Julian Milford KC

Silk: 2020 Call: 2000

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Julian Milford was called to the bar in 2000. His main areas of practice are public law, information law, and employment law. Julian undertakes advisory and judicial review work in the field of public and constitutional law for central and local government, other public authorities, and individuals, and has been instructed for and against government on issues of major public importance. He advises on and acts in cases concerning information rights in the civil courts and statutory tribunals, and has been instructed in significant data protection and freedom of information cases, having a particular specialism in national security cases and proceedings in the Investigatory Powers Tribunal. He acts in employment cases in the civil courts and Employment Tribunal, and has experience across the Tribunal's statutory jurisdiction, including extensive experience of acting in large-scale discrimination/equal pay claims and industrial action cases. His experience in discrimination law and the breadth of his expertise makes him well placed to undertake investigations and inquiries in the employment or regulatory context. He also practices in the field of education law, particularly in cases involving higher education institutions.

> ***"He is a go-to person and a formidable barrister; he is not somebody that you would want to be against"***
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> **CHAMBERS AND PARTNERS**

Expertise

Public Law & Human Rights

Julian undertakes public and constitutional law work for local authorities, central government, NHS authorities, individuals, public interest groups and others. That work includes general public law judicial review claims at all levels of Court up to the Supreme Court, including high- value commercial judicial review claims, and claims connected in particular with discrimination issues of all kinds; information rights; surveillance; and education. He has appeared on a number of occasions before the European Court of Human Rights. He has extensive experience in cases with a national security element, including cases in the Investigatory Powers Tribunal. He also undertakes investigations and inquiries (for example, acting as an independent investigator or legal adviser in recent cases concerning pensions and allegations of bullying and harassment). He has been shortlisted by Legal 500 for public law barrister of the year for 2024. His recent and current work includes:

- Acting for HMG in judicial review proceedings by Unite the Union, challenging the means testing of Winter Fuel payments on human rights and domestic public law grounds.
- Acting for HMG in a judicial review challenge by Women Against State Pension Inequality to the Secretary of State for Work and Pension's refusal to set up a compensation scheme for women claiming maladministration in connection with changes to State Pension age.
- Acting successfully for HMG in a high-profile challenge to the Secretary of State for Health's emergency ban on the supply/sale of puberty blockers to under 18s: R(TransActual CIC and YY) v Secretary of State for Health and Social Care [2025] PTSR 1.
- Acting for HMG in current major judicial review proceedings challenging the compatibility of the Investigatory Powers Act 2016 and the legal framework for governmental surveillance powers generally with human rights and EU law (R(Liberty) v (1) SSHD (2) SSFCO [2023] EMLR 22, [2022] 1 WLR 4929, [2020] 1 WLR 243, and [2019] QB 481).
- Acting in Higher Court proceedings involving pension rights, including Robins v Secretary of State for Work and Pensions [2023] EWCA Civ 890 (rights of guaranteed minimum pension recipients); R(Delve) v SSWP [2021] ICR 236 (challenge by the campaign group BackTo60 to changes in the state pension age for women); R(Harvey) v Haringey LBC [2019] ICR 1059 (challenge to the rules in the Local Government Pension Scheme for cohabitees).

> ***He is excellent on his feet" and "he is a formidable and dogged opponent***
>
> CHAMBERS & PARTNERS

- Acting in proceedings concerning human rights/discrimination challenges to welfare provision: see for example R(Kelly) v SSWP [2024] EWCA Civ 613 (compatibility of bereavement benefit legislation with human rights); R(Motherhood Plan) v HMT [2022] 3 All ER 727 (Covid support payments and human rights); R(TP) v Secretary of State for Work and Pensions [2022] PTSR 1092 (Universal Credit challenge); R(Adiatu) v SSWP [2021] 2 All ER 484 (Covid support); R(Jackson) v SSWP [2020] 1 WLR 1441 (bereavement benefit and cohabitees).
- Acting in a challenge to a major school reorganization, which was the first case in which the CoA considered the proper interpretation of bilingual Welsh/English legislation: R(Driver) v Rhondda Cynon Taf CBC [2021] ELR.
- Acting before the European Court of Human Rights Grand Chamber concerning alleged breaches of the ECHR and the Regulation of Investigatory Powers Act 2000, arising from disclosures made by Edward Snowden (Big Brother Watch and ors v United Kingdom, 10 Human Rights Organisations v UK, Bureau of Investigative Journalism v UK (2022) 74 EHRR 17. Julian has acted in a number of other recent ECtHR cases concerning alleged state surveillance, including Lucas and Jones v United Kingdom (a claim that the UK's legal regime concerning state surveillance of parliamentarians breaches the ECHR) and Wieder and Guanieri v United Kingdom (2024) 78 EHRR 8 (a claim that the UK has breached human rights by surveillance of persons overseas).

Information, Technology & Media

Julian has acted in a number of high-profile cases concerning freedom of information, data protection, and data/privacy rights more generally. That includes data breach cases (where he has acted for data controllers and the Information Commissioner); cases raising significant questions about the interpretation of the GDPR, Data Protection Act 2018 and Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004; and challenges to information gathering or sharing on human rights or EU law grounds. He has appeared in many significant cases in the area, including Vidal-Hall v Google LLC [2016] QB 1003 (recoverability of damages for distress), Ittihadieh v Cheyne Gardens RTM Co Ltd [2018] QB 256 (meaning of personal data), and FOIA proceedings involving Prince Charles (the "spider letters" case). He frequently advises clients on issues connected with state surveillance, including issues arising under the Investigatory Powers Act 2016, the Regulation of Investigatory Powers Act 2000, and the Computer Misuse Act 1990. He is recommended as a Band 1 Silk for data protection in the Legal 500, which states that he is "expert, client-friendly, phenomenally clever and hard working – a perfect combination in a data barrister ". He was shortlisted for Legal 500's Technology, data and crypto Silk of the Year for 2025. Chambers and Partners states: "he is an exceptional lawyer" and "his knowledge of data protection law and enforcement strategy is unparalleled". Recent and current work includes the following:

- Acting for Apple Inc in major litigation in the Investigatory Powers Tribunal, challenging the Home Secretary's powers to require removal of electronic encryption applied to data held in the cloud.
- Acting for Her Majesty's Revenue and Customs in Webster v HMRC, a High Court claim in which the claimant challenged the system for the automatic transfer of tax data between the UK and the USA as being contrary to the GDPR and Data Protection Act 1998.
- Acting for the Information Commissioner in current Court of Appeal proceedings concerning the scope of a data controller's duty to protect data from unauthorized processing by third parties (DSG Retail v Information Commissioner).
- Cases for HMG in the Investigatory Powers Tribunal concerning the activities of the Intelligence Agencies in connection with large-scale collection of data under warrants or authorisations, and data sharing with foreign intelligence See e.g. recent proceedings against MI5 (Liberty and Privacy International v (1) Security Service (2) SSHD [2023] HRLR 5). Julian has also acted in a number of cases both domestically and in the ECtHR concerning the Intelligence Agencies, arising out of allegations made by Edward Snowden. Those include current proceedings against HMG in the Divisional Court challenging the compatibility of all the 'bulk' powers in the Investigatory Powers Act 2016 with human rights and EU law: R(Liberty) v (1) SSHD (2) SSFCO [2023] EMLR 22, [2022] 1WLR 4929, [2020] 1 WLR 243, and [2019] QB 481; and in the ECtHR, Big Brother Watch v United Kingdom (2022) 74 EHRR 17 and Wieder v United Kingdom (2024) 78 EHRR 8.

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- Acting as Counsel to the Tribunal in the Investigatory Powers Tribunal in cases concerning vetting by the Security and Intelligence Agencies, and proceedings concerning the acquisition of communication data.
- Acting for the Information Commissioner in proceedings concerning the Information Commissioner's investigation into AdTech and targeted advertising on the internet (Veale and Killock v Information Commissioner [2022] 1 WLR 2241).
- Acting for a major international technology company in connection with law enforcement access to data.
- Advising a major international bank on cross-border transfer of data under the UK GDPR.

Employment

Julian regularly acts for both claimants and respondents in a wide range of employment disputes, where his clients include major national and international companies, banks, local authorities, police forces, unions, and healthcare providers. He has appeared before the High Court, the Employment Appeal Tribunal and the Court of Appeal on behalf of clients in employment cases. He has wide experience across the employment tribunal's statutory jurisdiction and in High Court employment issues, including industrial action cases. He is recommended in the directories for his employment practice, Chambers and Partners most recently stating: *"He is exceptionally bright; he is articulate and he strikes the perfect balance of being technically on top of every detail while being a pleasure to work with"* and *"he is a go- to person and a formidable barrister; he is not somebody you would want to be against"* , while the Legal 500 states: *" Julian is an incredible intellect, and he is exceptionally responsive and personable. A pleasure to instruct and a privilege to have on your side".* His recent and current experience includes:

> ***He is exceptionally bri of being technically on top of every detail while being a pleasure to work with***
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- Acting for The Royal Parks in proceedings concerning claims by contract workers for pay- related discrimination, raising novel questions about the scope of contract worker discrimination, currently on appeal to the Supreme Court: see most recently *Boohene v The Royal Parks* [2024] IRLR 668.
- Acting for Sainsburys in current major supermarket equal pay litigation by thousands of retail staff, claiming equal pay with workers in depots.
- Acting for various local authorities in current mass equal pay proceedings based upon "task and finish" practices in refuse services.

- Recent Employment Tribunal cases include acting for the BBC in equal pay cases brought by claimants including the presenter Samira Ahmed; and acting for London Heathrow Airport in large-scale holiday pay litigation addressing issues of holiday pay calculation in light of *Bear Scotland, British Gas v Lock and Dudley MBC v Willetts*.
- Strike injunctions in the High Court on behalf of British Airways, Virgin Atlantic Airlines, Thomas Cook Airlines, and Govia Thameslink Railway (the franchise holder for the Southern Rail network). Julian acts regularly in cases involving industrial action/union recognition issues.
- Complex employment tribunal discrimination/whistleblowing claims including a claim in which he obtained for a client what was at that time the highest employment tribunal award for disability discrimination.
- Test cases concerning the National Minimum Wage, including the largest mass NMW employment tribunal claim yet brought, concerning around 50 claimants in the care sector.

Education

Julian's education law practice continues to grow, with a particular focus upon the higher education sector. He acted successfully for Oxford University in the first full trial in the Courts of England and Wales of negligent teaching allegations at a higher education institution: *Siddiqui v University of Oxford* [2018] ELR 320. In addition:

- Julian acted for Rhondda Cynon Taff CBC in proceedings in the Court of Appeal concerning the proper interpretation of the School Organisation (Wales) Act 2013 in the context of a major school reorganization (*R(Driver) v Rhondda Cynon Taf CBC* [2021] ELR 193).Julian acted for a Welsh local authority in several recent judicial review claims involving the interpretation of the Welsh School Organisation Code in the context of rural school closures.
- Julian acted for Anglia Ruskin University in recent High Court proceedings challenging its termination of franchise arrangements with an education partner in Malaysia.
- Julian recently acted for an Oxford College in breach of contract and disability discrimination proceedings.
- Julian has recently acted for Essex University in the Employment Appeal Tribunal in a claim raising questions about the interpretation of the university's ordinances (*Korthals-Altes v University of Essex*).

- Julian acts on behalf of a higher education institution (the Tavistock and Portman NHS Trust) in current proceedings challenging alleged race discrimination in seminars and tuition, raising issues of free speech within the curriculum.
- Julian has advised education institutions on policy issues of current importance, including free speech and transgender rights.

Investigations

Julian's experience in discrimination law in both employment and non-employment fields and the breadth of his expertise makes him well placed to undertake investigations and inquiries in the employment or regulatory context. He has undertaken investigations for central government, local government and the private sector. Recent experience includes undertaking an independent investigation into complex allegations of bullying and harassment by a partner in a leading UK law firm.

Recent cases

Wieder and Guarnieri v United Kingdom

(2024) 78 EHRR 8

The European Court of Human Rights determined challenges by individuals based outside the United Kingdom to the UK's practices concerning the bulk interception, retention and analysis of data on national security grounds

R(BEL) v Secretary of State for Foreign, Commonwealth and Development Affairs

[2025] EWHC 1970 (ADMIN), [2025] 4 WLR 103

The court determined challenges to the lawfulness of the Secretary of State's decision to refuse consular assistance to members of a family sharing "family life" with a family member in the UK, on both human rights and domestic public law grounds

Apple Inc v Secretary of State for the Home Department

[2025] UKIPTRIB 1 (APRIL 2025)

The Investigatory Powers Tribunal determined an application by the SSHD for complete restriction on public reporting of a claim concerning her powers to issue technical capability notices

R (Transactual CIC) v Secretary of State for Health and Social Care

[2024] EWHC 1936 (ADMIN), KBD (ADMIN CT), JULY 29 2024; [2025] PTSR 1; [2024] HRLR 14; (2024) 200 BMLR 108

The court determined challenges to the lawfulness of Regulations which limited the prescription, sale or supply of 'puberty blockers' to children and young people under 18 who were experiencing gender dysphoria and gender incongruence

The Royal Parks v Boohene

[2024] IRLR 668

Claims by contract workers for discrimination, comparing their contractual pay to that of the principal's own employees, were not within the scope of the prohibition on contact worker discrimination in s.41 Equality Act 2010. Error in defining "provision, criterion or practice" in an indirect discrimination claim brought by multiple contract workers had led to an indefensible pool for comparison, such that the claim could not succeed. Julian acted for the respondent Royal Parks.

Webster v HMRC

[2024] STC 602, [2024] BTC 9

This is a claim challenging the system for the automatic transfer of tax data of US citizens from the UK to the US. The Claimant's application to strike out HMRC's abuse of process defence, asserting that the claim should have been brought by way of judicial review rather than civil claim, was refused. The issue of abuse of process should be determined at trial. Julian acted for HMRC.

Various Claimants v Security Service and others

[2023] 2 ALL ER 949 (INVESTIGATORY POWERS TRIBUNAL).

The Tribunal set out the scope of its jurisdiction to deal with complaints about vetting of employees/contractors by the security and intelligence agencies, and the principles that it should apply to the determination of those complaints both under the ECHR and as a matter of common law fairness. Julian acted as Counsel to the Tribunal.

Liberty v (1) Security Service (2) SSHD

[2023] HRLR 5

Liberty challenged the actions of the Security Service in the Investigatory Powers Tribunal in connection with large scale data holdings as being contrary to the ECHR and EU law.

Sainsbury's Supermarkets Ltd v Clark

[2023] EWCA CIV 386, [2023] ICR 1169

Court of Appeal proceedings concerning the interpretation of early conciliation rules, and when the employment tribunal should reject claims for non-compliance with the rules.

R(Liberty) v (1) SSHD (2) SSFCO

[2023] EMLR 22, [2022] 1 WLR 4929, [2020] 1 WLR 243, [2019] QB 481

Liberty challenges a range of surveillance powers in the Investigatory Powers Act 2016 on the basis that they are inconsistent with EU law and Articles 8 and 10 ECHR. The ongoing challenge was listed by "The Lawyer" as one of the 20 most important cases of 2018.

R(AB) v Secretary of State for Work and Pensions

[2022] PTSR 1092

Transitional provisions for claimants entitled to severe disability premium within legacy benefits, who had transitioned to Universal Credit, discriminated against them in breach of Article 14 ECHR.

Killock v Information Commissioner

[2022] 1 WLR 2241

An application by a data subject for a remedy under the Data Protection Act 2018 s.166 was limited to procedural failings by the Information Commissioner.

R (Motherhood Plan) v HM Treasury

[2022] 3 ALL ER 727

Scheme to provide for payments for the self-employed who had lost income because of the coronavirus pandemic did not indirectly discriminate against self-employed women who had taken maternity or pregnancy leave.

Big Brother Watch v United Kingdom

(2022) 74 EHRR 17

State powers to intercept communications and share information with foreign intelligence agencies – Articles 6, 8 and 10 ECHR

R (Driver) v Rhondda Cynon Taf

[2021] ELR 193

Schools reorganisation – Sixth form education – Interpretation of bilingual legislation

R (Delve) v Secretary of State for Work and Pensions

[2021] ICR 236

Legislation which raised the state pension age for women born on or after 6 April 1950, with the aim of equalizing the state pension age between men and women, did not discriminate directly or indirectly against women or breach any requirements of notice.

R(Adiatu) v (1) Her Majesty's Treasury (2) SSWP

[2021] 2 ALL ER 484

The Coronavirus Job Retention Scheme was not discriminatory contrary to the ECHR or EU law.
The lower earnings limit within, and rate of, statutory sick pay were not discriminatory contrary to EU law against BAME workers in the context of the Covid-19 pandemic.
The Government had not failed to comply with the public sector equality duty.

Achievements

Publications and Appointments

Contributor to Tolley's Employment Handbook and Butterworth's Employment Service.

Julian sits as a Recorder (Crime) on the Western Circuit.

Education

Julian read English at St. John's College, Oxford, and studied piano and piano accompaniment at the Hochschule für Musik in Vienna, the Curtis Institute of Music in Philadelphia and the Guildhall School of Music. He spent a number of years as a full-time professional pianist and chamber musician.

> ***He's highly responsive and a pleasure to deal with; he has an exceptional ability to distil highly complex issues and is extremely practical***
>
> THE LEGAL 500

> ***He is intellectually rigorous and works very well with clients, commanding their complete confidence.***
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> THE LEGAL 500

> ***He is effective and charming.***
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> THE LEGAL 500

He has an exceptional mind as well as being extraordinarily good with all kinds of different clients.

THE LEGAL 500

Julian is a very considered advocate. He strongly advocates for his client but he is not unnecessarily aggressive or combative, which is a real strength in my view in a public law barrister.

THE LEGAL 500

Extremely knowledgeable and a good communicator who cuts to the chase and puts people at ease.

CHAMBERS AND PARTNERS

An exceptional barrister, who is very bright and has excellent technical knowledge. He has a razor-sharp mind, and is able to unravel the most complex of factual and legal cases into concise and convincing submissions.

THE LEGAL 500

Expert, client-friendly, phenomenally clever and hard working. A perfect combination in a data barrister.

THE LEGAL 500

He is a star of the public law Bar

THE LEGAL 500