# James Cornwell



Call: 2002

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James practises mainly in public, education, local government, media and data privacy and information law. His work often involves overlap between these areas.

He has acted for a wide range of clients, including government departments and agencies, local authorities, regulators, universities, major companies and third-sector organisations. He is a member of the Attorney General's A Panel of Counsel.

The main legal directories rank James as a leading junior for, variously, administrative and public law (including local government), data protection law and education law.

> ***Very thorough***
>
> **CHAMBERS & PARTNERS**

# Expertise

## Information and Data Protection

James regularly represents and advises the Information Commissioner, applicants and a range of public authorities, including government departments and agencies, in relation to freedom of information appeals before the First-tier Tribunal (Information Rights) under FOIA 2000 and the EIR 2004. He has also acted in a number of appeals to the Upper Tribunal (AAC).

James has appeared in the county court in proceedings under the DPA 1998 and EU General Data Protection Regulation (GDPR) for data subjects and public and private sector data controllers in cases concerning subject access requests and rectification of personal data. He has represented the Information Commissioner in enforcement notice and monetary penalty notice appeals under the DPA 1998 (including the first three appeals against MPNs concerning direct marketing communications under the Privacy and Electronic Communications (EC Directive) Regulations 2003).

He regularly advises data controllers (including government departments, local authorities, regulators and major companies) and others on data privacy issues such as data sharing, data transfers outside the EEA, handling subject access requests, implementing the GDPR, and related issues under Article 8 ECHR (right to private life).

### Stevenson v Information Commissioner & Department of Health; Department of Health v Information Commissioner & Stevenson

FIRST-TIER TRIBUNAL (INFORMATION RIGHTS), EA/2016/0240 & 0246

FOIA, ss.40, 41 – whether transcripts of 'closed' interviews conducted by Morecambe Bay Investigation subject to duty of confidentiality and exempt under s.41 FOIA.

### Dransfield v Information Commissioner & Devon County Council; Craven v Information Commissioner & Department of Energy and Climate Change

[2015] EWCA CIV 454, [2015] 1 WLR 5316, [2016] 3 ALL ER 221, [2016] ENV LR 9

FOIA, s.14(1) – EIR, reg.12(4)(b) – whether information request vexatious or manifestly unreasonable.

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FOIA, s.14(1) – EIR, reg.12(4)(b) – whether information request vexatious or manifestly unreasonable.

## Amber UPVC Fabrications Ltd v Information Commissioner

FIRST-TIER TRIBUNAL (INFORMATION RIGHTS), EA/2014/0112

DPA, s.55A – PECR, reg.21 – live direct marketing calls – whether Commissioner entitled to serve monetary penalty notice.

## Amber UPVC Fabrications Ltd v Information Commissioner

FIRST-TIER TRIBUNAL (INFORMATION RIGHTS), EA/2014/0112

DPA, s.55A – PECR, reg.21 – live direct marketing calls – whether Commissioner entitled to serve monetary penalty notice.

## Information Commissioner v Niebel

[2014] UKUT 255 (AAC), [2015] AACR 1, [2014] 2 INFO LR 162, FIRST-TIER TRIBUNAL (INFORMATION RIGHTS) – [2013] 2 INFO LR 329

DPA, s.55A – Directives 2002/58/EC and 2009/136/EC – direct marketing text messages – whether Commissioner entitled to serve monetary penalty notice – whether contravention of PECR was of a kind likely to cause substantial damage or substantial distress.

## Information Commissioner v Niebel

[2014] UKUT 255 (AAC), [2015] AACR 1, [2014] 2 INFO LR 162, FIRST-TIER TRIBUNAL (INFORMATION RIGHTS) – [2013] 2 INFO LR 329

DPA, s.55A – Directives 2002/58/EC and 2009/136/EC – direct marketing text messages – whether Commissioner entitled to serve monetary penalty notice – whether contravention of PECR was of a kind likely to cause substantial damage or substantial distress.

## Information Commissioner v Niebel

[2014] UKUT 255 (AAC), [2014] 2 INFO LR 162, FIRST-TIER TRIBUNAL (INFORMATION RIGHTS) – [2013] 2 INFO LR 329

DPA, s.55A – whether Commissioner entitled to serve monetary penalty notice – whether contravention of PECR was of a kind likely to cause substantial damage or substantial distress.

## Cabinet Office v Information Commissioner & Aitchison

[2013] UKUT 0526 (AAC), [2013] 2 INFO LR 336, FIRST-TIER TRIBUNAL (INFORMATION RIGHTS) – [2012] 2 INFO LR 293

Freedom of information – whether public interest favoured maintenance of FOIA, s.35(1)(a), (b) exemptions for information about Rowntree takeover – Cabinet collective responsibility – relevance of changes to 'the 30 year rule'.

## UK Coal Mining Ltd v Information Commissioner

[2012] UKUT 212 (AAC), [2012] 2 INFO LR 491 EIR

reg.12(5)(e) – FOIA, s.43 – whether FTT erred in assessment of public interest balance in respect of disclosure of certain provisions of a lease and under-lease.

# Achievements

## Appointments

2016 Attorney General's A Panel of Civil Counsel
2012 Attorney General's B Panel of Civil Counsel
2008 Attorney General's C Panel of Civil Counse

## News, Articles & Publications

Contributor, *Halsbury's Laws of England* (5th Edition), Vol.61 (Judicial Review)

Contributor, *Information Law Reports*

Contributor, *Local Government Law* (Bloomsbury) (chapter on adult social services)

Contributor, *Tolley's Employment Handbook* (chapter on discrimination and equal opportunities enforcement)

Author, *"Local authority duties under the Children Act 1989"*, PLC Public Sector

Author, *"Mount Cook 1: Whatever Happened to Leach?"* [2004] Judicial Review 49

James has given talks and training (including by podcast and webinar) on various topics in public, employment, discrimination, community care, local government, data protection, freedom of information and education law to solicitors, local authority officers, civil servants, school governors, barristers, IRP panel members, data protection officers and others.

## Education

2001-2002 Inns of Court School of Law – Bar Vocational Course

2000-2001 City University – Diploma in Law

1995-2000 Brasenose College, Oxford – DPhil in Philosophy

1993-1995 University College London – MPhil in Philosophy Dawes Hicks Scholarship in Philosophy

1990-1993 University College, Oxford – BA (Hons) in Philosophy, Politics & Economics College Exhibition

## Other

Queen Mother Major Scholarship, Middle Temple

Sachs Prize for performance on the BVC, Middle Temple

Benefactors CPE Scholarship, Middle Temple

James is a barrister mentor for student representatives on the City University School Exclusions Project.

James is a member of:

- Administrative Law Bar Association
- Education Law Association
- Employment Law Bar Association
- Employment Lawyers Association

> ***Combines meticulous preparation with excellent clarity of understanding of the law***
>
> LEGAL 500

> ***Able to master a huge amount of detailed material in a short timeframe.***
>
> LEGAL 500

> ***Clever and very experienced***
>
> CHAMBERS & PARTNERS

> ***He is intellectual, hard-working and thorough, and reads every last page of the case***
>
> LEGAL 500

> ***Imaginative, industrious and full of sound judgement; he will go far***
>
> LEGAL 500

> ***He has a fantastic legal mind. He gets his head around really technical arguments, and is easy to work with***
>
> CHAMBERS & PARTNERS

*He got to grips with a very difficult project and he was very impressive... It was his great grasp of the complex issues in the case that was really impressive. He had obviously prepared diligently for the hearing and fully understood the arguments and the background*

CHAMBERS & PARTNERS

*He has a first-class intellect*

LEGAL 500

*Precise and to the point, he focuses on the key facts and issues*

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