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## Timothy Pitt-Payne KC

Tim practices in information law, public law, local government law, and employment law. Information law is a fast-moving area of the law, where legal principles often struggle to catch up with technological and social change. Personal information is both a valuable asset and an essential tool when delivering public services; but its effective exploitation is a legal minefield. Tim has extensive experience in this field in which he is widely recognised to be a leading expert. Tim's knowledge and experience mean that he is ideally placed to advise organisations of all kinds, both in the private and public sector, about novel and complex problems relating to their use of information.

Tim combines his work in information law with a wider practice in public and employment law, having practised in both of these areas throughout his time at the Bar.

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## Specialisms

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### Employment

Tim has practised in employment law throughout his career, and is equally at home arguing a short point of law in the Court of Appeal or conducting a fact-heavy Tribunal case about discrimination or whistleblowing. He has a particular interest in the law about employment vetting and monitoring, and was involved in the leading Supreme Court case about CRB disclosure.

Recent work includes:

- Acting for a University in a discrimination claim brought by a current employee
- Advising and acting for a public authority in a multi-party case under the Transfer of Undertakings Regulations
- Dealing with litigation arising out of the maintenance of an alleged industry blacklist

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### Information

Tim's information law practice covers areas such as data protection, freedom of information, access to environmental information, RIPA, human rights issues, privacy, and breach of confidence. His clients include commercial organisations, the Information Commissioner, numerous regulators, NHS bodies, local authorities, Universities, and private individuals. His freedom of information cases have considered the disclosure of Cabinet Minutes about the Iraq War, MPs' expenses, abortion statistics, and the risk register relating to the Government's NHS reforms. He has extensive advocacy experience in information law, at all levels from the First-tier Tribunal to the Supreme Court. He has advised a wide range of commercial organisations (e.g in the banking, insurance, healthcare and outsourcing sectors) about their use of customer and other personal information, and about the implications of sharing confidential business information with public authorities.

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### Public

In recent years Tim's wider public law and local government practice has covered issues about public sector pensions, the powers and duties of regulatory bodies, and local authority vires. He has acted for an against regulatory bodies in judicial review claims arising out of the exercise of their statutory powers.

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## Recommendations



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### Professional Summary

Called 1989  
Appointed KC 2010

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### Contact Details

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“Tim is one of the leading experts in data protection and is instructed regularly by the ICO particularly in respect of complex, novel or high-profile cases. His knowledge and expertise are second to none.”

**Chambers & Partners**

“Tim is a very able and experienced counsel with huge knowledge of his specialist subject area. He’s excellent with clients, he has first-rate advocacy skills and is a go-to KC for important and complex work.” **Chambers & Partners**

“Very thorough and clear. Fantastically prepared for hearings. Excellent advocacy.” **Legal 500**

“He’s very impressive, understated in his advocacy, talented, hard-working and hugely respected.”

**Chambers & Partners**

“Clients appreciate his thoughtful solutions. What he can bring to a debate is his depth and breadth of experience.” **Chambers & Partners**

“Tim has a fantastically sharp mind, cutting through the complex to provide incisive findings and advice but balances this with an extremely pragmatic approach, greatly appreciated by instructing solicitors and clients” **Legal 500**

“The ‘very collaborative and supportive’ Timothy Pitt-Payne KC is a key silk in this area” (Data Protection)

**Legal 500**

“He is a real “brain” when it comes to data protection. He is intelligent, experienced, knowledgeable and highly sought after.” **Legal 500**

“He’s got an encyclopaedic understanding of data protection law and is really nice to work with.”

**Chambers & Partners**

“Timothy Pitt-Payne KC is a subject matter expert, and deservedly recognised as such.” **Chambers & Partners**

“Any matter, however complex, is safe in his capable hands.” **Legal 500**

“A go-to heavyweight in the field, who is a charismatic and commanding team player.” **Chambers & Partners**

“The depth and breadth of his knowledge is unparalleled and his submissions are powerful.” **Legal 500**

“He’s one of the pioneers of data protection, and what he says carries authority.” **Chambers & Partners**

“He homes in on the detail and has an immensely rich level of experience in DPA litigation.” **Chambers & Partners**

“Very bright and very able.” **Chambers & Partners**

“Outstanding intellectually and highly effective.” **Chambers & Partners**

“He is very knowledgeable in this field.” **Chambers & Partners**

“He has exceptional breadth and depth of knowledge in the area.” **Legal 500**

Tim has been described as being in a “*league of his own*” who is “*incredibly sharp*” and “*very good in his advice*”. He is an “*outstanding data privacy and FOIA specialist*” who “*always provides responsive and practical advice*”, and has an “*encyclopaedic knowledge of the area*”. Tim is “*a true expert and leading authority*”, “*first choice for ‘bet-the-ranch’ work*”, “*persuasive and easy to work with*” and is “*recommended for matters involving data protection; he knows that area of law back to front*” (**Legal 500**). He gives “*excellent client service, whether paid or pro bono*” (**Chambers & Partners**).

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## Recent cases

### Murphy v Electoral Commission

[2019] EWHC 2762 (QB) October 21 2019, [2020] 1 WLR 480  
Electoral Commission retaining and publishing copies of permitted participant's spending return –  
Whether in breach of statutory duty

#### **Deer v University of Oxford**

[2017] EWCA Civ 121, [2017] 3 WLR 811, CA, March 3 2017  
Data protection issues arising out of a longstanding employment dispute between an individual and a  
University

#### **Dawson-Damer and Others v Taylor Wessing LLP**

[2020] EWCA Civ 352, CA, March 11 2020, [2020] 3 WLR 1, [2017] 1 WLR 3255, [2017] EWCA Civ  
74, CA, February 16 2017  
Interaction between data protection and legal professional privilege in the context of a trustee/beneficiary  
relationship

#### **Holyoake v Candy and Another**

[2017] EWHC 52 (January 24 2017)

#### **CLFIS (UK) Ltd v Reynolds**

[2015] EWCA Civ 439, [2015] IRLR 562; Times, June 4 2015, CA, April 30 2015  
Liability for age discrimination could only attach to an employer where an employee or agent for whom it  
was responsible had themselves committed a discriminatory act.

#### **Stack v Ajar-Tec Ltd**

[2015] EWCA Civ 46, [2015] IRLR 474, CA, February 5 2015  
Unpaid shareholder and director of a company was an employee.

#### **R (Evans) v Attorney General**

[2015] UKSC 21, SC, March 26 2015, [2015] 2 WLR 813; Times, April 10 2015  
Attorney General's certificate that overruled a judicial decision in relation to the Freedom of Information  
was unlawful. TPP appeared for the Information Commissioner, intervening.

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## **News, Articles & Publications**

Tim has contributed chapters to Computer Law (OUP, 2011), Media Law and Practice (OUP, 2009) and  
Judicial Review (Butterworths, 2010).

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## **Education**

Tim studied law at Oxford University (BA 1985, BCL 1986).

He was Vinerian Scholar in 1986.

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## **Other**

Tim was Visiting Professor of Information Law at Northumbria University (2007-2013).

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