

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

BETWEEN:

HRH THE DUKE OF SUSSEX

CLAIMANT

-and-

SPLASH NEWS AND PICTURE AGENCY LIMITED

SPLASH NEWS & PICTURE AGENCY LLC

DEFENDANTS

UNILATERAL STATEMENT IN OPEN COURT

SOLICITOR FOR THE CLAIMANT

My Lord, in this matter I appear on behalf of HRH The Duke of Sussex (“**The Duke**”).

The Duke is of course a senior member of the Royal Family. Splash News and Picture Agency Limited and Splash News & Picture Agency LLC (collectively “**Splash**”) are well-known paparazzi agencies that take and syndicate photographs and videos for media organisations and other third parties.

This matter concerns a claim for misuse of private information, breaches of The Duke’s right to privacy under Article 8 ECHR and breaches of the General Data Protection Regulation (“**GDPR**”) and Data Protection Act 2018 (“**DPA**”).

On 9 January 2019 Splash chartered a helicopter for the purpose of taking photographs and recording video footage of The Duke's private home in Oxfordshire. The property had been chosen by The Duke for himself and his wife given the high level of privacy it afforded given its position in a secluded area surrounded by private farmland away from any areas to which photographers have access. The helicopter flew over the home at a low altitude allowing Splash to take photographs of and into the living area and dining area of the home and directly into the bedroom.

The photographs were taken for commercial gain and syndicated for that purpose. As a result, the photographs were published by The Times newspaper and elsewhere online by a number of other media outlets. No consent was given to the actions taken by Splash. The Duke has had to engage his solicitors to take steps to try to secure the removal of the photographs from these websites.

The syndication and publication of the photographs very seriously undermined the safety and security of The Duke and the home to the extent that they are no longer able to live at the property.

Harbottle & Lewis LLP wrote to Splash as soon as The Duke was made aware of the publication of the photographs, when the images appeared in the national media on 11 January 2019. Splash has now agreed to provide undertakings that it will, first, cease and desist from selling, issuing, publishing or making available the photographs or any photographs which are the same or colourably similar, and, second, that it will not repeat its conduct by using any aerial means to take photographs or film footage of the Duke's private home which would infringe privacy or data rights or otherwise be unlawful activity. Splash has agreed to pay a substantial sum in damages and legal costs, and has apologised to The Duke.

Gerrard Tyrrell

Harbottle & Lewis LLP

Solicitors to HRH The Duke of Sussex

16 May 2019