
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, Facebook, 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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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.

"A fantastic barrister. Unfailingly across all aspects of a case. Outstanding attention to detail and focus on the bigger picture. Always available and hugely insightful. He can be relied on 100%" Legal 500 2022 (Defamation & Privacy, Media & Entertainment)

"He possesses the rare combination of being exceptionally bright and extremely personable" Legal 500 2022 (Data Protection)

"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 2021 (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 2021 (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 2021 (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 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. He was also 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, and was nominated by Legal 500 as their IP, IT and Media Junior of the Year in 2020 and as their Technology and Data Junior of the Year in 2022.

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.

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)

“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 KC one day.” The Legal 500 2013 (Defamation and Privacy)

Recent Cases

Eurasian Natural Mineral Resources v Serious Fraud Office & others (2023)

Counsel for the former FTSE100 company, ENRC, in a much-publicised claim brought by ENRC against the UK’s Serious Fraud Office, along with a former case controller of the SFO’s investigation into ENRC and a serving SFO officer. ENRC contends that defendants have repeatedly leaked sensitive and confidential information about the SFO’s investigation into the company to the media. It brings claims for misfeasance in public office, breach of confidence and unlawful means conspiracy against the SFO and the other defendants.

Charlotte Kirk & Others v Associated Newspapers (2023)

[2023] EWHC 1014 (KB)

Counsel for Associated Newspapers in defence of a defamation claim brought by the British actress, Charlotte Kirk, and two film producers (Neil Marshall and Joshua Newton) over the MailOnline's coverage of their alleged dealings with various leading Hollywood film executives.

R (ex parte Star China Media Limited) v Ofcom (2022)

[2022] EWHC 3136 (Admin)

Counsel for Ofcom in ongoing judicial review proceedings brought by Star China Media Limited, the former licence-holder for the China Global Television Network channel in the UK. Star China's licence was revoked in 2021 over concerns regarding the level of Chinese state control and lack of editorial independence. Its judicial review was dismissed by Swift J in a judgment of October 2022. The Court of Appeal will hear Star China's appeal against that decision in July 2023.

Shahbaz Sharif v Associated Newspapers Limited (2022)

Counsel for ANL in respect of high-profile defamation proceedings brought by the current Prime Minister of Pakistan, Shahbaz Sharif, over a Mail on Sunday article which reported on a major criminal investigation in Pakistan into allegations of large-scale fraud and embezzlement.

Eurasian Natural Resources Corporation Limited v Akejan Qajygeldin (2021)

Counsel for ENRC in a breach of confidence claim between ENRC and the former Prime Minister of Kazakhstan, Akejan Qajygeldin, over the alleged misuse of ENRC's confidential and sensitive information.

R (Free Speech Union and Toby Young) v Ofcom (2021)

[2020] EWHC 3390 (Admin)

Counsel for Ofcom in a judicial review brought by the Free Speech Union and its General Secretary, Toby Young, over guidance which Ofcom issued to broadcasters at the outset of the Coronavirus pandemic, as well as a number of subsequent decisions in which Ofcom had considered whether broadcasters were in breach of the Broadcasting Code in respect of Coronavirus-related programming. The claimants argued that the guidance and decisions involved Ofcom acting outside of its powers as the UK's media regulator and in a manner which violated Article 10. The challenge was dismissed by Fordham J in a judgment of December 2020.

Eurasian Natural Mineral Resources v Mark Hollingsworth [2021]

Counsel for ENRC in proceedings brought against a London-based investigative journalist and author, Mark Hollingsworth. ENRC accused Hollingsworth of leaking confidential documents and data which had been unlawfully obtained from its IT systems to various media organisations and interested parties in the private intelligence sector. The claim was one of The Lawyer magazine's top 20 cases of 2021. It was settled shortly before trial in October 2021.

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

[2022] 1 WLR 481, [2021] EWCA Civ 1534, CA

Counsel for Ofcom in a high-profile judicial review brought by the licensee of Russia Today (RT) over various decisions in which the channel was found to have breached the 'due impartiality' standard under the Broadcasting Code. RT argued that those findings violated its freedom of expression by failing to take account of the channel's niche position in the market and the dominant media narrative surrounding the subject of the relevant programming. The claim was rejected by the Divisional Court in 2021 and again by the Court of Appeal in 2022.

Sicri v Associated Newspapers (2020)

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

Counsel for Associated Newspapers in an important privacy judgment which considered 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 specifically 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 a publication claim brought in MPI.

Brewdog v Frank Public Relations Limited (2020)

(2020) EWHC 1276 (QB)

Counsel for the public relations company, Frank PR, in the successful defence of a libel, negligent misstatement and economic tort action brought by the UK craft brewery, Brewdog, over a controversial advertising campaign which offered free beer to supporters of Donald Trump. Brewdog alleged that a press release which Frank PR issued in this regard was negligent, damaged its reputation and had caused it economic loss in excess of £200,000. The claim was struck out in May 2020.

Kennedy v National Trust for Scotland (2019)

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

Counsel for the Defendant in an important Court of Appeal judgment on conflict of laws in a publication claim. In particular, the judgment clarified that an English court is not precluded by the CJEU's decision in *Owusu v Jackson* from applying the doctrine of forum non conveniens and staying proceedings brought against a Scottish defendant in defamation and under the DPA on the basis that Scotland was the more appropriate forum.

Martin Lewis v Facebook (2018)

Counsel for Facebook in respect of defamation proceedings brought by the very well-known financial expert and commentator, Martin Lewis, over Facebooks asserted liability for fake adverts which were being published in his name on the social media platform.

Tamiz v United Kingdom (2017) – Counsel for the UK 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 defamation and data protection 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) – Counsel for various media organisations in respect of a successful application to lift an order imposed under s.39 Children & Young Persons Act 1933

Dar Al Arkan & Bank Alkhair v Al Refai & oths (2014) – Counsel for 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) – Counsel for the defendant national healthcare regulator. The claim in defamation and under Art 8 of the Human Rights Act 1998 was brought by the CQC's former Deputy CEO and concerned the findings of 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) – Counsel for Guardian News & Media in a libel action brought by a prominent Saudi Arabian cleric.

Nathaniel Rothschild v Associated Newspapers Ltd (2013) – Counsel for ANL 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 truth 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 KC 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 Policy Exchange 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) – Counsel for the BBC in a 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 in a major libel action brought in the Cayman Islands by the developer of the island's largest hotel and condominium development.

Publications and Seminars

Author, Arlidge, Eady & Smith on Contempt, 5th edition, 2017

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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