[GB] Protection of Sources Is Declared a

IRIS 2003-7:1/32

David Goldberg
deeJgee Research/Consultancy

The case involved the disclosure of information contained in confidential health records, which had been obtained by an investigative journalist. On the facts of the particular case, which were distinguishable from an earlier House of Lords decision in 2002 (Ashworth Hospital Authority v. MGN Ltd), the Court of Appeal quashed a summary order for source disclosure against the journalist. Lord Justice May said: "[P]rotection of journalistic sources is one of the basic conditions for press freedom in a democratic society. An order for source disclosure cannot be compatible with Article 10 of the European Convention unless it is justified by an overriding requirement in the public interest. Although there is a clear public interest in preserving the confidentiality of medical records, that alone cannot, in my view, be automatically regarded as an overriding requirement without examining the facts of a particular case."

Robin Ackroyd v. Mersey Care NHS Trust, [2003] EWCA Civ 663, 16 May 2003

http://www.bailii.org/ew/cases/EWCA/Civ/2003/663.html

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