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# Protection of Personality in the UK

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## Protection of Personality in the UK

On Monday, the 10th of February the Faculty of Law at Charles University in Prague hosted a guest lecture from [Professor Robin Callender Smith](#), of the Queen Mary University of London. The topic of the Lecture was 'Protection of Personality in the UK: The Development of Privacy from the 1960's to the Present Scandals', and as an ex-journalist, barrister, judge and teacher, Professor Smith was in an excellent position to lecture on the topic.



The lecture focused on the relationship of the British laws protecting privacy with Europe, specifically conventions and charters on the subject. Before 2000 there was no law to protect individual privacy in the UK as such. Lawyers had to perform legal gymnastics with 'breach of confidence' principle to protect clients, which was often insufficient. However, with the implementation of the Human Rights Act 1998 in English law in 2000, Article 8, which stipulates the right of the individual to privacy, became central to British law. This has led to many issues in the UK that were outlined by Professor Smith, most prominently the battle between tabloids and celebrities, between the right to privacy and public interest. It has been the cause of many bloody courtroom battles over the years, reaching a spectacular climax in 2011 that led to the collapse of the News of the World and the highly publicized Leveson inquiry. So naturally the implementation of Article 8 was of interest to the News companies, but so was the implementation of Article 10, the counter to Article 8 emphasizing the fundamental importance of freedom of speech. The Professor analysed many cases where these two articles had come head to head, for example the case of *Edward RockNRoll versus News Group Newspapers 2013*, when NGN were stopped from publishing embarrassing pictures of the celebrity on the grounds that it was a misuse of private information, but also to protect his step-children from 'playground bullying', a case that probably would not have been successful under the previous 'breach of confidence' law.

Another issue raised by Professor Smith was the relationship between the UK legal system and European conventions. Opinion has been divided with very vocal disagreements between UK judges on how to interpret the Human Rights Act rulings that come from the High Court in Strasbourg, and their subsequent effect on UK court rulings. To what extent should the UK courts be able to interpret the Human Rights act independently, and to what extent should it follow the precedents set by Strasbourg? These questions inevitably tie in to the questions of sovereignty and autonomy currently dominating British politics, and should yield some interesting decisions in the next few years. However, the Professor also forecasted a decline in the importance of the Human Rights Act 1998 on English Law, and that in the future the Fundamental Rights Charter may become more influential on British law. This, however remains to be seen. The lecture was followed by a short question and answer session, with many people keen to ask questions – always a good sign. An interesting lecture, on a topic that is becoming increasingly relevant for all of us in the internet dominated world that we live in.



**Elan Grug Muse** is in her second year studying for a BA in Politics at the University of Nottingham, and is studying for a year at the Faculty of Social Sciences in Charles University, Prague. She is interested in international politics, music and literature, and was motivated to write for iForum because it offered a good opportunity to improve her journalism skills.