

CONTENTS

<i>Tables of Cases</i>	xxiii
<i>Tables of Adjudications of the Media Regulators</i>	lix
<i>Tables of Legislation</i>	lxiii
<i>Table of Treaties, Conventions, and Other International Instruments</i>	lxxvii
<i>List of Contributors</i>	lxxix

I SOURCES, PRINCIPLES, AND RIGHTS

1. Context and Background	
A. Introduction	1.01
B. Common Law and Equity	1.05
C. Legislation	1.20
D. The Media Codes and the 'New Media'	1.44
E. Reviews and Reform	1.46
F. The European Convention on Human Rights and the Human Rights Act 1998	1.91
2. Privacy Rights	
A. Introduction	2.01
B. The Scope of the Privacy Interest	2.05
C. The Rationale for Protecting Privacy	2.42
3. Privacy in Europe and the Common Law	
A. Introduction	3.01
B. Sources of English Privacy Law	3.03
C. Privacy in Other Jurisdictions: The Common Law	3.61
D. Privacy in Civil Law	3.166

II PUBLICATION OF PERSONAL INFORMATION

4. Breach of Confidence	
A. Introduction	4.01
B. The Cause of Action for Breach of Confidence: An Overview	4.03

C. Classification of Confidential Information	4.31
D. Criteria for Confidentiality	4.63
E. The Duty of Confidence	4.103
5. Misuse of Personal Information	
A. Introduction	5.01
B. Overview of the Cause of Action	5.02
C. When is there a Reasonable Expectation of Privacy?	5.15
D. Evaluating Article 8 Rights in the 'Ultimate Balancing Test'	5.130
6. Data Protection and the Media	
A. Introduction	6.01
B. Data Protection	6.04
C. Data Protection Act 1998	6.10
7. Privacy, Defamation, and False Facts	
A. Introduction	7.01
B. Protection of Privacy by Defamation Law	7.19
C. Conflict between Defamation and Privacy	7.29
8. Publication of Personal Information: Special Issues	
A. Introduction	8.01
B. Elements of Wrongful Disclosure of Private Information	8.02
C. Rights and Enforcement	8.52
 III COMMERCIAL RIGHTS AND INTRUSION	
9. Copyright, Moral Rights, and the Right to One's Image	
A. Introduction	9.01
B. Privacy Interests and Copyright Subject Matter	9.16
C. The Limitations on Exclusive Rights for News Reporting and Other Publication	9.33
D. The Collision between Copyright and the Privacy Rights of Third Parties	9.70
E. Moral Rights	9.80
F. Publicity Rights	9.88

10. Intrusion

A. Introduction	10.01
B. Common Law Protection against Intrusion	10.04
C. Legislative Protection against Intrusion	10.44
D. Scope for Developing an Intrusion Tort	10.93

IV PRIVACY REGULATION

11. The Privacy Codes

A. Introduction	11.01
B. The Human Rights Act 1998	11.10
C. The Data Protection Act 1998	11.17
D. Judicial Remedy or Regulatory Complaint?	11.20
E. The Regulatory Bodies	11.28
F. The Codes and Adjudications	11.50
G. The Regulatory Bodies as Public Authorities	11.135
H. Application of the Codes to 'New Media'	11.161

V DEFENCES

12. Justifications and Defences

A. Introduction	12.01
B. Defences of General Application	12.04
C. Defences to Claims for Disclosure of Private Facts	12.42
D. Defences to Claims for Intrusive Acts	12.221
E. Defences to False Light Claims	12.231
F. Defences to Appropriation of Name or Likeness Claims	12.239
G. Limitation of Actions	12.241

VI REMEDIES

13. Remedies

A. Introduction	13.01
B. Human Rights Act 1998, s 12	13.02
C. Injunctions	13.14

D. Damages	13.87
E. Other Remedies	13.127

VII THE ACTION

14. Practice and Procedure in Privacy Cases	
A. Introduction	14.01
B. Who? Claimants, Defendants, and Others	14.02
C. What? Remedies, Routes, Causes of Action, and Applicable Law	14.34
D. When? Timing and Limitation	14.46
E. Where? Jurisdiction and Venue	14.48
F. How? Conduct of the Action	14.62
15. Privacy in Court Proceedings	
A. Introduction	15.01
B. Physical Access to the Courtroom	15.10
C. Control of Access to Court Documents	15.28
D. Restrictions on the Reporting of Proceedings Held in Private	15.38
E. Restrictions on the Reporting of Proceedings Held in Public	15.67
F. Restrictions on the Use of Material that is Disclosed in the Course of Court Proceedings	15.101

VIII THE PRIVACY RIGHTS OF THE MEDIA

16. Protection of Journalistic Material	
A. Introduction	16.01
B. Protection of Sources: The Common Law	16.02
C. Contempt of Court Act 1981, s 10	16.11
D. Access to Journalists' Sources: Statutory Powers	16.44

<i>Bibliography</i>	833
<i>Index</i>	841