Peter Lockley

Call: 2013

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Peter Lockley has a broad practice spanning Public, Information and Employment Law. He has a keen interest in campaigning environmental law, drawing on his long experience of environmental politics and policy as well as law. He has often acted for the Information Commissioner and draws on this experience when representing individuals and public authorities in information and data protection matters. He regularly appears for both claimants and respondents in the Employment Tribunal.

> ***Very organised, proactive, detail-oriented, on the mark on the law, and well prepared for hearings. He thinks a few steps ahead, has a practical approach, and will push points as far as he can to achieve results.***
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> LEGAL 500

Expertise

Information and Data Protection

Peter has acted for the Information Commissioner in around 100 FOIA/EIR appeals in the First-Tier and Upper Tribunals. From these cases he has gained a deep working knowledge of the information access regimes. This allows him to offer highly practical advice and representation to requesters and public authorities on information matters.

Peter has acted for and against the Commissioner in data protection enforcement matters. He also advises public and private sector clients on data protection and privacy issues – including a celebrity client on reputational issues following an information leak. He also has significant experience advising clients on GDPR compliance.

Department for Business and Trade v Montague & Information Commissioner

[2023] EWCA CIV 1378, ON APPEAL FROM [2022] UKUT 104 (AAC)

Acted for the Information Commissioner throughout high-profile proceedings, originally concerning post-Brexit trade working group papers. The Court of Appeal upheld Department's appeal against the Upper Tribunal's decision on aggregation of public interests against disclosure, with the result that aggregation is permitted. Permission now granted to appeal to the Supreme Court.

Doorstep Dispensaree Ltd v Information Commissioner

(FTT, 2020), drafted pleadings and advised Appellant on litigation in FTT appeal against the first data protection fine imposed by the Information Commissioner under the GDPR and DPA 2018.

Doorstep Dispensaree Ltd v Information Commissioner

[2023] UKUT 132 (AAC); [2024] 1 WLR 575

Acted for Information Commissioner in first appeal against a GDPR/DPA 2018 Penalty Notice. And subsequent UT appeal which raised broad issues about the burden and standard of proof in penalty notice cases. UT dismissed Doorstep's appeal on all grounds; limited permission now granted by Court of Appeal for second appeal.

Carter v (1) City of London (2) Westminster CC and (3) Information Commissioner

(EA/2022/0181 AND EA/2022/0203)

Acted for two local authorities in successful defence of appeal to FTT concerning a request for information relating to business rates.

DSG Retail v Information Commissioner

(EA/2020/0048)

Acted for Information Commissioner in factually and technically complex 7-day case in the FTT, defending appeal by a retailer issued the maximum £500k penalty under the DPA 1998, following a cyber-attack. Fine reduced but Commissioner's penalty notice upheld in part. Decision awaited on DSG's appeal to the UT on issues relating to the definition of personal data.

General Dental Council v Information Commissioner v O'Hooley

(EA/2021/0156)

Acted for GDC in a successful appeal against an ICO Decision Notice requiring disclosure of internal e-mails between Chair and Council members.

Davies v The Information Commissioner (GIA)

[2019] UKUT 185 (AAC)

Upper Tribunal case on the duty to give reasons a case in which a closed procedure has been adopted. Confirms that the Upper Tribunal can take an inquisitorial approach and identify potential grounds of appeal not raised by any party. Acted for the Information Commissioner

Cabinet Office v IC and Morland

[2018] UKUT 67 (AAC)

Key appellate decision in a long series of 'medals' appeals raising issues about the scope of s.37 FOIA (honours). Acted for the Information Commissioner in this case and several related appeals.

Helen Johnson v Sanlam Private Investments

(F90NE027)

Successfully defended a data breach claim against an international financial institution in a five-day high court trial. Factually complex case that also raised consequential issues about Qualified One Way Costs Shifting in cases where personal injury damages are only one remedy sought.

Cabinet Office v Information Commissioner and Corderoy

(EA/2020/0240)

Cabinet Office eventually disclosed large majority of information about the 'Round Robin' list requested by a journalist for opendemocracy.net. The Round Robin list was operated by the controversial Clearing House unit, set up to co-ordinate responses to cross-Whitehall FOIA requests. Acted for the Information Commissioner.

Information Commissioner v Malnick and ACOBA

[2018] UKUT 72 (AAC)

Three judge panel of the Upper Tribunal considered the correct approach to the Qualified Person's opinion required by s.36 FOIA; also decided that the Information Commissioner is functus office once she has issued a decision notice, so that issues cannot be remitted to her from the Tribunal. v.

Achievements

Education

University of Cambridge, MA (Cantab)

Bar Professional Training Course (Outstanding)

Graduate Diploma in Law in (Distinction)

Other

Peter is a member of the UK Environmental Law Association.

Prior to commencing his legal career, Peter was the Head of Transport Policy at WWF-UK, where he was involved in high-profile environmental cases: (**R (Hillingdon) v Secretary of State for Transport** [2010] EWHC 626 (Admin) (Heathrow third runway); (Case C-366/10, Air Transport Association of America, [2012] 2 CMLR 4) (Emissions trading for foreign airlines).

> ***He's very personable, easy to work and speak with and provides very clear written advice.***
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> CHAMBERS & PARTNERS

> ***He handles difficult situations really well and puts a lot of thought and preparation into cases***
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> CHAMBERS & PARTNERS

> ***He's a real expert on GDPR and is a pleasure to work with***
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> CHAMBERS & PARTNERS

> ***He explains issues in an accessible way***
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> CHAMBERS & PARTNERS

Very organised, proactive, detail-oriented, on the mark on the law, and well prepared for hearings. He thinks a few steps ahead, has a practical approach, and will push points as far as he can to achieve results

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He performs incredibly well under pressure and gets to grips with complex issues in a short time frame

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