

REPUTATION & INFORMATION PROTECTION

The legal perspective



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g GODDARD

MORE IMAGINATION MORE IMPACT



The team at Addleshaw Goddard is constantly made up of very strong practitioners who combine a solid grasp of the law with an ability to understand the commercial goal.

Chambers, 2023



One of the very few firms that is able to offer a bespoke, high-quality reputation management service for claimants within a large, well-resourced City firm.

Legal 500, 2022



At the top of the tree in terms of claimant practices, with a stellar reputation for acting on behalf of both individuals and corporates.

Legal 500, 2021

RECOGNISED SPECIALIST EXPERTISE

Addleshaw Goddard is recognised as having one of the leading reputation and information protection teams in the UK. Our lawyers are consistently identified as leaders in the field by the two principal legal directories, Chambers and Legal 500, as well as by The Spear's 500.

Media enquiries, regulatory or police investigations, sensitive litigation, operational issues, pressure groups, aggrieved customers, disaffected employees and activist shareholders can all put at risk the reputation of a business, its brands and its directors.

The ease with which confidential or commercially (or personally) sensitive information can be unlawfully obtained and/or circulated is also a growing challenge for many businesses, which now face the threats of data breaches, cyberattacks, loss of confidential information, leaks to the media, data protection disputes and Freedom of Information Act requests.



REPUTATION PROTECTION

We advise organisations and individuals on how to deal with potentially damaging exposure in the media at the pre-publication/broadcast stage, as well as during and following publication when damage needs to be prevented or mitigated, including if necessary taking legal action and/or ensuring the record is set straight. Usually this means working with in-house communications teams and/or external PR agencies to manage the crisis.

Whatever the source of the reputational threat, we provide strategic board level advice and assist with risk management, for example by conducting internal investigations and reviews.



Media enquiries



Regulatory or police investigations



Disaffected employees



Operational issues



Pressure groups



Activist shareholders



Sensitive litigation



Aggrieved customers



A positive reputation requires that at least 20% of the stories in the leading media be positive, no more than 10% negative, and the rest neutral.

Harvard Business Review

INFORMATION PROTECTION

The ease with which economically valuable or reputationally sensitive information can be stored and transmitted creates significant risk for any business.

Information security issues, such as data loss, cyberattacks, leaks to the media and misuse of confidential information can be reputationally and commercially damaging.

Mischievous and vexatious data subject access and Freedom of Information Act requests can waste time (and money), as well as pose a reputational threat.

Even in the absence of such issues, 'Big Data' can create big litigation risk, e.g. from incoming data privacy claims following a data breach, as all sectors, but particularly retailers and financial services, seek to take advantage of the commercial opportunities created by digitisation.



Data breaches



Data subject access requests



Cyber attacks



Freedom of information requests



Loss of confidential information



Leaks to the media



Makes use of its international network to advise global businesses on reputation management issues, including social media and data protection.

Chambers, 2022

DIGITAL MEDIA RISK

Social media and the internet generally is now a major risk area for many businesses. Addleshaw Goddard has extensive experience (dating back to the UK's first internet libel case in 1995) and expertise in the protection of rights and reputation online, whether there is a one-off problem to be resolved or a requirement for an ongoing reputation protection programme.

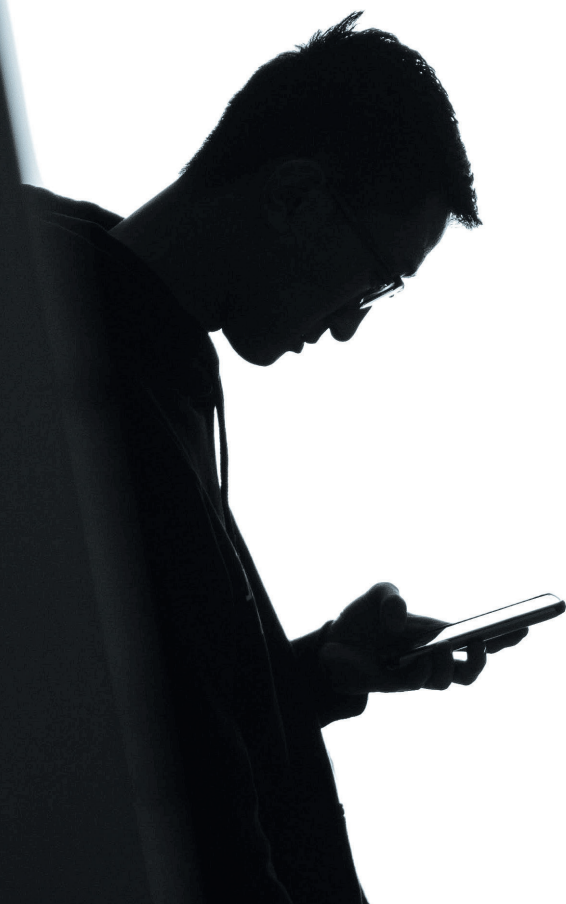
We are familiar with the way in which the internet operates, the many and varied sources of information available on it and the many and varied ruses employed by those who seek to infringe the rights or damage the reputation of others. The internet is an ever changing and fast moving medium. Speed is often of the essence.

Clearly this is often cross-border work, and we work with our international offices and with our preferred firms in other territories to harness local expertise and obtain local representation for our clients.



Where necessary, we work with technical specialists to monitor such activity and to identify its source. If a full online protection programme is required, typically we would first commission an audit by a specialist online investigative service to ascertain the nature and extent of the problem.

Then we would prepare a proposed strategy, including realistic commercial, PR and legal objectives and the most appropriate means of achieving them.



HOW AG CAN HELP

Our team of reputation and information lawyers is available out of hours and at weekends, to provide urgent round-the-clock advice, to negotiate with the media or other interest group, and to make emergency injunction applications.

An organisation with a crisis team in place is able to respond swiftly and effectively. We help our clients put in place such arrangements and provide customised training workshops to ensure that our clients' legal and communications teams are up to date with current law and practice.

Our aim is always to provide quick, practical and commercial advice, and to complement our clients' protection of their valuable reputations.

Unlike the niche media law firms, as a large full service firm, we have specialist lawyers in all areas which may be relevant to a reputational threat, on whose expertise we can quickly draw.

Similarly, with our own overseas offices and our proven international Preferred Firms network, we are able to take quick and effective legal action, with the assistance of local experts, wherever in the world a problem surfaces.

We have successfully acted for many major organisations and companies in connection with reputational issues. We have also acted for numerous high profile individuals in business, public life, the arts, entertainment and sport.



In an economy where 70% to 80% of market value comes from hard-to-assess intangible assets such as brand equity, intellectual capital, and goodwill, organizations are especially vulnerable to anything that damages their reputations.

Harvard Business Review

EXAMPLES OF OUR EXPERIENCE

Advising High Street retailer facing #MeToo allegations

Preventing and mitigating broadcast on Panorama and Newsnight of tax avoidance allegations against a FTSE100 company

Preventing publication of failure allegation of failure to investigate harassment complaint

Defending Freedom of Information requests against public bodies

Acting for bank and real estate company in US\$800m claim in libel, malicious falsehood and breach of confidence

Preventing sale of confidential commercial data stolen by employee

Advising a company and its directors in relation to reputational aspects of SFO investigation

Advising a sporting body in connection with problematic historic tweets by players

Representing Cambridge University academic in relation to Facebook data controversy

Obtaining removal of Google search results under 'right to be forgotten'

Bringing over 100 successful claims against News of the World and the Daily Mirror over phone hacking

Preventing publication in a national newspaper of allegations about the private life of a professional sportsman

Representing large retailer in connection with media coverage of high profile employment proceedings

Defending data privacy claims against various companies

Advising a leisure club chain following a ransomware attack affecting over 100,000 customers

Advising a high street pharmacy chain facing multiple claims, including a potential class action, following an accidental data breach

KEY CONTACTS



DAVID ENGEL

Partner, Head of
Reputation & Information
Protection
+44 (0) 20 7880 5653
+44 (0) 7711 691622
david.engel
@addleshawgoddard.com

David has specialised in reputation and privacy law for almost 25 years, and has led our Reputation & Information Protection team since 2008. His practice has for many years been recognised as a market leader in the field. He is currently ranked as a Leading Individual by both the Legal 500 and Chambers legal directories, and as one of the UK's Top Ten reputation lawyers by Spear's.

David has acted for claimants in landmark cases such as the UK's first internet libel case (Western Provident Association v Norwich Union) and the UK's biggest ever defamation claim for US \$850 million (Dar Al Arkan & Anor v Al Refai & Ors). He acted for the claimants in one of the first ever privacy and data protection claims (Douglas & Zeta-Jones v Hello!), successfully defended one of the earliest data protection damages claims in the High Court (Hughes v British Airways), and successfully represented almost 100 victims of phone hacking in privacy claims against News International and Mirror Group.

He advises listed and privately held companies, owner managers, family offices, and other businesses and individuals facing threats to their reputation, whether from mainstream or social media, disaffected employees, unhappy customers, competitors, activists, regulatory or police investigations, operational issues or sensitive litigation.

He also advises on contentious privacy and data protection issues, including data breaches, civil claims and litigation risk under GDPR, defending ICO investigations, 'right to be forgotten' claims against online platforms, representing public authorities or private sector third parties facing FOIA requests, and defending contentious data subject access requests.

His work includes crisis management, advisory, internal investigations, and litigation. His legal specialisms therefore include defamation, confidentiality, privacy, harassment and data protection.

David adjudicates on domain name disputes as an Independent Expert for Nominet's dispute resolution service, and has made over 90 such adjudications.

David regularly speaks publicly and provides comment to the media on topical legal issues.



David Engel is a star in the sector and as good a claimant-focussed lawyer as you will find in his field. Hugely experienced and immensely reassuring to clients.

Legal 500, 2023



David Engel is very well regarded for claimant work and provides a high-quality service to his clients.

Chambers, 2023



A doyen of the reputation management field, who is able to offer clients superb legal and tactical insight.

Legal 500, 2022



PAUL ROWLEY

Managing Associate
+44 (0) 161 934 6627
+44 (0) 7912 395521
paul.rowley
@addleshawgoddard.com

Paul is a senior litigation lawyer who joined Addleshaw Goddard in 2002. Alongside his commercial disputes and public law / regulatory practice, in respect of which the Legal 500 recognises him as “a rising star” for both, he specialises in data and freedom of information issues, particularly in contentious contexts.

He has led advice and assistance to public authorities dealing with substantial / repeated FOI requests in respect of politically controversially matters, acting on references to the Information Commissioner, the Information Rights Tribunal and beyond. He was part of the AG team which acted for the Independent Parliamentary Standards Authority (IPSA) in relation to the release of MPs’ expenses information which went to the Court of Appeal (IPSA v Information Commissioner & Leapman, 2015).



An efficient and competent litigator with a good client manner.

Legal 500, 2021



NEIL O’SULLIVAN

Associate
+44 (0) 20 7788 5007
+44 (0) 7702 275098
neil.o’sullivan
@addleshawgoddard.com

Neil joined the team in 2018, having trained at Addleshaw Goddard. He advises on the full range of defamation, privacy, data protection and information law issues.

He has acted for companies and individuals in disputes concerning broadcast and print media, and also in relation to the removal of content from online platforms. He regularly advises clients facing damages claims following major data breaches and cyberattacks. Neil also advises on breach of confidence and intellectual property disputes.



Neil O’Sullivan is a high quality associate who goes the extra mile for clients and shows great acumen.

Legal 500, 2023



CLARE PETROVIC

Associate
+44 (0) 20 7160 3273
+44 (0) 7557 494956
clare.petrovic
@addleshawgoddard.com

Clare joined the team in 2022, having trained at Addleshaw Goddard.

She advises companies and individuals on all aspects of reputation and information law, including privacy, confidentiality, defamation and data protection.



The team has been absolutely brilliant at all times and i have been continually impressed with their immediate responseiveness and availability.

Chambers, 2023



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