Invasion of privacy annotated problem question

Elizabeth is the fiancée of a Premiership footballer, Alessandro Talentti. She has always been happy to be photographed with Alessandro at awards evenings, film premieres, and charity events and also while out with her girlfriends shopping or lunching, or with other footballers’ wives and girlfriends watching football matches.

Recently, as she has started to organise her wedding, which she wants to be intimate and private, Elizabeth has found the media attention intrusive and has had several arguments with photographers wanting to take her picture whilst out shopping or in small, quiet restaurants. One photographer, Chris, is particularly persistent and takes photographs when she is leaving a hospital after visiting her mother who is very ill. He also photographed her (using a long-range lens) going in to a small London bridal boutique when she was shopping for bridesmaids’ dresses with her young sister and niece.

On the wedding day—the press having been successfully excluded from the venue—one of the caterers secretly takes some pictures of the wedding ceremony and the reception, where there were many famous guests. He sells these pictures to *Peachy*!, a well-known celebrity glossy magazine; the pictures are published in the following week’s issue as an ‘exclusive’. Meanwhile, a journalist contacts Alessandro saying he has found out that he had a brief affair the previous year while away at a football tournament and that this information is going to be published the following day.

Advice Elizabeth as to any legal actions she might be able to pursue.

This would suggest that Alessandro would seek an injunction to prevent the publication of the story. Consider the purpose of injunctions and the implications for freedom of expression if the story is not published, as well as the public’s ‘right to know.’ Consider the opinion of the court in *Mosley*—in the context of publication of information about private sexual relationships—but also the question of AT being a ‘role model’ and cases where footballers and other famous people have had this kind of information published on this basis. Recent cases have focused on the balance of the Article 8 right to a private life against Article 10’s freedom of expression—each must be carefully weighed against the other—what do you think the outcome would be here, and why?

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