[GB] Prince Harry accepts damages from paparazzi agency over helicopter snaps of his home

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Alexandros K. Antoniou
University of Essex

On 16 May 2019, Prince Harry, Duke of Sussex, settled privacy and data protection claims against Splash News and Picture Agency, who used a helicopter to take photographs of his home in Oxfordshire.

The property is located in a secluded area surrounded by private farmland which is not accessible to photographers. In January 2019, Splash, a paparazzi agency which takes and syndicates images for commercial gain, chartered a helicopter which flew over Prince Harry's home at low altitude allowing it to take photographs "of and into the living area and dining area of the home and directly into the bedroom."

The photographs were subsequently published in The Times and other online news outlets without the Duke's consent. The prominent member of the Royal Family complained that the agency's actions amounted to misuse of private information, breach of his right to privacy under Article 8 ECHR and the General Data Protection Regulation. The Duke sought to have the material in question removed from the respective websites on the grounds that the publication of the photographs undermined his safety and security, including that of his family, "to the extent that they are no longer able to live at the property."

In a High Court hearing before Mr Justice Warby in May 2019, the solicitors acting for the claimant confirmed that Splash had apologised to the Duke. The agency gave undertakings that they would "cease and desist from selling, issuing, publishing or making available the photographs or any photographs which are the same or colourably similar". They also undertook that they would not use again in the future any aerial means to take photographs or film footage of the Duke's private home that would infringe his privacy and data rights or otherwise constitute unlawful activity. Finally, Splash agreed to pay "a substantial sum" in damages and legal costs.

HRH The Duke of Sussex v Splash News and Picture Agency Ltd & Ors (Unilateral Statement in Open Court, 16 May 2019)

https://www.harbottle.com/wp-content/uploads/2019/05/Statement-in-Open-Court-16-May-2019.pdf

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