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Headlines:

Inside this issue:

Naomi Campbell wins damages in landmark privacy ruling

Naomi Campbell was awarded compensation in the High Court following the publication of photographs which invaded her privacy.

The *Mirror* was required to pay £3,500 to Ms Campbell after it published photographs of the celebrity model which showed her leaving a meeting of Narcotics Anonymous.

Speaking in the High Court on 27th March, Mr Justice Morland stated that even celebrities are "entitled to some space of privacy."

The significance of the case lies in the fact that it is the first time that a trial court has awarded compensation for breach of the Data Protection Act 1998.

Mr Justice Morland found that the personal data contained in the material published by the *Mirror* had been obtained unfairly and in breach of the First Data Protection Principle. Further, the judge ruled that publication of the text and photographs amounted to the processing of 'sensitive' personal data—being information as to health— and that the *Mirror* had not been able to prove that it benefited from one of the legitimising conditions in the Act which would enable it to lawfully publish such material.

Further, the *Mirror* was unable to use the 'journalistic defence' in the Data Protection Act because the publication was not in the public interest.

Sarah Thomas, media lawyer at Charles Russell, speaking to *Privacy & Data Protection*, said,

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Employers fear ramifications of French email privacy decision

In a decision sure to alter employment practices around Europe, the French Supreme Court of Appeal has confirmed that employers are not entitled to intercept employee emails.

Citing Article 8 of the European Convention on Human Rights (the right to privacy), the Supreme Court held that Nikon France SA was wrong to terminate the employment of Frédéric Onof, on the basis of emails that he had sent. In doing so the court overturned the decision of the Court of Appeal of Paris. Evidence contained in the emails should not have been used in the employment tribunal, said the Supreme Court.

Mr Onof's employment had been terminated, on 29th June 1995, on the basis of the content of certain emails that had been marked, 'personal.' Judge Kehrig, in the first case of its kind to have been heard by the French Supreme Court, said, "By entering the file, which was explicitly presented as personal by M. Onof, Nikon surely disregarded the personal nature, falling within the domain of privacy of the private life of its employees, of the information held."

The case (Judgment No 4164, 2nd October 2001) makes it clear that the Article 8 privacy right extends to emails in the workplace.