



Neutral Citation Number: [2022] EWHC 737 (QB)

Case No: QB-2022-000310

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 30/03/2022

Before :

THE HONOURABLE MR JUSTICE SAINI

Between :

**(1) THE CHIEF CONSTABLE OF KENT
POLICE**
(2) BERRYMAN'S LACE MAWER LLP

Claimants

- and -

DARYLL STURGESS TAYLOR

Defendant

Richard Munden (instructed by **BLM Law LLP**) for the **Claimants**
The Defendant in person

Hearing date: 25 March 2022

JUDGMENT

MR JUSTICE SAINI:

This judgment is in 4 main parts as follows:

I.	Overview:	paras. [1]-[6]
II.	The Facts:	paras. [7]-[51]
III.	Cause of Action:	paras. [52]-[56]
IV.	Relief:	paras. [57]-[68].

I. Overview

1. This is the trial of a Part 8 Claim jointly brought by the Chief Constable of Kent Police (C1) and a firm of Solicitors, Berryman’s Lace Mawer LLP (C2 or “BLM”) against the Defendant, Daryll Sturgess Taylor (“Mr Taylor”). The claim against him is made in the law of confidence. The claim was issued on 31 January 2022 and is supported by a witness statement of Mr Nicolas Aidan Pargeter, a Partner at C2 and its Head of Risk and Compliance. Mr Taylor did not file an Acknowledgment of Service or any evidence in response to the claim. He did however appear at the hearing and made clear and helpful submissions explaining his position.
2. The relief sought against Mr Taylor is prohibitory and mandatory injunctive relief concerning a number of videos (“the Videos”) to which Mr Taylor was wrongly given access by C2. The Claimants say that the Videos, which I will describe in more detail below, contain sensitive confidential information in relation to a vulnerable minor. That person will be referred to as “KDI” below and is the subject of an anonymity order made in other civil proceedings.
3. The background to the claim is in outline as follows. Mr Taylor sued C1 for damage alleged to have been done to his front door by police officers at the time they entered his property to search for child pornography. He was arrested and was later convicted and imprisoned in respect of this matter. C2 was C1’s legal representative in the civil claim and in the course of that claim Mr Taylor was given access to a file sharing system used by C2 for disclosure (the *Collaborate* cloud sharing platform). Through that system, Mr Taylor was by accident given access to some video files in another wholly unrelated claim. Those files contain information about the arrests and interview of KDI (who had brought his own claim against C1 for unrelated matters).
4. The matter comes before the High Court because Mr Taylor has in correspondence refused to delete, or to explain his dealings with, the Videos. He has instead sent what can fairly be described as somewhat bizarre responses including demands for monetary payment of several thousands of pounds, for his cooperation. The Claimants call this, with some justification, a demand for payment of a “ransom”. Mr Taylor’s position in his oral submissions to me was essentially that he considered C2 to be a private entity and it had no right (unlike a regulatory official body) to make any demands that he delete the material. He argued it was C2’s fault that the material had been sent to him and they had no right to his assistance. He said that his financial demands were intended as a form of “mockery” of C2. Mr Taylor made plain at the hearing before me that he had no intention of complying with any orders I made.

5. The hearing before me was conducted remotely but Mr Taylor declined to switch on his camera. Following conclusion of oral argument on 25 March 2022, I indicated to Counsel for the Claimants that I would grant (in a modified form) the relief sought in the Part 8 Claim.
6. I stated my reasons would follow. I will need to describe some sensitive matters concerning KDI but will seek to limit what I say to the minimum necessary for my reasons for granting relief to be understood.

II. The Facts

7. This section contains my findings of fact based on the witness statement and contemporaneous documents before me.
8. As I have noted above, C2 acts for C1 in respect of a civil claim brought by a minor. He is the subject of an anonymity order and I will refer to him as “KDI” in this judgment.
9. KDI is now 17 years old. He has been known for several years to various services within the London Borough of Bexley (“Bexley”, who are the second defendant in his claim), including Children’s Services.
10. In the first half of 2019 KDI was reported missing from London by his mother. Bexley believed that KDI was dealing drugs and might be involved in county lines drug dealing. KDI was first arrested by officers of C1 on 1 August 2019 and detained for a search under section 23 of The Misuse of Drugs Act 1971. KDI was subsequently arrested on suspicion of supplying Class A drugs and was released the same day.
11. On 2 August 2019 C1 made a referral to the National Referral Mechanism (“NRM”) in the light of concerns that KDI was being groomed for county lines exploitation. The NRM is a framework for identifying and referring potential victims of modern slavery and ensuring that they receive appropriate support. On 7 August 2019 the Home Office, acting as the Single Competent Authority (“SCA”), made a positive Reasonable Grounds Decision (a Reasonable Grounds Decision is the decision from the Competent Authority that someone is a potential victim of modern slavery) that KDI was a victim of modern slavery. Such a decision entitles the potential victim to a recovery and reflection period for a minimum of 45 days, and until a conclusive grounds decision is made.
12. KDI was arrested for a second time by officers of C1 on 7 October 2019 on suspicion of possession with intent to supply Class A drugs. On 9 October 2019 KDI pleaded guilty to two counts of possession with intent to supply and was sentenced to a 12 month referral order.
13. On 10 March 2020, the SCA made a positive Conclusive Grounds Decision (the decision from the Competent Authority that someone is a victim of modern slavery) and found that KDI was a child victim of gangs conducting county lines drug dealing.
14. KDI alleges in his civil claim against C1 that he was wrongly arrested or searched a total of nine times for drug-related offences, twice for assault and once for burglary between August 2019 and December 2020. He asserts that he went missing on a total of 10 times during that period. KDI’s claim is made under the Human Rights Act 1998, alleging breach of his rights pursuant to Articles 3, 4 and 8 of the European Convention on Human Rights.
15. I accept that C1 has a duty to maintain confidentiality in respect of all information that is learnt in the course of force investigations, particularly information relating to vulnerable minors such

as KDI. Indeed, the need to maintain confidentiality in respect of KDI is enhanced by the fact that he is the subject of an anonymity order in the civil claim, made by Deputy District Judge Linwood on 21 December 2020 (and sealed on 8 January 2021) in the County Court at Central London.

16. I turn to the Videos which are the subject of the Part 8 Claim before me. For the purpose of defending KDI's claim, C1 supplied various documents to C2. I have not viewed the Videos but have before me a summary of their content. There are three videos of KDI being arrested and searched on 1 August 2019 and again on 7 October 2019 and two videos of KDI's police interviews on 1 August 2019 and 8 October 2019.
17. The video of the arrest on 1 August 2019 includes KDI's full name, his appearance, (including his face), his age, details of him being a missing person, him being searched, him spitting wraps into a river and his then suspected offence (KDI was later released without charge).
18. The two videos of the arrest on 7 October 2019 include KDI's first name, his appearance (including his face), him being searched, him removing further wraps from his underwear, where he is from and his then suspected offence (to which he subsequently pleaded guilty).
19. The video of KDI's police interview on 1 August 2019 includes KDI's full name, date of birth, home address at the time, his father's name, details of his arrest and alleged crimes and his appearance (including his face).
20. C2 also act for C1 in respect of the civil claim brought by Mr Taylor (concerning the damage to his property at the time of the search and arrest). Mr Taylor is a convicted sex offender. He has been convicted several times over a number of years for offences of possessing indecent images or pseudo images of children. As recently as 29 June 2020, Mr Taylor was made the subject of a Sexual Harm Prevention and Notification Order which restricted his use of computers for a period of 10 years.
21. C1's officers searched Mr Taylor's flat on 15 January 2020 in execution of a search warrant. Officers seized various items pursuant to the warrant, including 204 compact discs, as well as books and computer hard drives. Subsequent analysis of the discs found that they contained indecent images of children, including multiple videos categorised as Category A, the most serious category for indecent images of children.
22. Mr Taylor was charged with offences relating to the possession of indecent images of children. He pleaded guilty and on 29 June 2020 he was sentenced to 9 months' imprisonment in the Crown Court at Canterbury.
23. Mr Taylor's claim for damages against C1 was for £390 of damage that he claimed officers caused to his door when they searched his home for unlawful material on 15 January 2020. He was a litigant in person throughout. On 12 April 2021, C1 applied to strike out and/or seek summary judgment on Mr Taylor's claim. The application was heard at Thanet County Court on 11 January 2022 and Deputy District Judge Ashley entered summary judgment in favour of C1.
24. On 22 December 2021 at 15:24, employees of C2 sent to Mr Taylor an automated invitation to use Collaborate, which is a secure, encrypted, cloud-based file sharing tool for sharing documents. This was to enable him to view the video evidence that C1 intended to rely on in support of the application that was heard on 11 January 2022 (referred to in the last paragraph).

The invitation included a link which Mr Taylor would need to click on in order to activate his account and set up a password. The invitation included the following wording:

“THE ABOVE LINKS CONTAIN SENSITIVE DETAILS
THAT ARE SPECIFIC TO YOUR USER ACCOUNT.
PLEASE DO NOT FORWARD THIS EMAIL TO ANYONE
ELSE”

25. On the same day, at 16:08, Mr Taylor registered and activated his account on Collaborate.
26. On 6 January 2022 an employee of C2 uploaded the Videos to Collaborate. This was so that counsel instructed in relation to KDI’s claim could access them. However, for technical reasons which are not clear, Mr Taylor was also at that time inadvertently granted access to the Videos. The automatically generated message to Mr Taylor notifying him of such access stated:

“THE ABOVE LINKS CONTAIN SENSITIVE DETAILS
THAT ARE SPECIFIC TO YOUR USER ACCOUNT.
PLEASE DO NOT FORWARD THIS EMAIL TO ANYONE
ELSE.”

27. In the circumstances, both when the intentional access to Collaborate for the documents relating to Mr Taylor’s own claim and when the inadvertent access to the Videos was granted, it was made clear to Mr Taylor that sensitive material was being provided, in confidence.
28. On Friday 7 January 2022 at 08:13, Mr Taylor sent a message to C2’s Cheryl Barker via Collaborate, stating:

“I Daryll Taylor stil [sic] have access to your uploads despite them having no relation to me.

This is a serious privacy violation.

Contact your IT to fix this.

Technical illitracy [sic] is no excuse, do not let this happen again”

29. On the same day, at 08:15, Mr Taylor emailed C2’s ‘Collaborate Help’ email account with the title “Video Evidence Leak!!” and stated:

“Hello,

Your evidence video's [sic] uploaded by Cheryl Barker are accessible by me for other cases.

This is a serious violation.

Contact your IT to fix this.

Technical illiteracy is no excuse, do not let this happen again”

30. There is little doubt that Mr Taylor knew that the Videos were confidential, that he should not be accessing them and, indeed, that his merely having access to them was a “*serious privacy violation*”.
31. C2’s Information Security Officer has confirmed that its data log indicates that between 08:04 and 08:16 that morning Mr Taylor downloaded three video files of KDI’s arrests and one data file (named VIDEO_TS.ifo) that relates to one of two DVDs containing KDI’s police interviews (I note that there appear to be six downloads but two of the Videos were downloaded twice).
32. The Security department consider it unlikely that Mr Taylor would have been able to view the two videos of KDI being interviewed by Kent Police, as the one data file downloaded (VIDEO_TS.ifo) is part of a larger set of files that comprise a video in DVD format, all of which are needed to view the video. The file that Mr Taylor downloaded does not contain the video data itself (it contains the electronic instructions to the video player as to what video file to play and in what order). The video content itself is held in one or more files with a title ending in “.vob” and with a file name prefixed by “VTS”, whereas the file that Mr Taylor downloaded relating to KDI’s interviews was only one of the “VIDEO_TS” instruction data files.
33. It would appear that during C2’s uploading of content to Collaborate, the VTS prefixed files containing the video content were not included, and only the VIDEO_TS.ifo data file for each DVD of KDI’s interviews was uploaded. C2’s evidence is that the Collaborate logs confirm this and that, in order to be able to view the videos of KDI being interviewed by the police, all of the VTS files and the VIDEO_TS files would need to be downloaded. As Mr Taylor only downloaded a VIDEO_TS file, any attempt to play this video will have failed owing to the lack of actual video data.
34. Mr Taylor would still have been able to view the three videos of KDI being arrested as these are in a different format. It seems likely that Mr Taylor has viewed at least one of these videos as he recognised that they did not relate to him (as confirmed in his email).
35. As soon as Mr Taylor informed C2 that he had been given access to the Videos, the firm commenced an investigation to determine how Mr Taylor was able to access the Videos and what information he might have in his possession. Whilst the investigations are continuing, the log file information confirms that the Videos were correctly placed into a specific subfolder for KDI and not the subfolder for Mr Taylor. On the evidence before me, the problem appears to have been that permissions were somehow inherited by the KDI subfolder and files, and Mr Taylor was given not only access to his own matter subfolder but also that of KDI.
36. C2 responded to Mr Taylor on the same day that he emailed the firm (7 January 2022), at 17:59, emphasising the confidential nature of the Videos and asking him to delete the copies he had downloaded. They also asked Mr Taylor to confirm, by 4pm on 10 January 2022, that he had complied with the request. C2 reminded Mr Taylor that he should not use the Videos or disclose

them to any other party. They gave Mr Taylor notice that if he did not provide confirmation that he had complied with the requests by the deadline, it might be necessary to commence proceedings against him and to obtain a Court Order requiring him to delete the Videos.

37. Mr Taylor replied to this request 12 minutes later (at 18:11 on 7 January 2022) saying “*You will make no demands of me. You are clearly the one in need of basic IT education. You should be sacked and BLM struck off*” and “*Get a court order, just in hopes a judge hears of this*”. He also queried whether information relating to him may have been leaked.
38. In my judgment, it is clear from his messages that Mr Taylor recognises the confidential nature of the material that he has chosen to download.
39. On 7 January 2022 C2 informed C1 that the Videos had been inadvertently shared with Mr Taylor via Collaborate. On 10 January 2022 they rightly notified the Information Commissioner’s Office that the Videos had been inadvertently shared with Mr Taylor via Collaborate. C2 rightly recognises the seriousness of this data breach. I was informed that the Information Commissioner has decided to take no further action.
40. Also on 10 January 2022, C2 responded to Mr Taylor confirming that his data had not been disclosed to anyone else and that the firm was investigating how the Videos had been shared with him. They repeated the request that he confirm that he had deleted the Videos that he had downloaded.
41. On 10 January 2022 C2 notified KDI’s solicitors that the Videos had been inadvertently shared with a third party via Collaborate.
42. No response was received from Mr Taylor to the message C2 sent to him on 10 January 2022. On 17 January 2022 C2 sent a letter of claim to Mr Taylor (in person and by email) notifying him of C2’s claim for breach of confidence and its intention to apply for an injunction against him in relation to the Videos. The letter of claim also gave Mr Taylor notice that the firm considered that C1 had a cause of action against him for breach of confidence.
43. On 21 January 2022, at 10:59 am, C2 received an email from Mr Taylor in which he asserted that they owed him £4,137.50 and in which he stated:

“Hideous proto-sentient drones of the foreign country of London, you lack soul. You are incapable of understanding that you are the root to the eternal problems of civilization, besides just being lawyers.

Agent of BLM, I Hope this costs your master’s company as much money as possible.

It was your actions which created a breach of confidence.

Do not contact me again unless is to discuss the payment of money you owe me. Full legal expenses and claim accounted. £4137.50

Back to your artificial “work”, and whatever tiresome bourgeois weekend routine.”

44. On the same day, at 14:22, C2 sent a second letter of claim to Mr Taylor which notified him that they acted for C1 in relation to this claim and C1 was now a party to the claim and application being made against him. They also notified Mr Taylor that there was an anonymity order in place in relation to KDI.

45. Also on the same day, at 15:08, C2 received a further email from Mr Taylor in which he stated (as material):

“What a drone professional response, with that vacant cattle like attitude you'll go far.

“unreasonably refused requests to confirm that you have deleted the copies”

Saying I'm not reasonably cooperating is ironic as you and your “client” unreasonably avoid paying damages owed of only £440.

Unfortunately, it is now higher.

Quid Pro Quo if you expect me to do anything you ask, you must first attend the matter of my legal fees, as previously mentioned.

£4137.50 I do not work for free, and as your company will “understand” my fee is more than reasonable.

Saying I'm not reasonably cooperating is ironic as you and your "client" unreasonably avoid paying damages owed.

Your companies leaking of information is the real crime here and criminal not civil.

I would like a third letter of claim please and then maybe a fourth, I'm sure as an associate you have time”

46. On 25 January 2022 C2 wrote to Mr Taylor in the following terms:

“We enclose a copy of a Court Order made by Deputy District Judge Linwood on 8 January 2021 in the Central London County Court. The Order was made to protect the identity of a minor (“the Minor”) who is the subject in the Videos that you downloaded on 7 January 2022.

We drew your attention to the Order in the letter of claim that we sent to you on 21 January 2022 and are providing you with a copy of it so that you can be in no doubt as to the importance of maintaining the confidentiality of the Minor. A breach of the Order could lead to an additional claim against you for contempt of Court, something that it is very important for you to be aware

of where you appear to believe, quite wrongly, that you owe no duty of confidence in relation to the Videos and that you owe no duty of confidence in relation to the Videos and that there is no obligation on you to delete them.

We have explained the legal basis of the claims against you and that you have no defence to the claims. In our view the need to maintain confidentiality in respect of the Videos is enhanced by the fact that the Minor is the subject of an anonymity order. In the circumstances we invite you to reconsider the position that you have adopted in your recent correspondence.

We also invite you to contact us and to engage with us to resolve this matter amicably. If this cannot be achieved, you will leave us with no alternative but to bring proceedings against you and to apply for an injunction. Those proceedings are being drafted and if your response necessitates our having to pursue them we will seek to recover the substantial legal costs concerned from you.

Finally, we urge you, once again, to take independent legal advice in relation to this matter”.

47. This reasonable letter met with another rather unhelpful email response from Mr Taylor at 13.03 on 25 January 2022:

“My fee has now raised to £4337.50.

You are ordered to pay immediately.

“Minor” how terrifying what a poor victim.

London should burn to the ground one more time.

Your profession is pathetic”

48. The Claim Form was issued on 31 January 2022.
49. To complete the factual narrative, I should record that Mr Taylor’s last written communication was an email of 10 February 2022 which he sent in response to C2’s letter informing him of the listing directions for trial. Mr Taylor said: *“You’re boring me now. Hope its costs [C2] as much money as possible, you won’t get any from me. you tiresome soulless drone”*.
50. Although I will consider the legal claim in more detail below, on the facts I find there is no legitimate reason for Mr Taylor to retain the Videos or make any use of them. Nor was it legitimate for him to demand money as a condition of deleting the Videos, as he had in his more recent emails. The Claimants are right to submit that while he retains the Videos, on devices and in circumstances unknown to them, there is an unjustifiable risk that confidentiality will be lost and, in particular, KDI’s identity disclosed. In his oral submissions, Mr Taylor was

focussed on the fact that a “private company” such as C2 had no right to make any demands of him and had he been asked by the police to delete the materials he would have done so. He ignored the fact that the first Claimant is in fact the Kent Police, albeit acting as a private law litigant.

51. Although it is not a matter before me, it seems to be clear that any disclosure by Mr Taylor of anything identifying KDI as the claimant in KDI’s claim would be in breach of the Order of 8 January 2021 and would place him in contempt of court. Mr Taylor is not only refusing to reasonably cooperate, forcing the Claimants to bring this claim, but appears to be a sophisticated IT user. The evidence before me is that Mr Taylor has an in-depth knowledge of computers, operating systems and digital storage devices. This is relevant to the further relief sought by the Claimants concerning storage of downloaded copies of the Videos and any information derived from them, and for an independent IT expert to ensure they are deleted.

III. Cause of Action

52. The Claimants bring their claim under the classic law of confidence. Counsel for the Claimants argued that they can establish the three well-known elements of such a claim, as stated by Megarry J in Coco v AN Clark (Engineers) Ltd [1968] FSR 415 at 419. In short, that case identifies that the Claimants need to establish that the Videos (or rather, the information therein) have the necessary quality of confidence, that the information was imparted to Mr Taylor in circumstances importing an obligation, and that there has been unauthorized use or a threat to use that information.
53. These elements, as originally formulated some time ago, are flexible as is shown by the case law including Attorney General v Guardian Newspapers Ltd (No 2) [1990] 1 AC 109 (the *Spycatcher* case) and Imerman v Tchenguiz [2010] EWCA Civ 908, [2011] Fam 116.
54. In this regard, I underline the following aspects of the modern law which I consider to be particularly material on the facts before me which concern a case which bridges the law of confidence and misuse of private information tort:
- (1) The circumstances in which the information is imparted will not be relevant where the information is obviously confidential (as explained in *Spycatcher* at 281-282). Here, the Videos contain personal and sensitive material concerning a minor and such information merits the highest form of confidentiality and privacy protection at common law, having regard to the minor’s Article 8 ECHR rights.
 - (2) It is a breach of confidence for a defendant, without the authority of the claimant or other lawful reason, to retain copies of such information. So, in a case such as the present, retention is enough. The claimant does not need to go further and show actual use or threat of use (as sometimes suggested in some of the older cases). So, it does not lie in the mouth of a defendant who holds material such as that concerning KDI to say that relief is not needed because he does not intend to use the material. The fact that he holds it and will not deliver up/delete the information will generally be sufficient to justify the court’s intervention in a case concerning such sensitive material. So, a refusal to delete or deliver up the information in issue in this trial, without proper justification, is sufficient to ground the tort and to justify prohibitory relief.

(3) Both C1, as the “owner” of the Videos, and C2 as custodian of the Videos and the sender of them, have locus to bring a claim for injunctive relief.

55. In my judgment, applying the law to the facts I have found in Section II above, the elements of a claim in confidence are made out. The information, being film of C1’s officers arresting and interviewing a minor held by C2 for use in a separate civil claim, was obviously confidential. Indeed, Mr Taylor has acknowledged as much, along with the fact that the Videos should not have been disclosed to him. I refer in this regard to his responses (set out in Section II above) referring to the material as a “Video Evidence Leak!”, “serious privacy violation”, “breach of confidence”, and “leaking of information”.
56. Further, Mr Taylor has no justification for holding onto the Videos and his claims for payment are wholly improper. Without the court’s assistance, the information will still be “out there” (using the language in Imerman at [73]) and in the possession of someone who should not have it.

IV. Relief

57. I am satisfied that the privacy and confidentiality interests justify standard prohibitory relief. On the facts however I have concluded the Claimants are entitled to additional relief. There are two matters which arise: disclosure and independent permanent deletion.

Disclosure

58. In my judgment, in order to be sure that confidentiality has not been breached by Mr Taylor and to take appropriate action if so, he should provide to C2 certain information as to his dealings with the Videos. This is particularly necessary given that (on the evidence before me) Mr Taylor is a sophisticated IT user and the history shows he has resisted simple and reasonable requests. His attitude at the hearing (in effect that he would not comply with any orders I made) underlined to me the importance of more than merely prohibitory orders.
59. Orders to provide disclosure are available in misuse of private information: Gulati v MGN Ltd [2015] EWHC 1482 (Ch); [2016] F.S.R. 12, [707]. There is no reason of principle that a court in enforcing classic confidentiality rights should not also have the ability in equity to make such an order. The disclosure order I will make (in addition to the standard prohibitory injunction) will be in the following terms:

The Defendant shall prepare, swear, and serve on the Claimants, an affidavit containing the following information (a) full particulars of the downloading and making of copies of the Videos; (b) full particulars of all devices and locations (including cloud storage) where the Defendant has stored and/or caused to be stored copies in any format of the Videos or any information derived from them, setting out what is stored in each such location, and when it was stored there; and (c) full particulars of any disclosures by the Defendant of the Videos or any information derived from or relating to them, including but not limited to: the names and full contact details of all persons and entities to whom such disclosure have been made, the date

of disclosure, what was disclosed, and the circumstances of the disclosure.

Independent permanent deletion

60. The Claimants seek a further order for an independent IT expert to undertake the permanent deletion exercise. This was strongly resisted by Mr Taylor on the basis that it was a violation of his privacy and also on the basis that it was a “waste of time” because it is very easy to hide things on a computer and the expert would not be able to identify this. He said on more than one occasion that such an order would be “pointless” and in any event he would not comply with it. That was his main submission in opposition and he made it politely and firmly on a number of occasions.
61. As part of his opposition to the independent deletion aspect of the order, Mr Taylor also argued that it served no purpose because nobody would know where he had stored the Videos. I reminded him that the Court was proceeding on the basis that, in response to the disclosure order, he would give a truthful and full account of where on his devices the Videos had been stored.
62. I accept that the independent deletion order is unusual. I have no doubt however that as part of its equitable jurisdiction to give effective protection to confidentiality rights the Court enjoys a power to make such an order in point of jurisdiction. Given the background of refusals to comply with reasonable requests, Mr Taylor’s personal history and IT sophistication, and the nature of the material in issue, I was persuaded an independent permanent deletion process is justified on the specific facts. Indeed, given the powerful oral opposition voiced by Mr Taylor to undertaking any form of deletion (and his assertions as to the ability to hide material), I became more persuaded as the hearing proceeded that further relief of this nature was necessary.
63. Mr Taylor did however make a valid point about the interference with his privacy such a process would involve (both as regards access to devices and his home). As regards the latter, I asked him on at least 4 occasions to identify a place (other than his home) where he could produce the device on which he had accessed the Videos (said by him to be his desktop) to ensure deletion. He said there was no point because he would not comply. He then offered a café called *Fredericks* in Margate but also said he would not in fact turn up so it would be a “waste of time”. I ultimately acceded to the submission of Counsel for the Claimants that the offices of C2 should be the location for the deletion. There will be a proviso for an alternative as I set out below.
64. As to the concern about a third party looking at the material on his devices, I have built in a safeguard in the order I propose to make to limit the nature of the independent IT expert’s role to protect Mr Taylor’s privacy interests. I will also direct that the independent IT expert retained is to give an undertaking to the Court that reflects this restriction on their role.
65. I did not accept, as argued by the Claimants, that this deletion process should be paid for by Mr Taylor. This form of additional relief should be at the expense of the Claimants. Even if Mr Taylor had behaved reasonably and deleted the Videos without court proceedings, I consider as a basic information and data protection measure flowing from C2’s error in allowing the data breach, it would have needed to independently ensure the effective and complete permanent deletion of the sensitive material, insofar as reasonable.

66. As stated above, I have modified the order sought by the Claimants to limit the potential violation of Mr Taylor's privacy interests. I also consider the IT expert should provide an undertaking to the Court ensuring this is an effective protection, as well as undertaking not to cause any damage to the devices.
67. With those points in mind, I will make the following order:
- The Defendant shall, on Thursday 14 April 2022 at 12 noon, attend BLM's offices at 30 Fenchurch Street, London, EC3M 3BL (or at any alternative date, time or location that is mutually agreed in writing), bringing with him all media or devices on which the Police Videos or any information from them has at any time been stored, and shall there permit an independent IT expert nominated by the Claimants (supervised by a Solicitor of the Second Claimant) to permanently delete all electronic copies of the Police Videos on the Defendant's media or devices and/or otherwise in the control of or accessible to the Defendant (or to verify the Defendant's deletion of the same). The Claimants shall pay the costs of this deletion exercise, including the costs of the independent IT expert. The independent IT expert shall not disclose to any person any matter discovered on the said media or devices and shall be strictly limited to deletion of the Police Videos and ensuring that the deletion has been carried out. The IT expert shall provide an undertaking to the High Court agreeing to limit the IT expert's task as aforesaid.
68. The Order I will make will be endorsed with a Penal Notice. As I have said, Mr Taylor has repeatedly asserted in his submissions to me that he has no intention of complying with any orders I may make. I have informed Mr Taylor of the potential consequences of a failure to comply and that he should seek independent legal advice. I have summarily assessed the costs of the claim and made an order that they be paid by Mr Taylor.