

OPINION

Introduction

1 My client, News Group Newspapers Limited (NGN) is the defendant to proceedings brought by Gordon Taylor, the chief executive of the Professional Footballers Association (PFA). NGN is the publisher of both The Sun and the News of the World. Mr Taylor was one of a number of prominent individuals whose mobile telephone voicemail were illegally accessed during 2005 and 2006 by Glenn Mulcaire, a private investigator contracted to NGN to carry out research. In November 2006 Mr Mulcaire pleaded guilty to a charge of illegal access to Mr Taylor's voicemail and a number of similar charges. On 27 January 2007 he was sentenced to a period of two months imprisonment on this charge to run concurrently with sentences for four other similar charges and consecutively to a sentence of four months imprisonment on a charge of conspiracy to access the voicemails of three members of the Royal household. At the same hearing the then Royal editor of the News of the World, Clive Goodman, was sentenced to a period of four months imprisonment on the conspiracy charge.

2 In his action Mr Taylor claims that the accessing of his voicemail messages was a breach of confidence, a misuse of private information and an invasion of privacy. He brings claims against both NGN and Mr Mulcaire. Mr Taylor claims an injunction and damages for these wrongful acts together with delivery up of any material embodying information obtained from the illegal accessing of his voicemails in the possession of either defendant. Mr Taylor also complains that NGN has failed to deal properly with a data subject access request under the Data Protection Act 1998. He seeks an order that NGN complies with the request.

3 At the outset, NGN's response to the claim was to deny liability on the basis that Mr Mulcaire was acting on his own initiative in accessing Mr Taylor's e-mails and that accordingly NGN was not responsible for anything that he did. The position has now changed. In January this year, Mr Taylor obtained orders against the Metropolitan Police and the Information Commissioner for disclosure of information relating to the accessing of his voicemail messages. The material obtained from the Metropolitan Police has disclosed that at least three NGN journalists (Greg Miskiw, and Ross Hindley) appear to have been intimately involved in Mr Mulcaire's illegal researching into Mr Taylor's affairs. The disclosure from the Information Commissioner comprises material obtained by the Commissioner during an enquiry called Operation Motorman into the practices of journalists in seeking information from enquiry agents which, on the face of it, required illegal access to data sources.

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