

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

BETWEEN

SARAH LYNETTE WEBB

Claimant

and

LEWIS SILKIN LLP

Defendant

STATEMENT IN OPEN COURT

Counsel/Solicitor for the Claimant

In this action for misuse of private information, I appear on behalf of the Claimant, Sarah Webb.

This action arose out of a dispute between the Claimant and 'S', a firm of solicitors where the Claimant was for many years an equity partner. When the Claimant left 'S' the dispute went to arbitration. The Defendant is a firm of solicitors which acted for 'S' the arbitration.

In the course of the arbitration the Defendant informed the Claimant that it intended to access the email account operated by the Claimant whilst a partner with 'S' and held on the servers of 'S' for the purpose of obtaining emails that were said to be potentially relevant to the arbitration proceedings. The Claimant informed the Defendant that the email account contained legally privileged and sensitive personal and confidential information and that therefore she did not consent to the emails being read by 'S' or any third party acting on their behalf.

Despite this, a number of searches of the email account were made by employees and members of the Defendant. The Claimant found out about this only when a number of personal emails from the account were disclosed on behalf of 'S' in the arbitration.

The impact of discovering that third parties had read her private and personal communications, in flagrant breach of her rights, deeply upset the Claimant. She commenced proceedings in June 2014, claiming, among other things, misuse of private information and breach of confidence including breach of her rights pursuant to Article 8 of the Convention on Human Rights.

The Defendant denied that the review of the Claimant's emails was improper or unlawful. It also asserted that any breach of the Claimant's rights was trivial or de minimis. However, in the course of these proceedings, following disclosure, including an application for specific disclosure, the Claimant discovered that hundreds of personal emails were accessed. These included personal and private communications with her husband and with legal advisers, contrary to assurances previously given to her by the Defendant. These assurances were also referred to in a judgment given by Mrs Justice Proudman at an earlier stage in the proceedings, which included the following:

"In accessing the Account the Defendant operated filters so that its employees did not read email strings containing seven email addresses. The intention was to exclude (a) legally privileged material which had nothing to do with the dispute between the Claimant and S and (b) emails to and from the Claimant's husband".

The Defendant's denial of her claim, and the subsequent discovery as to the extent of the invasion of privacy, has caused her further very considerable distress.

The Defendant has now made an offer to settle these proceedings which includes the payment of a substantial sum in damages, her legal costs and the provision of an undertaking. The Claimant therefore regards her rights as having been vindicated. She has accepted this offer and is content for the proceedings to be brought to an end.

My Lord, it only remains for me to ask for permission for the record to be withdrawn.

Dated 28 June 2016

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