

Anya Proops

Call: 1998 Inner Temple

Areas of Practice

Anya is a leading junior in the employment field. She is also one of the pre-eminent practitioners in the field of information law. In addition to her employment and information law expertise, Anya has appeared and advised in numerous public law matters.

Employment Law

Anya is recognised as a leading employment junior in both the Legal 500 and Chambers and Partners. Comments about her in the directories have included that she is 'extremely bright, practical and organised', 'an effective advocate in complex cases' and a 'consistently excellent all-rounder who will live and breathe an intellectual point'. Anya regularly appears in the employment tribunals and the Employment Appeal Tribunal. She also has experience of High Court litigation relating to the enforcement of restrictive covenants. Anya acts for both public and private sector employers as well as individual litigants. The wide range of cases she has acted in include cases involving discrimination, whistleblowing, territorial jurisdiction and contractual disputes. Recently, Anya has appeared as the lead advocate in two employment appeals before the Privy Council: *Greene v Half Moon Bay Hotel* (reasons challenge to Court of Appeal judgment) and *Corbette v National Bank of Dominica* (consideration of legal test for wrongful dismissal). Anya also appeared before the Privy Council (led by James Goudie QC) in *Allsop v Petroleum Company of Trinidad & Tobago* (application of limitation periods in Workmen's Compensation Act). Anya has appeared in two leading House of Lords employment cases: *Lawson v Serco* (territorial application of Employment Rights Act 1996) and *Attorney General v Blake* (restitutionary remedies for breach of contract).

Information Law

Anya is one of the leading practitioners in the field of information law. She has appeared in many of the leading Freedom of Information Act cases, including cases before the Information Tribunal and in the High Court. Anya regularly acts on behalf of the Information Commissioner. However, she also regularly advises and acts for public authorities in connection with FOIA and other information law matters, including for example advisory work on data-sharing and the application of the Regulation of Investigatory Powers Act 2000. Anya's expertise spans the Freedom of Information Act 2000, the Data Protection Act 1998, Environmental Information Regulations 2004 and the Regulation of Investigatory Powers Act 2000. Recent cases include: *DBERR v O'Brien & IC* (application of legal privilege exemption under FOIA) (HC); *Department of Health v IC* (application of FOIA to public authority contracts) (IT), *Home Office & Ministry of Justice v IC* (application of exemptions to requests for disclosure of information about internal FOIA processes) (IT and HC); *Camden v IC* (application of personal data exemption in FOIA to information held by local authority) (IT); *Dainton v IC* (application of personal data exemption under the EIR) (IT); *Lawton v ICO & NHS Direct* (application of health and safety exemption to information held by NHS direct) (IT). Along with Tim Pitt-Payne, Anya was responsible for setting up 11KBW's Information Law blog (www.panopticon.blog). Anya has also published a practical guide to the EIR on Chambers website.

Public Law

In the public law field, Anya has considerable experience of advising on public authority vires issues and has acted in a number of important judicial review actions in the Administrative Court including *R(Hillingdon LBC) v DFES* (judicial review of DFES funding decision) and *R(Legal Remedy) v Secretary of State for Health* (judicial review in connection with decision on MTAS junior doctors application scheme). Anya also appeared as junior counsel in the *Hutton Inquiry*. In the local authority context, Anya has advised and acted for local authorities in connection with numerous issues ranging from the scope of the duties imposed by section 21 of the National Assistance Act 1948 to the public law principles relating to data-sharing.

Publications

Anya is a contributor to Tolley's Employment Handbook and has published a chapter on human rights and employment law in Sweet & Maxwell's Human Rights & Civil Practice. She has also been a contributor to the Administrative Law volume of Halsbury's Laws. Anya has published a guide to the Environmental Information Regulations 2004 on 11KBW's website. She has also published a number of articles on information law issues in Legal Week.

Other

Anya regularly undertakes pro bono work through the Bar Pro Bono Unit. She is also a volunteer legal adviser at the Mary Ward Centre in Bloomsbury.

Anya is a scholar of Jesus College, Cambridge where she read social and political science. In 1996, she obtained a PhD in political philosophy from the LSE and was awarded the British International Studies Association prize for the best doctoral thesis of the year.

Cases

EMPLOYMENT

***Greene v Half Moon Bay Hotel* (judgment handed down 2 June 2009)**

Privy Council – reasons challenge to judgment of Court of Appeal of Eastern Caribbean (Antigua and Barbuda)

***Corbette v National Bank of Dominica* (heard 9 June 2009)**

Privy Council – appeal on legal test for wrongful dismissal

Allsop v Petroleum Company of Trinidad & Tobago

[2005] UKPC 34

Privy Council – construing limitation periods under Trinidad & Tobago Workmen's Compensation Act

Lawson v Serco

[2006] UKHL 3

House of Lords – territorial application of the Employment Rights Act 1996

Attorney General v Blake

[2001] 1 AC 268

House of Lords - restitutionary remedies for breach of contract

Crofts and others v. Cathay Pacific Airways Ltd and others

[2005] ICR 1436; [2005] IRLR 624, CA

Employment Tribunal - Jurisdiction – Hong Kong pilots employed in England- territorial scope of employment legislation and breach of contract claim against Hong Kong company

Edmonds v Lawson

(2000) ICR 567 Court of Appeal

Minimum wage for barristers' pupils

Jackson v Ghost

[2004] IRLR 824 EAT

Rights of overseas workers under Employment Rights Act 1996

INFORMATION LAW

DBERR v O'Brien & IC

[2009] EWHC 164 (QB)

Application of legal privilege exemption under FOIA

Department of Health v IC

(EA/2008/0018)

Application of FOIA to public authority contracts

Home Office & Ministry of Justice v IC

(EA/2008/0062) and forthcoming in the High Court

Application of exemptions to requests for disclosure of information about internal FOIA processes; principles applicable to late claiming of exemptions

Camden LBC v IC

(EA/2007/0021)

Application of personal data exemption in FOIA to ASBO information held by local authority

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Dainton v IC & Lincolnshire CC

(EA/2007/0020)

Application of personal data exemption under the EIR to consultation information held by local authority

Lawton v ICO & NHS Direct

(EA/2007/0021)

Application of health and safety exemption to information held by NHS direct

Lord Ashcroft v Foreign Office & DFID

[2001] High Court

Breach of confidence, data protection

PUBLIC LAW**Hutton Inquiry**

Junior counsel acting for the Government and the MoD

Baxter v Camden LBC (No.2)

[2001] 1 QB 1

House of Lords - local authority obligations to avoid noise nuisance

Hillingdon LBC v Department for Education and Skills

[2006] Admin Court - Judicial review of DFES funding decision relating to support of former unaccompanied asylum seeking children

George v GMC

[2004] Lloyd's Med Rep 33 Admin Court

Review of interim suspension order imposed by GMC

R. (Liverpool City Council) v. Secretary of State for Health

[2004] LGR 635

Residential care home: determination by Secretary of State – Whether sufficient consultation – Challenge by local authority

Academic qualifications

- Pupillage - 11 King's Bench Walk 1998-9
- Scholarship - Inns of Court School of Law 1997-8. Princess Royal Major Scholar of the Inner Temple
- CPE - Diploma in Law (City University) 1996-7
- PhD in political philosophy (London School of Economics) 1992-6 Awarded British International Studies Association prize for the best doctoral thesis of the year in 1996
- BA (Hons) Social and Political Science (Jesus College, Cambridge). 1989-92 Jesus College scholar

Professional Memberships

Administrative Law Bar Association

Employment Law Bar Association