

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

B E T W E E N:

ADANNA CLARKE

Claimant

-and-

CHANNEL 5 BROADCASTING LIMITED

Defendant

STATEMENT IN OPEN COURT

Alex Cochrane, Hamlins LLP, Solicitor for the Claimant

1. My Lord/Lady, in this action for misuse of private information, I appear on behalf of the Claimant, Adanna Clarke. My friend, Kirsten Sjovoll, appears on behalf of the Defendant, Channel 5 Broadcasting Limited.
2. The Claimant is a private individual.
3. The Defendant is a national broadcaster which broadcasts Channel 5, and also 5HD, 5 + 1, Spike, 5Star and 5USA. It also owns and operates My5; a free video on-demand internet service via which it makes selected programmes available to view.
4. In November 2020, the Claimant issued proceedings against the Defendant for the misuse of her private information in respect of the filming, making and multiple broadcasts from 2015 until early 2021 of an episode of the television programme '*Can't Pay? We'll Take it Away!*' by the Defendant

which showed the Claimant in her home and in the street outside it in a state of considerable distress. The Claimant sought an injunction restraining the Defendant from further broadcasting the episode complained of, or any similar broadcasts in which she is featured, and a payment in damages for the misuse of her private information.

5. The relevant background to the dispute is as follows. Up to 11 May 2015 the Claimant lived in a rented flat with her daughter. Unfortunately, the Claimant had serious financial problems and had not paid her rent for several months. At some time prior to 11 May 2015, a Writ of Possession was obtained on behalf of the owner of the flat to evict the Claimant and her daughter.
6. On 11 May 2015 two High Court Enforcement Agents (“HCEAs”) attended the Claimant's home to evict the Claimant and her daughter and gave her one hour to leave the flat. The Claimant was aware that she was due to be evicted but she had not expected it to take place on this date.
7. A film crew was in attendance with the HCEAs. The Claimant made it clear to the film crew in the presence of the HCEAs that she did not want to be filmed. The film crew left the flat when asked by the Claimant to leave.
8. However, the HCEAs wore bodycams and radio microphones. They were recording video footage and audio of what was taking place in the Claimant's home. The video and audio recordings obtained in this way were then edited and incorporated into an episode of Can't Pay (Series 3 Episode 5), which also included film obtained by the film crew. The episode which depicted the Claimant was first broadcast by Channel 5 on 28 October 2015.
9. The Defendant has confirmed in its Defence that the programme has been broadcast to over 11.3 million people in a form in which the Claimant's face was shown, and to a further 2.2 million people in a form in which the Claimant's face was blurred and her name removed.
10. The broadcast of the programme has caused the Claimant immense upset and distress. The Claimant's case is that the programme wrongly revealed matters that were private to her which took place in her home. It is the Claimant's case that the filming of her within her home and subsequent publication of the private information obtained in that way to 13.5 million people amounted to a grave misuse of her private information.

11. The Defendant has served a Defence denying the Claimant's case but I am pleased to report that the parties have been able to resolve their dispute by agreement. The Claimant has accepted an offer made by the Defendant to resolve her claim on terms which involve the Defendant agreeing to pay substantial damages to the Claimant as well as her reasonable legal costs of bringing the claim. The Defendant has also undertaken not to broadcast the programme again, or to make it available via the internet. It has also agreed to join in this statement to apologise to the Claimant publicly for the considerable distress caused to her by the programme.

Kirsten Sjovoll, Counsel for the Defendant

12. My Lord/Lady, it is the Defendant's case that it has at all times believed that this programme forms part of a series of real public interest, where each of the stories involves a careful balancing exercise between matters of public interest and the right to respect for privacy. It is prepared to accept, however, that on this occasion, in relation to the Claimant, it may well have got that balance wrong and for that reason it is prepared to settle her claim and also apologise to her for the distress caused to her by the broadcast of the episode in question.

Alex Cochrane, Hamlins LLP, Solicitor for the Claimant

13. My Lord/Lady, in light of the order that has been made, and this public statement, the Claimant considers that the matter is now concluded.

Hamhins LLP

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Hamlins LLP
Solicitors for the Claimant

Lee & Thompson LLP

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Lee & Thompson LLP
Solicitors for the Defendant