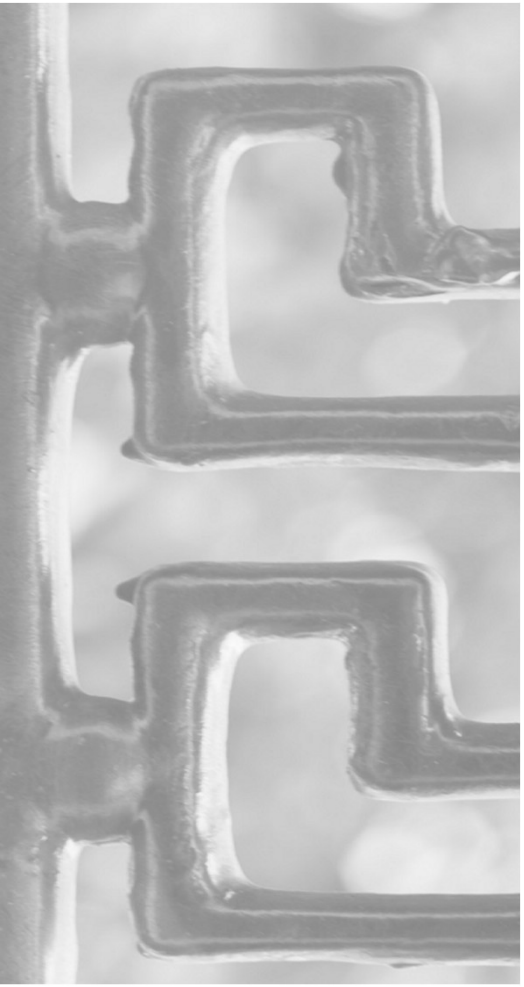
Public Interest



doughty street chambers

WHITE PAPER
DEFAMATION, PRIVACY AND DATA 2026
BETH GROSSMAN

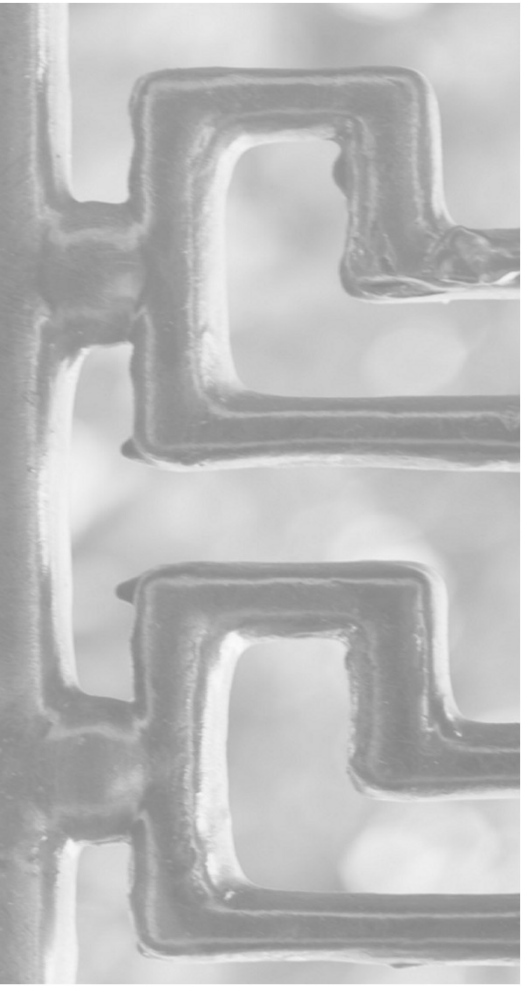


WHAT IS THE PUBLIC INTEREST?

I shall not today attempt further to define the kinds of material I understand to be embraced within that shorthand description and perhaps I could never succeed in intelligibly doing so. But I know it when I see it and this motion picture is not that.

US Supreme Court Justice Potter Stewart

- .



WHAT IS THE PUBLIC INTEREST?

Riley v Murray

"[It] would in my opinion be wrong to take a narrow view of what can count as a matter of public interest. It is clear that the concept does not extend to matters which are purely 'personal and private such that there is no public interest in their disclosure" [71]

Warby LJ

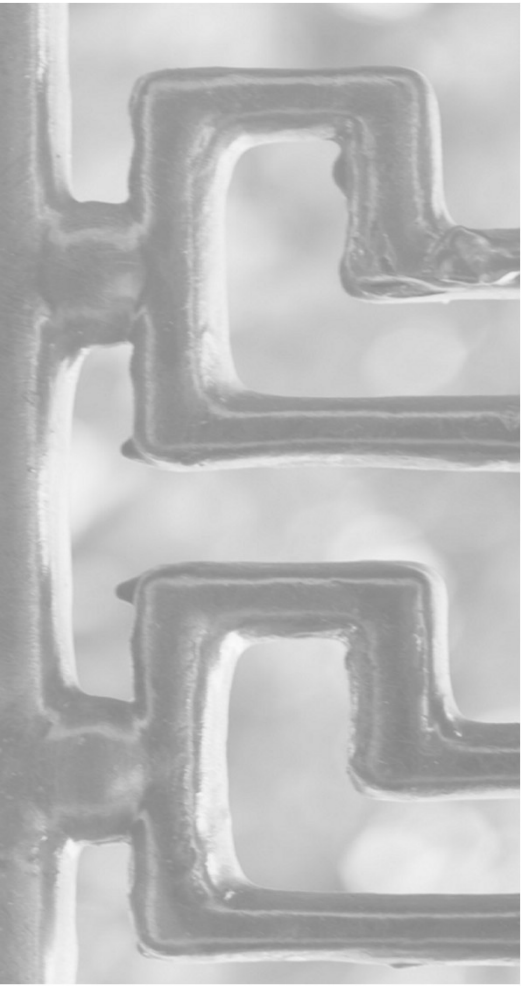
[2022] EWCA Civ 1146[2023] E.M.L.R. 3

PJS v News Group

"Criticism of supposed infidelity cannot be the guise under which the media can disclose kiss and tell stories ... tawdry allegations about a person's life...Articles aimed solely at satisfying the curiosity of a particular readership regarding the details of a person's private life, however well-known that person might be, cannot be deemed to contribute to any debate of general interest to society" [22-23]

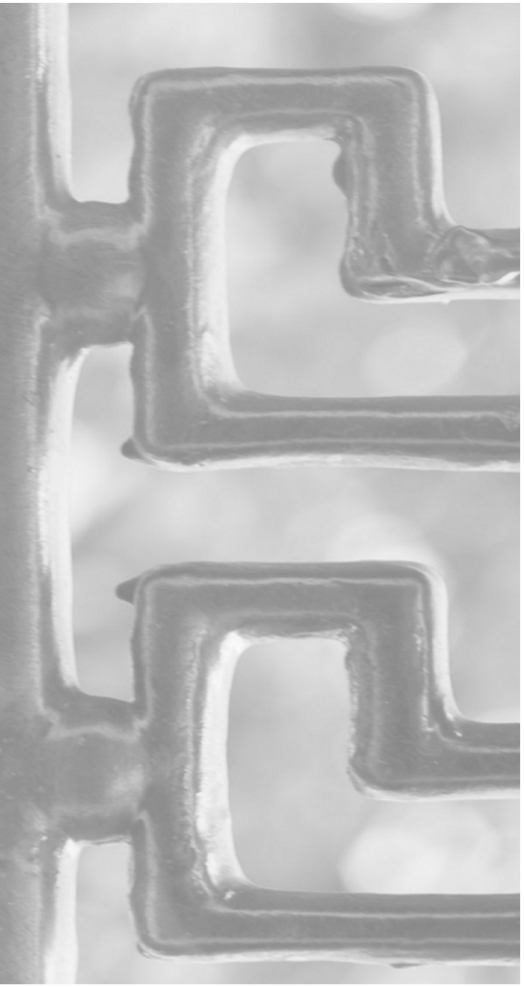
Lord Mance

[2016] UKSC 26 [2016] A.C. 1081



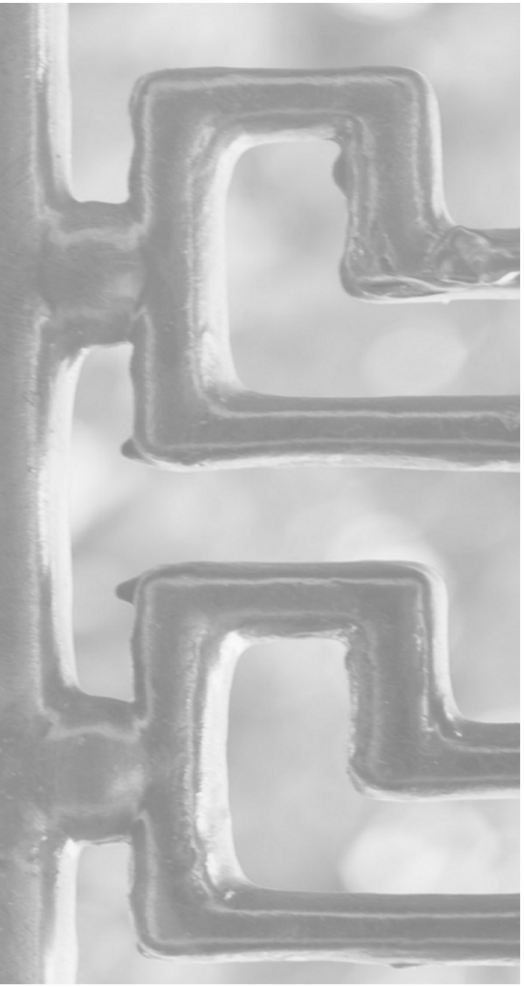
HOW IMPORTANT IS CONSENT?

- Mosley v News Group [2008] EWHC 1777 (QB) [2008] EMLR [20]
- Clarke v Guardian News and Media [2025] EWHC 550 (KB)
- PPT v Independent Television News and Guardian News and Media [2026] EWHC 2818 (KB)



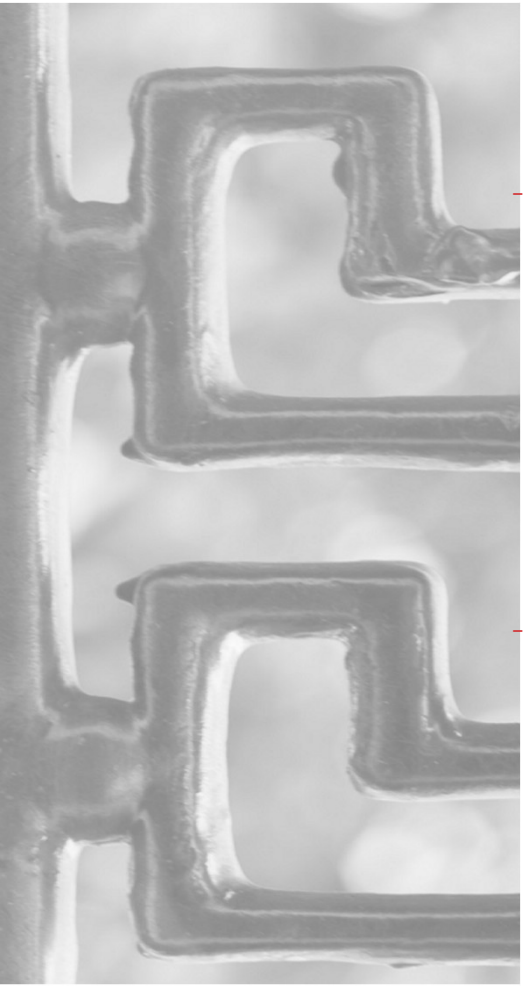
A CLEAR DIVIDING LINE?





CLARKE V GUARDIAN

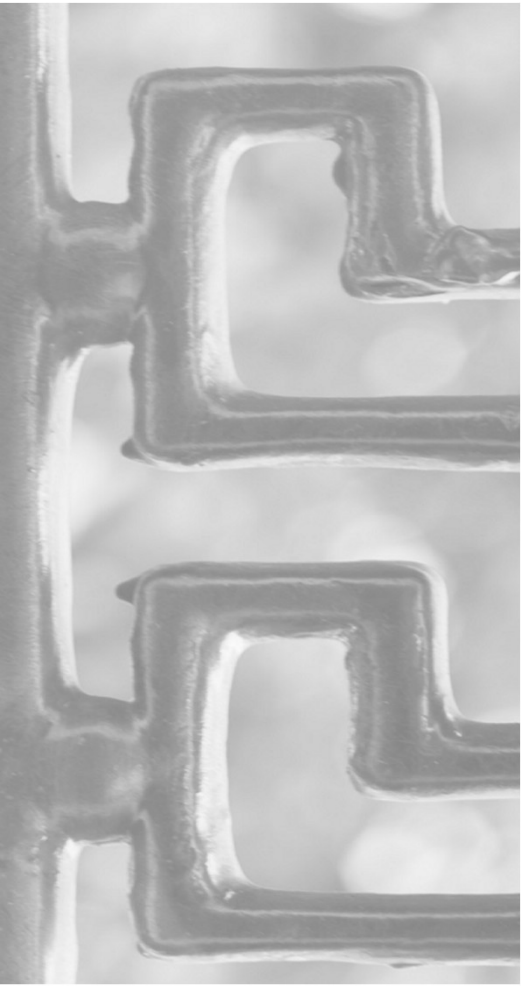
- Public interest pleading at [873] – significance of both number of complainants and long history of complaints
- Corroboration part of the reasonable belief – [904] [905] 973] 992]



PPT V ITN

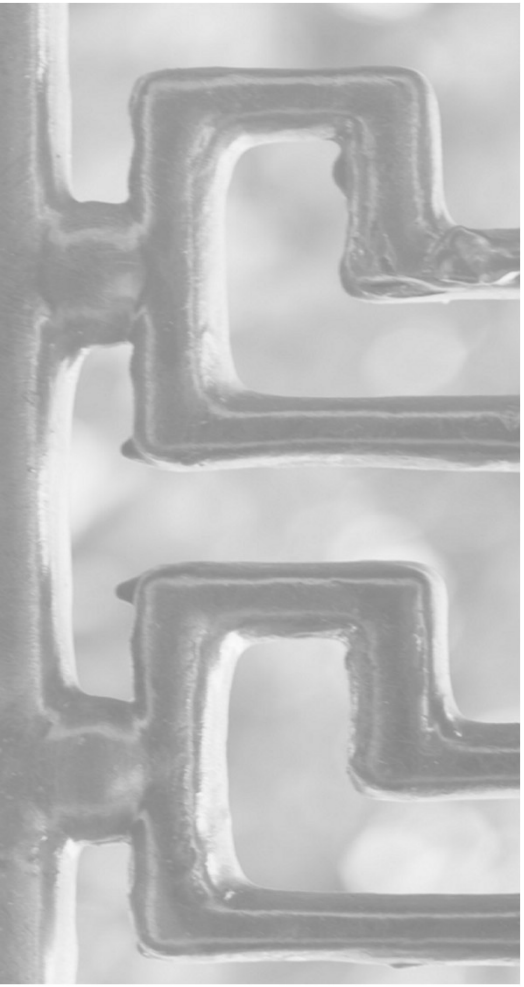
- "*The public interest is not exhausted merely because there is already a general public debate about abuse of power or misconduct by prominent people. Journalism contributes to such debates through the investigation and reporting of particular facts and experiences. Reporting an individual case may illuminate the operation of power, enable alleged victims or witnesses to give accounts of their experiences and provide information by which the public and relevant institutions can assess matters of legitimate concern*" [317]

- "*The Allegations concern the alleged use, over an extended period, of the status, influence and access which his prominence afforded him. Their asserted public significance does not depend solely upon his continuing to hold the same positions at the date of judgment*" [318]



PPT V ITN (2)

- *"The Defendants have undertaken a prolonged and extensive investigation. They have obtained accounts from numerous sources and say that they have sought corroborative and contradictory material, repeatedly tested the principal accounts and subjected the proposed publications to editorial and legal scrutiny. The fact that the Claimant disputes the allegations remains important and must be reported fairly. It does not follow that the Court can attribute no weight to the proposed journalism unless it first determines that every allegation is true"* [319]



RODOY V OPTICAL EXPRESS

- Allegation that Claimant "is a fraudster" – present tense.
- She had set up a hoax detective/escort agency known as Decoy Dolls – in the 1990s
- Judge ruled the imputation was true in the present tense *"she is…the same person today as she was 20 or 30 years ago…What she did was dishonest and I find as a fact that she knew that at the time. She has not changed at all. She has not reformed at all"* [182].