

RAYMOND WACKS

PERSONAL  
INFORMATION

Privacy and the Law



CLARENDON PRESS

OXFORD

# Personal Information

Privacy and the Law

RAYMOND WACKS

CLARENDON PRESS · OXFORD

1989

Oxford University Press, Walton Street, Oxford OX2 6DP

Oxford New York Toronto  
Delhi Bombay Calcutta Madras Karachi  
Petaling Jaya Singapore Hong Kong Tokyo  
Nairobi Dar es Salaam Cape Town  
Melbourne Auckland  
and associated companies  
Berlin Ibadan

Oxford is a trade mark of Oxford University Press

© Raymond Wacks, 1989

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of Oxford University Press

British Library Cataloguing in Publication Data

Wacks, Raymond, 1946–

Personal information: privacy and the law

1. England. Privacy. Encroachment. Control.

Law

I. Title

344.202'858

ISBN 0–19–825611–6

Library of Congress Cataloging in Publication Data

Wacks, Raymond.

Personal information: privacy and the law/Raymond Wacks.

Bibliography

Includes index.

1. Privacy, Right of. 2. Data protection. I. Title.

K3263.W33 1989 342'.0858–dc19 [342.2858] 88–32109

ISBN 0–19–825611–6

Set by Cambrian Typesetters, Frimley, Surrey

Printed in Great Britain by

Biddles Ltd.,

Guildford and King's Lynn

For my parents

## Preface

Nearly ten years ago in my book, *The Protection of Privacy*, I expressed a general disenchantment with the use of 'privacy' as a legal term of art. A good deal has happened since then. But my uneasiness remains. This book represents a more sustained and systematic attempt to develop an alternative analysis the outlines of which I only sketched there.

Based on a thesis for which the University of London awarded me the degree of Ph.D. in 1986, this book is inevitably informed by the perspective adopted in *The Protection of Privacy* and other writings. However, both the scope and the objectives pursued here are materially different. And they differ even more fundamentally from my much earlier (and considerably narrower) research conducted at the University of Oxford into the protection of 'privacy' by the English and Roman-Dutch law for which I was awarded the degree of M.Litt. in 1974.

I have clearly been preoccupied with the subject of 'privacy' for far longer than should be permitted. In mitigation I plead that this has afforded me the opportunity (or the burden) of reconsidering and, I hope, refining some of the ideas which I originally held. It does not follow, of course, that I am any closer to resolving the problems I have sought to unravel in the pages that follow.

In an attempt to test the extent to which those problems touch the lives of people in Britain, I conducted the survey of solicitors described in Chapter 4. This exercise would not, of course, have been possible without the assistance of the numerous solicitors who took the time and trouble to complete my questionnaires, several of them appending lengthy addenda expressing their views and proposals. I am most grateful to them.

Dr Michael Bryan of the Faculty of Laws, Queen Mary College, University of London, was (as my adviser) a constant and ready source not only of advice, but of friendly support and encouragement. With kindness and patience he

greatly assisted, in particular, my journey through the often impenetrable thicket of the law of confidence, sparing me from many a mishap along the way. Responsibility for those that remain must, of course, be laid at my door.

Being away from England since 1982 proved more of an obstacle to my research than I anticipated. Difficulties in obtaining certain materials required periodic visits to Britain. I am indebted to both the Universities of Natal and Hong Kong for their assistance in financing my raids on the Bodleian Law Library and the Institute of Advanced Legal Studies.

No thanks to Mr Peter Wright. The litigation spawned by his revelations inflicted certain wounds on Chapter 3, though, since my chief concern is with 'personal information' the damage was minor. Still, the minds of almost a score of our leading judges have been exercised in a field of law notorious for its ambiguity. And the impact of their decisions extends beyond the narrow confines of the case to the action for breach of confidence in general. Moreover, as I process these words, I understand that the security service is, for the first time, to be placed on a statutory footing. Should the Security Service Bill become law, the Government's pursuit of *Spycatcher* may prove not to have been entirely in vain. And, as far as Chapter 7 is concerned, some of my comments concerning 'intrusion' by MI5 may have to be revised. I hope so.

For my part the *Spycatcher* drama could have been better timed. The First Act coincided with the despatch of my manuscript. Amendments were made just in time for incorporation in the proofs. Act II, however, was performed only after the book was in press. Nevertheless, thanks to the kind indulgence of my publishers, I have been able to squeeze into the footnotes references to the judgments of the Court of Appeal and the House of Lords.

A final word of gratitude. During the long and often difficult years during which I spent on this research, my wife, Penelope, endured what must have seemed like endless evenings and weekends without me. Throughout this period, she selflessly yielded to my wholly unreasonable demands for solitude and even for 'privacy'.

December 1988

R. W.

## Acknowledgements

I have drawn on a number of my publications. In particular, 'Breach of Confidence and the Protection of Privacy' (1977) 127 NLJ 328; 'No Castles in the Air' (1977) 93 LQR 492; 'Pop Goes Privacy' (1978) 31 MLR 68; 'The Poverty of "Privacy"' (1980) 96 LQR 73; *The Protection of Privacy*, Modern Legal Studies, London: Sweet & Maxwell, 1980; ' "Privacy" and the Practitioner' (1983) Public Law 260; 'Controlling AIDS: Some Legal Issues' (1988) 138 NLJ 254, 283; 'The Right to Privacy' in R. Wacks (ed.), *Civil Liberties in Hong Kong*, Hong Kong: Oxford University Press, 1988. I am grateful for permission to use them here.

## Tables

1. Public disclosure and breach of confidence compared	127
2. Types of invasion of privacy within the last year (per cent)	136
3. Number objecting to publication of various personal details (per cent)	137
4. Reactions to examples of invasion of privacy (per cent)	137
5. Distribution of questionnaires sent and replies received	141
6. Complaints received in previous five years (all solicitors)	143
7. Complaints received by Greater London solicitors	144
8. Complaints received by provincial solicitors	144
9. Complaints received by law centres (including NCCL)	145
10. The Privacy Group	150
11. The Other Group	150
12. Ranking of actual number of complaints	152
13. Sensitivity grading of personal information	230

## Figures

1. Questionnaire	142
2. All complaints in order of importance	151



## Table of Cases

Abernethy <i>v.</i> Hutchinson (1825) 1 H. & Tw. 2, 47 ER.....	85
Abrams <i>v.</i> United States 250 US 616 (1919) .....	173
Ackroyds (London) Ltd. <i>v.</i> Islington Plastics Ltd. [1926] RPC 97 .....	52, 58, 64
Ahmad <i>v.</i> Inner London Education Authority [1978] 1 QB 36 .....	282
Albert (Prince) <i>v.</i> Strange <i>see</i> Prince Albert <i>v.</i> Strange	
Aldred's Case (1611) 9 Co. Rep. 57b.....	252
Alfred Crompton Amusement Machines Ltd. <i>v.</i> Customs and Excise Commissioners (No. 2) [1974] AC 405 .....	77, 185
Allan <i>v.</i> Liverpool Overseers (1874) LR 9 QB, 180 .....	251
Alpertton Rubber Co. <i>v.</i> Manning (1917) 86 LJ Ch. 377.....	91
Amber Size and Chemical Co. Ltd. <i>v.</i> Menzel [1913] 2 Ch 239 .....	91
American Cyanamid <i>v.</i> Ethicon Ltd. [1975] 1 All ER 504 .....	79, 92-3
Argyll (Duchess) <i>v.</i> Argyll (Duke) [1967] 1 Ch. 302 .....	43, 54, 55, 78, 80, 86-9, 94, 108, 120, 130, 176
Ashburton (Lord) <i>v.</i> Pape [1913] 2 Ch. 469.....	52, 118, 185, 255
Attorney-General <i>v.</i> Clough [1963] 1 QB 773 .....	187
— <i>v.</i> Guardian Newspapers Ltd. [1987] 1 WLR 1248 .....	52, 58, 59, 79, 119, 124, 175
— <i>v.</i> Guardian Newspapers Ltd. (No. 2) (High Court) .....	52, 58, 63, 109, 115, 177
(Court of Appeal) .....	52, 58, 63, 79, 104, 109, 115, 177, 256
(House of Lords) .....	53, 58, 63, 104, 109, 112, 113, 115, 177
— <i>v.</i> Heinemann [1988] unreported .....	112-13
— <i>v.</i> Jonathan Cape Ltd. [1976] 1 QB 752 .....	52, 54
— <i>v.</i> Mulholland [1963] 2 QB 477.....	186, 187
Barber <i>v.</i> Time, Inc. 159 SW 291 (1942).....	170
Beaumont <i>v.</i> Brown 257 NW 522 (1977) .....	128
Beloff <i>v.</i> Pressdram Ltd. [1973] 1 All ER 241.....	54, 69
Bernstein of Leigh (Baron) <i>v.</i> Skyviews & General Ltd. [1977] 3 WLR 136.....	250-1, 252-3
Bliss <i>v.</i> S. E. Thames Health Authority (1985) IRLR 308.....	82
Board of Education, Island Trees Union Free School District No. 26 <i>v.</i> Pico 102 S. Ct. 2799 (1982) .....	296
Bonnard <i>v.</i> Perryman [1891] 2 Ch. 269 .....	92
Bowers <i>v.</i> Hardwick (1988) 40 Rutgers LJ 521.....	32
Branzburg <i>v.</i> Hayes 408 US 665.....	159
Briscoe <i>v.</i> Reader's Digest Association 483 P. 2d 34 (1971).....	168, 175
British Steel Corporation <i>v.</i> Granada Television Ltd. [1980] 3 WLR 180; [1981] 1 All ER 417.....	69, 74-5, 77, 111, 112

Brown <i>v.</i> Inland Revenue Commissioners [1965] AC 244.....	186
Bryston <i>v.</i> Whitehead (1822) 1 Sim. & St. 74; 57 ER 29.....	44
Burns <i>v.</i> Stevens 236 443; 210 482 (1926).....	47
Butler <i>v.</i> Board of Trade [1971] Ch. 680.....	43
California Bankers Association <i>v.</i> Schultz 416 US 21 (1974).....	186
Callis <i>v.</i> Gunn [1964] 1 QB 495.....	298
Canham <i>v.</i> Jones (1813) 2 V. & B. 218; 35 ER 302.....	44
Cantrell <i>v.</i> Forest City Publishing Co. 419 US 245 (1974).....	160, 162
Carter <i>v.</i> Palmer (1839) 1 Dr. & W. 722; (affirmed) (1842) 8 Cl. & F. 657, 8 ER 256.....	186
Cason <i>v.</i> Baskin 159 Fla. 31, 30 So. 2d 243 (1944).....	160
Commonwealth <i>v.</i> John Fairfax & Sons Ltd. (1980) 147 CLR 39.....	255
Commonwealth of Australia <i>v.</i> John Fairfax & Sons Ltd (1981) 55 ALJR 45.....	52, 109, 112, 114
Chantrey Martin <i>v.</i> Martin [1953] 2 QB 286.....	77, 186
Church of Scientology <i>v.</i> Kaufman [1973] RPC 635.....	69, 70, 78, 104
Church of Scientology of California <i>v.</i> Miller [1977] <i>The Times</i> 23 Oct.....	115
Clough <i>v.</i> United States 425 US 322 (1973).....	186
Coco <i>v.</i> A. N. Clark (Engineers) Ltd [1969] RPC 41.....	54, 56, 57, 79, 96, 99, 104, 107
Copley <i>v.</i> Northwestern Mutual Life Insurance Co. 295 F. Supp. 93 (1968).....	132
Cork <i>v.</i> McVicar [1984] <i>The Times</i> 1 Nov.....	57, 69, 73, 74, 115, 116, 117, 169, 175
Corliss <i>v.</i> Walker 27 F. 434 (1893).....	170
Cox Broadcasting Corporation <i>v.</i> Cohn 420 US 469 (1970).....	166
Cranleigh Precision Engineering Ltd. <i>v.</i> Bryant [1966] RPC 375.....	58, 122
D. <i>v.</i> National Society for the Prevention of Cruelty to Children [1977] All ER 589.....	77, 186
Daily Times Democrat <i>v.</i> Graham 276 Ala. 380, 160 So. 2d 474 (1964).....	175
Davies <i>v.</i> Clough (1837) 8 Sim. 262; 59 ER 105.....	186
Deta Nominees Pty. Ltd. <i>v.</i> Viscount Plastic Products Pty. Ltd. [1979] VR 167.....	45
Dietmann <i>v.</i> Time, Inc. 449 F. 2d 244 (1971).....	170, 297
Dunford & Eliot Ltd <i>v.</i> Johnson & Firth Brown Ltd. [1977] 1 Lloyd's Rep. 505.....	56, 93
Distillers Co. (Biochemicals) Ltd. <i>v.</i> Times Newspapers Ltd [1975] 1 All ER 41.....	69, 70
E. I. Du Pont de Nemours Powder Co. <i>v.</i> Masland 244 US 100; 61 L Ed 1016 (1916).....	43

— <i>v. Rolfe Christopher</i> 43 I F 2d 1012 (1970) .....	251
<i>Elkins v. US</i> 364 US 206 (1960).....	298
<i>Entick v. Carrington</i> (1765) 19 How. St. Tr. 1030.....	292, 294
<i>Estcourt v. Estcourt Hop Essence Co.</i> (1875) 10 Ch. App. 276.....	45-6
<i>Exchange Telegraph Co. (Ltd.) v. Howard</i> (1906) 22 TLR 375.....	45
<i>Faccenda Chicken Ltd. v. Fowler</i> [1985] 1 All ER 724 .....	91
<i>Fielding v. Variety Inc.</i> [1967] 2 QB 841.....	82
<i>Fisher v. United States</i> , 425 US 391 (1976) .....	185
<i>Flake v. Greensboro News Co.</i> 195 SE 753.....	162
<i>Re Flint Coppock v. Vaughan</i> [1885] WN 163 .....	186
<i>Foster v. Mountford and Rigby Ltd.</i> (1976) 14 Austr. LR 71.....	194
<i>Foster v. The Bank of London</i> (1862) 3 F. & F. 214.....	186
<i>Foster-Milburn Co. v. Chinn</i> 120 SW 364 (1909).....	162
<i>Franchi v. Franchi</i> [1967] RPC 149.....	64
<i>Francome v. Mirror Group Newspapers Ltd.</i> [1984] WLR 892 .....	72-3, 74, 93, 94, 108, 115, 116-17, 119, 121-2, 131, 169, 175, 176, 256-9, 265
<i>Franklin v. Giddens</i> [1978] 1 QD. R. 72 .....	255
<i>Fraser v. Evans</i> [1969] 1 All ER 415 .....	51, 69, 70, 75, 97, 111, 118
<i>Fraser v. Thames Television Ltd.</i> [1983] 2 WLR 917 .....	43, 52
<i>Furniss v. Fitchett</i> [1958] NZLR 396 .....	187
<i>Gabbitas v. Gabbitas</i> [1967] <i>The Times</i> 5 Dec. ....	299
<i>Gartside v. Outram</i> (1857) 26 LJ Ch. (NS) 113.....	54, 68
<i>Gertz v. Robert Welch Inc.</i> 418 US 323 (1974) .....	168, 169
<i>Gill v. Curtis Publishing Co.</i> 38 Cal. 2d 273, 239 P. 2d 630 (1952).....	166
— <i>v. Hearst Publishing Co.</i> 40 Cal. 2d 224, 253 P. 2d 441 (1953).....	39, 162, 166
<i>Gillick v. West Norfolk and Wisbech Area Health Authority and the DHSS</i> [1986] AC 112.....	190
<i>Goldman v. U.S.</i> 316 US 129 (1942).....	32
<i>Gouriet v. Union of Post Office Workers</i> [1978] AC 435.....	265
<i>Griswold v. Connecticut</i> 381 US 479 (1965) .....	32
<i>Grove v. Eastern Gas Board</i> [1952] 1 KB 77 .....	251
<i>Hadmore Productions Ltd. v. Hamilton</i> [1982] 2 WLR 322.....	93
<i>Harrison v. Duke of Rutland</i> [1983] 1 QB 142 .....	250
<i>Hill v. Tupper</i> (1863) 2 H. & C. 121 .....	251
<i>Hinish v. Meier &amp; Frank Co.</i> 113 P 2d 438 (1941).....	162
<i>Houchins v. KQED</i> 438 US 1, 11 (1978) .....	159, 295
<i>Hubbard v. Vosper</i> [1972] 2 QB 84.....	69, 70, 78, 111
<i>Hunter v. Mann</i> [1974] 1 QB 676 .....	78, 187
<i>In Re John Holmes (a solicitor); In Re The Electric Power Co. Ltd.</i> (1977) 25 WR 603.....	186

In Re Sarah C. Getty Trust [1985] <i>The Times</i> , 28 May .....	186
Initial Services v. Putterill [1968] 1QB 396 .....	54, 69, 72, 73, 91, 92, 111
International Scientific Communications Inc. v. Pattison [1979] FSR 429 .....	79
Jarvis v. Swan Tours Ltd. [1973] QB 233 .....	82
Jeffrey v. Black [1978] B 490 .....	298
Johnson v. Wyatt (1863) 2 De G. J. 7 S. 18 .....	252
Jones v. Tapling (1862) 21 LJ (NS) CP 110 .....	252
Katz v. United States 389 US 347 (1967) .....	278, 295
Karuma v. R [1955] AC 197 .....	298
Khashoggi v. Smith (1980) 130 NLJ 168 .....	72, 93, 95-6, 131
Klass v. Federal Republic of Germany (1978) Halsbury's Abbr. para. 1501 .....	282, 284
Lane v. Dixon (1847) 3CB 776 .....	251
Lennon v. News Group Newspapers Ltd. [1984] 1 WLR 892 .....	72, 78, 88, 94-5, 131
Li Yau-wai v. Genesis Films Ltd. [1987] HKLR 711 .....	56, 109
Lion Laboratories v. Evans [1984] 2 All ER 417 .....	69, 70-2, 73, 74, 93, 110, 111, 112, 113-14, 115, 116, 119, 120, 131, 169, 171, 175
Lloyd v. Freshfield (1826) 2 Car. & P. 325 .....	186
M. and N. v. Kelvin Mackenzie and News Group Newspapers Ltd, 18 Jan 1988, unreported .....	97
McCall v. Abelesz [1967] 1 QB 585 .....	265
McIvor v. Southern Health and Social Services Board [1978] 2 All ER 625 .....	187, 217
Malone v. Commissioner of Police of the Metropolis (No. 2) [1979] 2 All ER 620 .....	43, 55, 69, 70, 108, 118, 119, 276-83, 289-90
— v. Laskey [1907] 2KB 141 .....	252, 253, 257, 273
Mapp v. US 367 US 643 (1961) .....	298
Marks v. Jaffa 27 NYS 908 (1893) .....	162
Massiah v. U. S. 377 US 201 (1964) .....	32
Matto v. Wolverhampton Crown Court (1987) <i>The Times</i> 27 May .....	300
Meetze v. Associated Press 230 SC 330, 95 SE 2d 608 (1956) .....	39
Melvin v. Reid 112 Cal App 285; 297 P. 91 (1931) .....	126, 159, 160, 176
Merryweather v. Moore [1892] 2 Ch 518 .....	91
Metter v. Los Angeles Examiner 35 Cal. App. 304 (1939) .....	170
Millar v. Taylor (1972) in (1769) 4 Burr. 2303 .....	254-5
Morison v. Moat (1851) 9 Hare 241, (on appeal) (1852) 21 LJ Ch. (NS) 248 .....	50, 55, 119

Morris <i>v.</i> Beardmore [1980] 3 WLR 283 .....	282
Munden <i>v.</i> Harris 134 SW 1076 (1911) .....	162
NAACP <i>v.</i> Alabama 357 US 449 (1958) .....	32
Nardone <i>v.</i> US 316 US 379 (1937) .....	298
New York Times <i>v.</i> Sullivan 373 US 254 (1964) .....	161, 168-9, 172
— <i>v.</i> United States 403 US 713 (1971) .....	170
Microtherm Electrical Co. Ltd. <i>v.</i> Percy No. 2 [1957] RPC 207 .....	43
O. Mustad & Son <i>v.</i> Dosen (1928) [1963] RPC 41 .....	53, 58, 109
Olmstead <i>v.</i> United States 277 US 438 (1928) .....	32, 295
Oxford <i>v.</i> Moss (1978) 68 Cr. App. R. 183 .....	44, 278
Pais <i>v.</i> Pais [1971] P 119 .....	186
Pan American World Airways, Inc. <i>v.</i> Department of Trade [1976] 1 Lloyd's Rep. 257 .....	282
Parry-Jones <i>v.</i> Law Society [1969] 1 Ch. 1 .....	185
Pavesich <i>v.</i> New England Life Ins. Co. 120 Ga. 190, 50 SE 68 (1905) .....	34, 36, 162
Pearson <i>v.</i> Dodd 410 F. 2d 701 (1969) .....	170
Pell <i>v.</i> Proconier 417 US 817 (1974) .....	159
Perry <i>v.</i> Sidney Phillips & Son [1982] 1 All ER 1005 .....	82
Peter Pan Manufacturing Corporation <i>v.</i> Corsets Silhouette Ltd. [1963] RPC 45, [1964] 1 WLR 96 .....	58
Peterson <i>v.</i> Idaho First National Bank 367 P 2d 284 (1967) .....	128
Phipps <i>v.</i> Boardman [1967] 2 AC 46 .....	44
Pollard <i>v.</i> Photograph Co. (1889) 40 Ch. D. 345 .....	109, 122
Potters-Ballotini Ltd <i>v.</i> Weston-Baker [1977] RPC 202 .....	53, 93
Prince Albert <i>v.</i> Strange (1849) 1 H. & W. 1; 2 De Gex & Sm. 652, 64 ER 293, (on appeal) (1849) 1 Mac. & G. 25, 41 ER 1171 .....	34, 45, 50, 55, 57, 62, 82-6, 88, 100, 109, 118
Printers and Finishers Ltd <i>v.</i> Holloway [1965] RPC 239 .....	119
Queensbury (Duke of) <i>v.</i> Shebbeare (1758) 2 Eden 329 .....	85
R. <i>v.</i> Apicella [1985] <i>The Times</i> , 5 Dec. ....	299
— <i>v.</i> Carothers; Richardson <i>v.</i> Brunhoffer [1978] 6 WWR 571 (BC Co. Ct.) .....	280
— <i>v.</i> Chief Immigration Officer, ex parte Bibi [1976] 3 All ER 843 .....	282
— <i>v.</i> Duchess of Kingston (1776) 20 How. St. Tr. 355 .....	186
— <i>v.</i> Inland Revenue Commissioners, ex parte Rossminster Ltd. [1980] 2 WLR 15 .....	294
— <i>v.</i> Keeton (1970) 52 Cr. App. R. 267 .....	299
— <i>v.</i> Leatham (1861) 8 Cox C. C. 498 .....	298
— <i>v.</i> Maqsud Ali; R. <i>v.</i> Ashiq Hussain [1966] 1 QB 688 .....	298
— <i>v.</i> Offley (1986) Alta. LR (2d); 11 CPR (3rd) 231 .....	44
— <i>v.</i> Sang [1980] AC 402 .....	298, 299

— <i>v. Secretary of State for the Home Department</i> , ex parte Ruddock [1987] 1 WLR 1482.....	287
— <i>v. Senat</i> (1968) 52 Cr. App. R. 282.....	299
— <i>v. Stewart</i> (1970) 54 Cr. App. R. 210.....	299
— <i>v. Stewart</i> (1983) 5 CCC (3rd) 481; 35 CR (3rd) 105; 149 DLR (3rd) 583.....	44
— <i>v. Watson</i> (1976) 31 CCC (2d) 245 (Ont. Co. Ct.).....	280
Rakusen <i>v. Ellis, Munday &amp; Clarke</i> [1912] 1 Ch. 831.....	186
Rhodes <i>v. Graham</i> 37 SW 2d 46 (1931).....	278
Robb <i>v. Green</i> [1895] 2 QB 1, (affirmed) [1895] 2 QB 315.....	91, 259
Roberson <i>v. Rochester Folding Box Co.</i> 171 NY 538; 64 NE 442 (1902).....	33, 34, 47
Roe <i>v. Wade</i> 410 US 113 (1973).....	32
Rosenbloom <i>v. Metromedia, Inc.</i> 303 US 29 (1971).....	168
Rumping <i>v. DPP</i> [1964] AC 814.....	87
St. Helen's Smelting Co. <i>v. Tipping</i> (1865) 11 HLC 642.....	252
Saltman Engineering Co. Ltd. <i>v. Campbell Engineering</i> Co. Ltd. (1948) 65 RPC 203, [1963] All ER 413.....	51, 53, 56, 58, 60, 61, 79, 124
Schering Chemicals Ltd. <i>v. Falkman Ltd.</i> [1981] 2 WLR 848.....	60-3, 70, 73, 74, 79, 93, 111, 116, 117, 130
Science Research Council <i>v. Nassé</i> [1980] AC 1028.....	77
Seager <i>v. Copydex</i> [1967] 2 All ER 415.....	51, 53, 56, 97
Secretary of State for Defence <i>v. Guardian Newspapers Ltd.</i> [1984] 3 WLR 986.....	175
Sheen <i>v. Clegg</i> [1967] <i>Daily Telegraph</i> 22 June.....	251
Sidis <i>v. F. R. Publishing Corporation</i> 113 F 2d 806 (1940).....	126, 129, 160, 169, 176
Spahn <i>v. Julian Messner, Inc.</i> 23 App. Div. 2d 216; 260 NYS 451 (1964).....	37
Snepp <i>v. United States</i> , 62 L. Ed. 2d (1980).....	62
State ex rel. La Follette <i>v. Hinkle</i> 131 Wash. 86; 229 P. 317 (1924).....	47
Stephens <i>v. Avery</i> [1988] 2 WLR 1280.....	52, 72, 96-8, 106, 116, 131, 175
Stevenson, Jordan & Harrison Ltd. <i>v. Macdonald and Evans</i> (1951) 68 RPC 190.....	78, 119
Sunderland <i>v. Barclays Bank Ltd.</i> (1938) <i>The Times</i> 25 Nov. ....	193
Sweezy <i>v. New Hampshire</i> 354 US 234 (1957).....	32
Tapling <i>v. Jones</i> (1865) 11 H. L. Cases 290.....	252
Terrapin Ltd. <i>v. Builders Supply Co. (Hayes) Ltd.</i> [1967] RPC 375.....	53, 56, 58
Themo <i>v. New England Newspaper Publishing Co.</i> 27 NE 2d 753 (1940).....	162
Thomas Marshall (Exporters) Ltd. <i>v. Guinle</i> [1978] 3 WLR 116.....	52
Thornburgh <i>v. American College of Obstetricians &amp;</i> <i>Gynecologists</i> , 106 S. Ct. 2169 (1986).....	32

Thornhill <i>v.</i> Alabama 310 US 88 (1940).....	169
Time, Inc. <i>v.</i> Firestone 424 US 448 (1976).....	161, 169
— <i>v.</i> Hill 385 US 374 (1967).....	159, 160–1, 169, 172, 176
Tipping <i>v.</i> Clarke (1843) 2 Hare 383, 67 ER 157.....	85, 91
Tournier <i>v.</i> National Provincial and Union Bank of England [1924] 1 KB 461.....	78, 91, 193, 202
Turner <i>v.</i> Spooner (1861) 30 LJ Ch. 801.....	252
Under Water Welders & Repairers Ltd. <i>v.</i> Street and Longthorne [1968] RPC 498.....	
United States <i>v.</i> Hall 488 F. 2d 193 (1973).....	279
— <i>v.</i> Hoffa 436 F. 2d 1243 (1970), <i>certiorari</i> denied 400 US 1000 (1971).....	279
— <i>v.</i> Miller 425 US 435 (1976).....	185
Victoria Park Racing Co. <i>v.</i> Taylor (1937) 58 CLR 479.....	252
Virgil <i>v.</i> Time, Inc. 527 F. 2d 1122 (1975).....	160, 169
Waugh <i>v.</i> British Railways Board [1979] 2 All ER 1169.....	185
Webb <i>v.</i> Rose (1732) in (1769) in 4 Burr. 2303.....	254
Weeks <i>v.</i> US 232 US 383 (1914).....	298
Weld-Blundell <i>v.</i> Stephens [1919] 1 KB 520.....	69
Wheeler <i>v.</i> Marchant (1881) 17 Ch. D. 675.....	186
Whitney <i>v.</i> California 274 US 357 (1927).....	172
Williams <i>v.</i> Settle [1960] 1 WLR 1072.....	81
Williams <i>v.</i> Summerfield [1972] 2 QB 513.....	193
Woodward <i>v.</i> Hutchins [1977] 1 WLR 760.....	54, 59, 61, 66–7, 72, 73, 80, 81, 89–94, 95–6, 109, 111, 115, 116, 117, 121, 122, 123–4, 131, 176
X <i>v.</i> Y [1988] 2 All ER 648.....	56, 72, 98–100, 103, 116, 122, 130, 188, 297
Yovatt <i>v.</i> Winyard (1890) 1 J. & W. 394.....	254
Yousoupoff <i>v.</i> Columbia Broadcasting System, Inc. 41 Misc. 2d 42, 19 App. Div. 2d 865 (1963).....	168
Zacchini <i>v.</i> Scripps-Howard Broadcasting Co. 433 US 562 (1977).....	47

# Table of Statutes

Access to Medical Records Act	(3) .....	213, 215, 219
1960 .....	s.24 .....	215, 217
Administration of Justice Act	s.26(4) .....	213
1960 .....	s.27 .....	240
Administration of Justice Act	(1) .....	215
1970 .....	(3) .....	220
	s.28(3) .....	220, 223
Bankers' Book Evidence Act	s.29 .....	216, 217
1879 .....	s.31(2) .....	213
	s.33(1) .....	215
Chancery Amendment Act	(6) .....	219
1858 .....	s.34(1) .....	215
Children and Young Persons Act	(2) .....	216
1933 .....	(6)(a) .....	220
Childrens Act 1975 .....	(8) .....	220
Civil Aviation Act 1949 .....	s.36(4) .....	194
Civil Aviation Act 1982 .....	s.39 .....	215
Contempt of Court Act	First Schedule	
1981 .....	principle 1 .....	213, 219
Copyright Act 1956 .....	principle 2 .....	214
County Courts Act 1959 .....	principle 3 .....	214, 219
County Courts Act 1984 .....	principle 4 .....	217
Criminal Justice Act 1976 .....	principle 5 .....	215, 218
	principle 6 .....	218-19
	principle 8 .....	197, 214, 215
	Part II .....	211
Data Protection Act	Employment Protection Act	
1984 .....	1975 .....	185
192, 195, 196, 200, 203,		
206, 211-12, 239-45	Finance Act 1976 .....	294
s.1(3) .....		
(9) .....	Immigration Act 1971	
s.2(3) .....	Schedule 2, para. 18(2) .....	281
225, 239, 240	Interception of Communications	
s.4(2)(d) .....	Act 1985 .....	4, 42, 258, 271,
s.5(2)(d) .....	274, 276-7, 285-90, 192	
(4)(3) .....	s.1 .....	285
s.15(1) .....	(3)(a) .....	286
s.21 .....	s.2 .....	285, 286, 290
(4) .....	s.3(A)(a) .....	292
s.22 .....	s.6 .....	288-9
(1) .....		
s.23 .....		
(1)(c) .....		



s.7.....	286	Rehabilitation of Offenders Act	
s.8.....	288	1974.....	27, 166, 239
s.10(3).....	289	Road Traffic Act 1972	
		s.168(2).....	78
Lord Cairn's Act <i>see</i> Chancery		Supreme Court Act 1981	
Amendment Act 1858		ss.33, 34.....	187
Police and Criminal Evidence Act		Taxes Management Act 1970	
1984.....	293, 299-300	ss.13, 17, 24, 26.....	194
Post Office Act 1953		s.20C.....	294
s.56(1).....	293	Telegraph Acts 1863,	
s.58(1).....	281, 292-3	1868.....	276, 277
s.87(1).....	293	Theft Act 1968	
Post Office Act 1969.....	273	s.4(1).....	278
Post Office (Protection) Act 1884		s.13.....	277
s.11.....	277	Wireless Telegraphy Acts 1949,	
Public Health (Control of Diseases)		1967.....	265
Act 1984.....	188		
Race Relations Act 1976			
s.57(4).....	81		

### Statutory Instruments

Data Protection (Subject Access		National Health Service (Venereal	
Modification) (Health)		Diseases) Regulations	
Order 1987 (SI 1987		1974.....	187
No. 1903.....	217	Public Health (Infectious Diseases)	
Misuse of Drugs (Notification of		Regulations 1968.....	187
and Supply to Addicts)		— 1985.....	188
Regulations 1973.....	187		

### Foreign Legislation

<i>Australia</i>		<i>Victoria</i>	
Access to Personal Files Act		Credit Reporting Act	
1987.....	216	1978.....	222
Data Protection Act 1978.....	207	<i>Canada</i>	
Unfair Publications Bill.....	167	Criminal Code.....	44
		s.178.16(1).....	300-1
<i>South Australia</i>		Information Reporting Act (draft	
Fair Credit Reports		1977).....	241
Act 1974.....	222	Privacy Act 1982.....	222, 241