

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

MR/[S] JUSTICE []

BETWEEN:-

STEPHANIE DEMOUH

Claimant

-and-

TIMES NEWSPAPERS LIMITED

Defendant

STATEMENT IN OPEN COURT

Solicitor for the Claimant (Anna Johnston, Taylor Hampton Solicitors)

1. May it please the Court, my Lord [/Lady], in this action I appear on behalf of the Claimant.
2. This is a claim in breach of confidence, misuse of private information and under the Data Protection Act 1998.
3. The Claimant is an accountant. She is the mother of six children, five of whom are educated in schools within the City of Westminster. The Defendant is the publisher of the Sunday Times.

4. In early October 2009, the Claimant and her children moved to an address in Passmore Street, Westminster. The rent for the property was met by Westminster City Council through housing benefit and a Discretionary Housing Payment (or 'DHP') until 2012, when the DHP was terminated. On 20 November 2012, the Claimant's Appeal against the decision to terminate her DHP was heard by the Council. The outcome was a decision that she be refused the further Discretionary Housing Payment that she was seeking and was granted only enough money to remain in the property until 28 December 2012.
5. As a result of this decision, on 28 December 2012 the Claimant and her family moved to temporary accommodation provided by the Council in Edgware, in Middlesex.
6. On 4 March 2013, the Claimant wrote to her Ward Councillor and others, complaining about the way her case had been handled by Council officers, as well as the distance of her new accommodation from her children's school and nursery, and from the University where she was studying. She pleaded for assistance, saying that the journey to and from school was having a detrimental effect on her children.
7. Prior to the publication of the article complained of by the Claimant, the Defendant's journalist Nicholas Hellen, obtained a copy of this Email.
8. Mr Hellen contacted the Claimant regarding the publication of an article about her housing benefit claim. The Claimant made it clear to Mr Hellen that she did not consent to his using or disclosing the contents of the Email or publishing her and her family's private information, and complained to the Press Complaints Commission. She also made representations to the

High Court on 15 March 2013, in the course of which she made clear that she did not want her private information disclosed.

9. The Claimant's efforts to prevent publication were unsuccessful and, on 17 March 2013, the Defendant published on page 21 of its National Edition an article headed "*Benefits Mum: Move me back to Belgravia*". The Article claimed that the Claimant had "demanded" to be moved back to Belgravia, and contained detailed information about her domestic and financial situation, her receipt of housing benefit, her application for a Discretionary Housing Payment and her correspondence with the councillors. It stated that her housing benefit claim was now under investigation and finished by quoting an unnamed Council spokeswoman as saying that it would "unhesitatingly take court action against those who make false claims to ensure that money goes to those who genuinely need it".
10. The Article was also published online by the Defendant. The Defendant has since removed the article from online publication as part of its settlement of this claim.
11. My Lord, the Claimant had not demanded to be moved back to Belgravia. Ms Demouh had made it clear to the Defendant's journalist - she was happy to live in a less expensive area of London than Belgravia if it was convenient for her children's school. Inevitably, the information in the Article, was picked up and adopted by other publications and very widely republished. The result was that the Claimant was exposed to widespread vilification and abuse, including abuse in threatening and racist terms.

12. Proceedings were issued on behalf of the Claimant in March 2013. The Claimant sought damages, including aggravated damages for breach of confidence, misuse of private information, and breach of her rights under the Data Protection Act 1998. She also sought an injunction to restrain further infringement of her rights.

13. The Defendant contended in its Defence that the Claimant had no reasonable expectation of privacy in relation to the contents of her email to the four councillors. It further contended that the Article about the Claimant was on a matter of public interest, or that the Defendant reasonably believed it was on a matter of public interest. The Defendant refused to identify its source in the Defence. In response to a Request for Further Information regarding the Defendant's source and the terms on which Mr Hellen spoke to that source, the Defendant responded that its source spoke to Mr Hellen on express condition of confidentiality and Mr Hellen agreed to maintain such confidentiality.

14. The Defendant also refused to remove or amend the content of the online version of the Article, save for adding, a year later, a short paragraph at the end noting that it was the subject of a legal complaint, and that the Council's investigation into the Claimant had closed and that her benefits had been restored. This amendment was not accessible to non-subscriber readers of the newspaper, however, and the first few paragraphs, which contained the false claim that the Claimant was demanding to be moved back to Belgravia, and the out-of-date information that the Claimant was under investigation by the Council, remained accessible to anyone.

15. I wish to make clear that the suggestion that there was anything fraudulent about the Claimant's housing benefits claim has always been vigorously denied by her. It is important to record that the Council's investigation into the Claimant's claim was closed in September 2013 without any adverse determination on the part of the Council's investigators, and on their recommendation her benefits were restored by the Council thereafter.

16. My Lord, I am pleased to announce that in January 2018, the Defendant made an offer of settlement, which the Claimant has accepted. The detailed terms are confidential but I am able to say that, as a result, she will receive compensation, payment of the legal costs she has incurred, and the Article will be removed from the Website.

17. In these circumstances, the Claimant is finally able to let the matter rest against the Sunday Times, and looks forward to her and her family being able to move on with their lives.

Claim No. HQ13X01166

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Taylor Hampton Solicitors Limited

218 Strand

London

WC2R 1AT

DX. 232 London/Chancery Lane

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