

Stephen Kosmin

Call: 2011

E: Stephen.Kosmin@11kbw.com

T: +44 (0)20 7632 8500



Stephen Kosmin specialises in administrative and public law, procurement law, financial services, and information and data protection law. He is ranked by both Chambers and Partners and the Legal 500 in each of those areas of practice. Stephen is additionally ranked by the Legal 500 in local government law and by Chambers and Partners in civil liberties and human rights. In August 2023, Stephen was appointed to the Attorney General's A Panel.

Stephen has wide-ranging trial and appellate court experience, particularly in high-value and multi-party disputes. Recently, Stephen has appeared:

- in the Supreme Court in *R (Bancoult) v Secretary of State for Foreign and Commonwealth Affairs (No 3)*, acting for the appellant; in *Cox v Ministry of Justice*, acting for the respondent; and in *Independent Workers Union of Great Britain v Central Arbitration Committee and Rooffoods Ltd (t/a Deliveroo)*, acting for the intervener;



Stephen drills right into the detail. He is very creative, has amazing research skills and pushes the boundaries of things.

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- in the Court of Appeal in *Secretary of State for Work and Pensions v AT (European Union law, Universal Credit)*, acting for the Secretary of State; in *Cobalt Data Centre 2 LLP v HMRC*, acting for HMRC; in *R (Bridges) v Chief Constable of South Wales*, acting for the Surveillance Camera Commissioner; in *Kimathi v Foreign and Commonwealth Office*, acting for the Foreign and Commonwealth Office; and in *R (Tesfay) v Secretary of State for the Home Department*, acting for the Home Secretary;
- in the Administrative Court in public law cases, including *R (Charles Street Securities Europe LLP) v Financial Ombudsman Service*; *R (Get Real Marketing Company Ltd) v Culture Recovery Board*; *R (Police Superintendents' Association) v HM Treasury*; and *R (Enterprise Managed Service Ltd) v Secretary of State for Housing, Communities and Local Government*;
- in the Technology and Construction Court in procurement claims, including *James Waste Management LLP v Essex County Council*; *Alstom Transport UK Ltd v Network Rail Infrastructure Ltd*; *R (Good Law Project) v Prime Minister*; *Altiatech Ltd v Birmingham City Council*; and *Kenson Contractors (Benington) Ltd v Haringey Ltd*;
- in the King's Bench Division in *Prismall v Google UK Ltd*; *Seadrill Ghana Operations v Tullow Ghana Ltd*; and *Berkeley Burke Sipp Administration v Financial Ombudsman Service*;
- in the Upper Tribunal and First-tier Tribunal in tax disputes and information law cases, including *Ticketmaster UK Ltd v Information Commissioner*; *Ofqual v Information Commissioner*; *Maurizi v Information Commissioner*; and *Myhill v General Medical Council*.

Stephen also has considerable experience and expertise of public international law, arbitral proceedings, and negotiations.

Expertise

Information and Data Protection

Stephen is an experienced practitioner in information and data protection work. He has a particular specialism in data privacy and misuse of private information claims. He is ranked by both Chambers and Partners and the Legal 500 for his information law and data protection work.

Stephen is regularly instructed by central government departments, other public authorities, and the Information Commissioner in appeals under the Freedom of Information Act and Environmental Information Regulations. Stephen also frequently acts for and advises private individuals, companies, and charities in information law and data protection disputes.

Examples of Stephen's recent work in information law and data protection include:

- Acting for the representative claimant in **Prismall v Google and DeepMind**, in which Heather Williams J considered an application to strike out a representative action regarding the transfer of the medical information of around 1.6 million patients of the Royal Free NHS Trust to Google and DeepMind. It is the first case to test the scope of the Supreme Court judgment in **Lloyd v Google** in the context of the tort of misuse of private information.
- Acting for the Surveillance Camera Commissioner in **R (Bridges) v Chief Constable of South Wales**, which concerned the legality of the deployment of Automatic Facial Recognition technology by South Wales Police.
- Acting for the Information Commissioner in **Ticketmaster UK Ltd v Information Commissioner**, which concerned the proper case management of parallel proceedings before the First-tier Tribunal and the High Court arising from a mass data breach affecting millions of consumers' payment information.
- Acting for the Home Office in **Maurizi v Home Office and ICO**, which established that the Freedom of Information Act 2000 and Environmental Information Regulations have extra-territorial application.
- Acting for the General Medical Council in **Myhill v ICO and GMC**, in which the Upper Tribunal considered the proper application of the personal data exemption under the Freedom of Information Act.
- Acting for Ofqual in **Ofqual v ICO**, in which the Upper Tribunal considered an appeal concerning a request for specific information regarding the difference between calculated grades and centre-assessed grades in Summer 2020.



Stephen is meticulous and thorough. He is a very calm and methodical advocate.

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- Acting for the Cabinet Office in **Sheppard v ICO and Cabinet Office**, in which the Upper Tribunal will consider an appeal concerning an information request for internal polling information relating to policies bearing on the constitutional arrangements between the Scottish Parliament and Westminster.
- Acting for the appellant in **Scottish Power v ICO and Ofgem**, in an appeal concerning a request for information concerning Ofgem's decision to commence enforcement action on a selective basis.
- Acting for the Ministry of Defence in **Cole v ICO and MOD**, in an appeal concerning a request for information regarding the use of drones by the military.
- Acting for the appellant in **Chagos Refugees Group v Information Commissioner**, in an appeal concerning whether information was "held" by the FCO, and the scope of the Environmental Information Regulations' exception for internal communications of a public authority.
- Advising an NHS Trust on the disclosure of reports of an internal regulatory investigation into medical malpractice in the context of anticipated multi-party proceedings.
- Acting for a Cambridge University college in a complex data protection claim, for which the claimant was seeking damages of over £2 million.
- Acting for the Information Commissioner on a number of appeals under the Freedom of Information Act, in particular in respect of matters of national security, police investigations, and medical records.

Stephen also acts for the Government in national security cases of greatest sensitivity. He is experienced in closed material proceedings.

Achievements

Education

2010/2011: Bar Professional Training Course, City University.

2011: Admitted as an Attorney to the New York Bar.

2009/2010: LL.M., University of Pennsylvania Law School, Distinction.

2008/2009: BCL, University of Oxford, Lincoln College.

2005/2008: BA Law Tripos, University of Cambridge, Gonville and Caius College.

Scholarships and Prizes

2010, Queen Mother's Scholarship, Middle Temple.

2009, Thouron Award to study at University of Pennsylvania.

2009, Ralph Chiles CBE Prize for the Best Performance in Human Rights Law in Oxford University.

2008, W M Tapp Scholarship for Postgraduate Studies, Gonville and Caius College.

2008, James William Squire Scholar, University of Cambridge Law Faculty.

2008, Frere-Smith Prize for Law, Gonville and Caius College.

2007, Senior Scholar, Gonville and Caius College.

2006, Sir William McNair Law Prize, Gonville and Caius College

Publications

- *"An introduction to the Business Banking Resolution Scheme"* (2021) 6 Journal of International Banking and Finance Law 411.
- *"Different approaches to SIPP operators' liability"* (2020) 8 Journal of International Banking and Finance Law 527.
- *"Wikileaks and International Law: Inviolability v Inadmissibility"*, co-authored with Professor Robert McCorquodale [2017-18] 9 UK Supreme Court Yearbook 92.
- *"Supreme Court rules Wikileaks cable document should have been admitted into evidence"*, in Lexis Nexis Butterworths News, February 2018.
- *"Ensuring anti-money laundering compliance through the senior managers regime of the Financial Services (Banking Reform) Bill: Hansard brings comfort"* (2014) 3 Journal of International Banking and Finance Law 179.
- Chapter 8 on 'Mistake, Misrepresentation and Frustration', in Wilmot-Smith on 'Construction Contracts' (Third Edition, 2014).
- *"The Enforcement of Arbitral Awards in UAE "*, (2013) Lexis PSL Arbitration.
- Assistant to Justice Dr Yoram Danziger, Justice of the Israeli Supreme Court, *"Changes in Methods of Freezing Funds of Terrorist Organisations since 9/11: A Comparative Analysis"*, (2012) 15(2) Journal of Money Laundering Control 210.
- Interviewed as an International Law expert by BBC Newshour, 2015.

Additional Information

- Appointed to the League Managers Association Commercial Law Panel.
- Marshall in the Technology and Construction Court, March 2013.
- Foreign Clerk with the Supreme Court of Israel, July to August 2011.
- Admitted as an Attorney to the New York Bar, 2011, currently non-practicing.
- Lecturer in Administrative Law at London Metropolitan University, 2011.

- Lecturer in Constitutional Law of the European Union at London Metropolitan University, 2010.
- German, advanced.

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His advocacy style is very clear, succinct and authoritative. He's confident on his feet, gives well-structured arguments and is authoritative.

CHAMBERS AND PARTNERS

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Stephen is a strikingly clever and very versatile lawyer who brings to bear a great deal of wisdom in his analysis.

CHAMBERS AND PARTNERS

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His attention to detail is phenomenal and he has an uncanny ability to find discrete points to nail the case. Stephen thinks commercially and engages well with clients.

CHAMBERS AND PARTNERS

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Very responsive and an excellent advocate.

CHAMBERS AND PARTNERS

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An excellent barrister who is very methodical in his approach.

CHAMBERS AND PARTNERS

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Stephen Kosmin is very good at presenting complex issues in a clear way and is always a pleasure to work with.

CHAMBERS AND PARTNERS

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Grapples with issues quickly and puts in the legwork to get the best outcome for the client.

CHAMBERS AND PARTNERS

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He's extremely clear in his thinking and communication. Very bright and organised.

CHAMBERS AND PARTNERS

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Stephen is diligent, ultra responsive and totally reliable.

CHAMBERS AND PARTNERS