

entirety of the article concerned. He did not, as Mr Vince contended, import *Charleston* or the single meaning rule into the UK GDPR.

10. The Court of Appeal (Sir Geoffrey Vos MR, Lord Justice Warby and Lady Justice Whipple) held unanimously that the judge's decisions should be reversed, and that summary judgment for damages to be assessed should be granted to Mr Vince.

The strike out appeal

11. Sir Geoffrey Vos's judgment explained at [54] that the judge was wrong to strike out Mr Vince's unfair processing claim. The reasons were as follows: (i) Mr Vince had advanced the fair processing claim from his first contact with Associated Newspapers, (ii) Associated Newspapers' responses had been inappropriately dismissive of the fair processing claim, (iii) it was true that Mr Vince failed to advance his fair processing claim in his first set of proceedings, but he obviously did so as a result of legal advice, (iv) Mr Vince did not delay in intimating his intention to pursue the fair processing claim if the libel claim was lost, (v) the fair processing claim was novel and, if not legally complex, certainly one that is never known to have succeeded in these courts before, (vi) it was clear that Mr Vince changed horses (without lengthy delay and before HHJ Lewis's final judgment) to the fair processing claim on the basis of legal advice from newly instructed counsel, (vii) Associated Newspapers was a seasoned litigant (with access to highly specialised solicitors and counsel) and can hardly be regarded as being oppressed by the need to defend consecutive sets of proceedings, for which it could be compensated in costs if it wins, (viii) there was no substantive difference in this case between applying to amend the first set of proceedings and bringing a second set of proceedings in this case, and (ix) adopting the necessary broad merits-based

approach, Mr Vince was simply trying to obtain a remedy for what was an obvious injustice perpetrated by a wrongdoer who was taking every possible legal point against him.

The unfair processing claim appeal

12. Sir Geoffrey Vos MR's judgment explains at [57]-[76] the reasons for allowing Mr Vince's substantive appeal and granting him summary judgment for damages to be assessed against Associated Newspapers.
13. The articles published by Associated Newspapers juxtaposed photographs of Mr Vince alongside headlines referring to a "sex pest donor" or "sex harassment donor". The irresistible conclusion that must have been reached by anyone who read no further was that Mr Vince was the "sex pest" concerned. That was an obvious breach of Clause 1 of the Editors' Code of Practice which provides that newspapers "must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text". In this case, the juxtaposition of the photographs of Mr Vince to the headline was unfair to him and misleading to anyone who did not read the entire article. There were obviously many readers who do not read further than the headlines and the pictures, so that many people would have been actually misled.
14. Associated Newspapers' night editor, Mr Gregory, gave an explanation of how the article came to have been written as it was (see [22]-[25]). Whilst mistakes could occur in a hard-pressed newsroom, his explanation was that the juxtaposition was, in some way, justified by the fact that Mr Vince had that day attended a Just Stop Oil

demonstration. It was not so justified. The Daily Mail was fully entitled to criticise Mr Vince's opinions, but that is not the point of which Mr Vince complained.

15. It was unnecessary and undesirable to lay down any generally applicable test to unfair processing claims. What was meant by fair processing might be significantly affected by the context. But it could be said that fairness was an autonomous concept under the UK GDPR, and the data processor ought not to deal with a data subject's data in a way that was unfair to the data subject. The data subject's reasonable expectations would be relevant at least when they had a relationship with the data controller. Fairness obviously also implied a balance which would be influenced by the circumstances of the data usage, the interests of the data subject and the data controller, the public interest and whether the processing was proportionate to any harm caused.
16. None of that determined whether the *Charleston* principle applied to a fair processing claim in the present context. It did not apply here because of the Editors' Code of Practice. It was not in dispute that that Code was a relevant privacy code to which the court was bound by section 12 of the Human Rights Act 1998 to have regard.
17. The Editors' Code of Practice obligation to "take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text" went beyond an accuracy obligation.
18. Associated Newspapers, in this case, failed to take care not to publish misleading information and images in the articles. The information in the headline juxtaposed next to the images of Mr Vince would have misled many casual readers into thinking that Mr Vince was the "sex harassment donor" referred to in the headline. Even if (as to which

the court said nothing) the headline and the images were not “inaccurate” by reason of the *Charleston* rule, they were certainly “misleading”. Mr Gregory’s supposed explanation for the juxtaposition did not show that he took any adequate care to avoid publishing misleading information and images, taken together.

Conclusions

19. Accordingly, Associated Newspapers had no real prospect of defending Mr Vince’s claim for damages for unfair processing of his personal data based on the *Charleston* principle, as the judge had incorrectly thought.
20. The judge was wrong to think that Associated Newspapers was entitled to summary judgment. Instead, Mr Vince was entitled to summary judgment for damages to be assessed.

Labour repays £100,000 to 'sex harassment' donor

By **David Churchill**
Chief Political Correspondent

SIR Keir Starmer was left embarrassed yesterday after repaying a £100,000 donation to a high-flying City financier accused of sex harassment.

The Labour leader was forced into a humiliating climbdown after being accused of 'hypocrisy' for accepting the cash despite the allegations against Davide Serra.

Mr Serra, the boss of a multi-billion pound asset management firm in London, made four £25,000 donations to Labour during the first quarter of this year. It emerged in official figures released yesterday.

And Labour faced further embarrassment yesterday when businessman Dale Vince, who has donated £1.5million to the party, joined an eco-protest in London with Just Stop Oil, the group he is helping to bankroll.

The party pocketed Mr Serra's money despite accusations that



Road blockers: Dale Vince in London yesterday, and circled as he holds up traffic with Just Stop Oil

the 52-year-old married chief executive made 'wholly inappropriate' comments on the size of a female colleague's breasts.

A tribunal also heard he told cli-

ents that Jolanda Niccolini, his now former head of business development and investor relations, would do anything for them - 'including prostitute herself'. Mr Serra's firm

was ordered to pay £32,000 in compensation by a tribunal judge last month after Ms Niccolini successfully sued for sex harassment and victimisation. Labour has decided

to repay the £100,000 donation after the Daily Mail highlighted the case. It is understood it did not know about it before being alerted to it by this newspaper.

Earlier, Tory MP Craig Mackinlay said: 'If [Sir Keir] had principles he would hand the money back, otherwise it's hypocrisy.'

In central London yesterday, Mr Vince joined JSO activists who were blocking traffic around Parliament and Trafalgar Square.

Some suspect he may have influenced Sir Keir's pledge to block new North Sea oil and gas exploration if he wins the next election.

Mr Vince said: 'I'm here to support the incredibly brave people of Just Stop Oil. I can't imagine it will make much difference to Keir Starmer, he's his own man and so am I.'

Tory Party deputy chairman Nickie Aiken said: 'As if it wasn't already clear enough, Labour's big bankrollers and policy paymasters are the eco-fanatics themselves.'