
David Glen

David's practice encompasses the full ambit of media, entertainment and information law. He has appeared in several of the highest profile defamation and privacy actions of recent years and consistently acts on behalf of leading firms of solicitors in the field and for a large number of the most prominent media organisations and companies (including Associated Newspapers, Google, the BBC, Guardian News & Media and Times Newspapers).

He is equally highly regarded for his work on data protection and freedom of information matters where he has represented public and regulatory bodies and the media in cases heard before both the courts and the Information Tribunal. He also holds a very substantial practice in the fields of public and entertainment law, where he regularly advises the media regulator, Ofcom, and has acted for the United Kingdom Government in the successful defence of the two most important UK media law cases to reach the European Court of Human Rights in recent years.



Professional Summary

Called 2002

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Clerk Martin Pownall

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Recommendations

David is listed as a leading junior by Chambers and Partners and The Legal 500 in the fields of Defamation and Privacy, Data Protection, and Media & Entertainment Law.

"An exceptional barrister, who possesses the perfect balance of an outstanding intellect and a solid grasp of the commercial realities of his cases" Legal 500 2020 (Data Protection)

"Undoubtedly the go-to senior junior for media defendant work in his field, a formidable opponent with razor-sharp intellect and astute judgement" Legal 500 2020 (Defamation & Privacy)

"Highly intelligent, strategically astute and extremely personable, he draws on a deep knowledge and understanding of the law and is forensic in his analysis of complex legal issues" Legal 500 2020 (Media & Entertainment)

"David Glen is an exceptional junior who is thoughtful, industrious and extremely smart, and has great judgement." Chambers & Partners 2020 (Data Protection)

"He's extremely calm, extremely knowledgeable and extremely likeable." Chambers & Partners 2020 (Data Protection)

"Exceptionally bright – definitely someone you want fighting your corner." Chambers & Partners 2020 (Defamation and Privacy)

"He has a very good understanding of freedom of expression and broadcasting issues, and gives unvarnished and constructive advice." Chambers & Partners 2020 (Media and Entertainment)

"He is very bright and great to work with." Legal 500 2019 (Data Protection)

"The best junior around for defendant media work." Legal 500 2019 (Defamation and Privacy)

"He is a very responsive, bright, hardworking barrister." Legal 500 2019 (Media and Entertainment)

David was awarded Defamation & Privacy Junior of the year 2018 by Chambers and Partners and was also nominated in 2013 and 2014. David was shortlisted for the first edition of Chambers and Partners "Top 100", a ranking of the top 100 junior barristers practicing across all fields at the England and Wales Bar.

A barrister with an exceptional reputation for his libel and privacy work, who regularly acts as sole counsel as well as alongside leading silks in prominent cases. He represents a range of media organisations, tech companies and individuals in media disputes. *"Exceptionally bright." "Hard working, astute and tenacious."* Chambers and Partners 2019 (Defamation/Privacy)

Well versed in contentious information law and data protection work, and particularly sought after by high-profile online data handlers and media organisations, as well as public sector entities and regulatory bodies. He is emerging as a leader in 'right to be forgotten' claims, and boasts a strong track record of both bringing and defending large-scale actions. *"His submissions are always concise, well thought out and very impactful." "Everything we read was very sensible, balanced and measured, and he was very generous with his time."* Chambers and Partners 2019 (Data Protection)

Accomplished junior barrister adept at acting in a range of media disputes in both the domestic and European courts. He has notable experience of representing broadcasters, newspapers, online media platforms and internet service providers. He is regularly called upon to advise on licensing and compliance issues arising under the Broadcasting Code and Communications Act 2003. *"His submissions are always concise, well thought out and very impactful."* Chambers and Partners 2019 (Media and Entertainment)

"A strong advocate, forensic attention to detail, tactically astute and enormously knowledgeable." The Legal 500 2018 (Defamation and Privacy)

"One of the best juniors around with more experience than most of contentious data protection work." The Legal 500 2018 (Data Protection)

"A strong advocate, tactically astute, hardworking and enormously knowledgeable." The Legal 500 2018 (Media and Entertainment)

"He is extremely bright and someone you would want fighting your corner." "He is incredible and a great strategist." Chambers and Partners 2017 (Defamation/Privacy)

"Encyclopaedic in his knowledge and terrifyingly astute." The Legal 500 2016 (Defamation and Privacy)

"He has a superb intellect, is very commercial and is top of the senior junior tree." Chambers and Partners 2016 (Defamation/Privacy)

"He is a superstar in this area. He is genuinely on top of the issues in data protection and is extremely bright and very personable." Chambers and Partners 2016 (Data Protection)

"An absolute star – he has a superb intellect and is very commercial." Chambers and Partners 2016 (Data Protection)

"The perfect combination of intellectual power, strategic nous and sound judgement." The Legal 500 2015 (Defamation and Privacy)

"An absolute star junior. He's intellectually brilliant but combines that with pragmatism. He provides very strategic advice. His advocacy is very good too." Chambers and Partners 2014 (Data Protection)

"Will surely be a top QC one day." The Legal 500 2013 (Defamation and Privacy)

"A very impressive, very hands-on barrister, who has a nice touch with clients, whilst also being good on his feet." Chambers and Partners 2012 (Defamation and Privacy)

Recent Cases

Sicri v Associated Newspapers

[2020] EWHC 3541, [2020] 4 WLR 9, QBD, December 21 2020

Whether a man arrested on suspicion of terrorist involvement and subsequently released without charge had a reasonable expectation of privacy in respect of reporting of his arrest. The case analysed the circumstances in which reputational damages can be claimed in the tort of misuse of private information in the absence of a claim for defamation, as well as the correct approach to causation in the context of such a claim.

R (Autonomous Non-Profit Organisation TV-Novosti) v Office of Communications

[2020] EWHC 689 (Admin), QBD, March 27 2020, [2020] 1 WLR 3130

Requirement for TV broadcaster to preserve 'due impartiality' – Whether dominant media narrative relevant to whether requirement met.

Kennedy v National Trust for Scotland

[2019] EWCA Civ 648, [2019] EMLR 19

English court not precluded from applying the doctrine of forum non conveniens and staying a claim against a Scottish defendant on the basis that Scotland was the more appropriate forum. Appeal and cross-appeal both dismissed.

Tamiz v United Kingdom (2017) – David acted on behalf of the United Kingdom Government in an important Article 8 case which endorsed the UK's approach to online intermediary liability and the wider balance to be struck between the rights of claimants and publishers in claims for reputational damage.

Optical Express Limited v Associated Newspapers Limited (2017) – Counsel for ANL in defence of a multi-million pound claim in defamation and malicious falsehood claim which was brought by the high-street optical healthcare provider, Optical Express.

Deman v Associated Newspapers Limited (2017) – Counsel for ANL in respect of a claim which was successfully struck out under the single publication rule.

Tamalt v Google UK Limited (2016) – Counsel for the defendant in a claim which is predicated on the disputed removal of content from YouTube under the latter website's copyright policy.

Prince Moulay Hicham v Elaph Publishing (2016) – Counsel for the defendant in relation to proceedings brought by the Moroccan Prince, Moulay Hicham.

Gaunt v United Kingdom (2016) – Counsel for the UK Government in proceedings brought by a broadcaster and journalist before the European Court of Human Rights in respect of an alleged violation of Art 10 of the ECHR. The claim was successfully defended.

Richardson v Google (2015) – Counsel for the defendant in response to a claim which sought to impose liability in defamation and under Article 8 on Google UK for third-party content posted on Blogger.com and Google+. The claim was struck out in June 2015, a decision which was upheld on appeal by Warby J.

News International Voicemail Interception Compensation Scheme (2012-15) – David was appointed to act as Independent Scheme Barrister representing applicants bringing claims under the compensation scheme established by News International (including for the applicants in the first claims to be subject to formal adjudication by the former High Court judge, Sir Charles Gray).

R v William Cornick (2014) – Represented various media organisations in respect of a successful application to lift an order imposed under s.39 Children & Young Persons Act 1933 which prohibited the identification of the teenager accused of murdering the Leeds schoolteacher, Ann Maguire.

Dar Al Arkan & Bank Alkhair v Al Refai & oths (2014) – David acted on behalf of the claimants in a \$1 billion claim for damages which was brought in defamation, breach of confidence, malicious falsehood and unlawful conspiracy.

Jill Finney v Care Quality Commission (2014) – Acted for the defendant national healthcare regulator. The claim was brought by the CQC's former Deputy CEO in defamation and under Art 8 of the Human Rights Act 1998 and concerned a report compiled into events surrounding the organisation's regulation of the Morecambe Bay Hospital scandal.

Sheikh Nasser bin Al-Shathri v Guardian News & Media Limited (2013) – Represented Guardian News & Media in a libel action brought by a prominent Saudi Arabian cleric.

Nathaniel Rothschild v Associated Newspapers Ltd (2013) – Counsel for ANL (with Andrew Caldecott QC) in the successful defence of a libel action brought by the well-known international financier over an article in the Daily Mail which focused on the circumstances in which Lord Mandelson attended a dinner hosted by the Russian oligarch Oleg Deripaska. ANL succeeded in its defence of justification at trial in January 2012 and in the Court of Appeal in March 2013.

Bob Crow v Boris Johnson (2012) – Counsel for the then Mayor of London, Boris Johnson, in the successful defence of a libel action brought by the leader of the RMT Union, Bob Crow, in respect of claims made in election posters which were distributed by Mr Johnson for the 2012 London mayoral election.

Advanced Hair Studios v BBC (2012) – Counsel for the BBC in successfully resisting a claim in libel and malicious falsehood.

Stephen Gee QC v Information Commissioner & BBC (2012) – Counsel for the BBC in proceedings before the First-tier Tribunal (Information Rights) successfully arguing that the BBC's designation under the Freedom of Information Act 2000 meant that the BBC was not obliged to comply with the appellant's request for information under FOIA into the circumstances surrounding a Panorama broadcast.

In the Matter of Mobile Voicemail Interception Litigation (Guardian News & Media & the BBC intervening) (2012) – Counsel for Guardian News & Media and the BBC in a successful application under CPR 5.4 and the court's inherent jurisdiction for access to documents which had been referred to by the parties in the phone hacking litigation.

R v Ofcom, ex parte Gaunt (2011) – Counsel for Ofcom in judicial review proceedings brought by the former Talksport radio presenter Jon Gaunt. Mr Gaunt argued that a finding by Ofcom that an interview which he had conducted breached the Broadcasting Code was an unjustified interference with freedom of expression. Ofcom's decision was upheld by both the Divisional Court and the Court of Appeal.

The Leveson Inquiry (2011) – David represented the Guardian News & Media at the public inquiry into the culture, practices and ethics of the press.

Budu v BBC (2010) – Counsel for the BBC in a libel action brought in respect of a number of hyperlinked articles which were stored in the archive of the BBC website. Summary judgment was granted to the BBC.

Azad Ali v Associated Newspapers Ltd (2010) – Counsel for ANL successfully defending a libel which was brought over articles in the Mail on Sunday and Daily Mail. Summary judgment was awarded to ANL following a hearing in January 2010 on the basis that a jury would have been perverse to hold that the meaning borne by the article was not substantially true.

North London Central Mosque Trust v Policy Exchange & Anr (2009) – Counsel for the defendant in an action was successfully struck out on the grounds that the claimant lacked requisite legal capacity to maintain a claim for libel.

Taranissi v BBC (2009) – Junior Counsel for the BBC in major libel action brought by a prominent IVF clinician in respect of a Panorama investigation into the IVF industry in the UK.

Condoco Grand Cayman & Ryan v KYC News (2007) – Counsel for the Claimant (with Richard Rampton QC) in this major libel action brought in the Cayman Islands by the developer of the island’s largest hotel and condominium development.

Publications and Seminars

Contributor to Arlidge, Eady & Smith on Contempt, 5th edition, 2017

Co-author, Atkin’s Court Forms on Defamation

Qualifications

MA (Hons) History (First Class), University of Edinburgh

Post-graduate law diploma (Distinction), The College of Law

Queen Mother Scholarship (Middle Temple)

Member of the Bar Pro Bono Unit



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