With approximately seven billion people on the planet, we all need some private time and space every now and again to be able to live cheek by jowl with our fellow man. To achieve this, we need clear and workable rules for privacy protection. These are not mere luxuries or optional accessories for the wealthy, but essential for every person in every culture.

Before those on the other side of the claimant/defendant divide flick to another chapter in disgust, let us be clear: the need for privacy protection is not greater than the need for freedom of expression, and nor should it always eclipse it. In a vital and lively democracy, the right to espouse and share views and news is essential, but, at the same time, the right to respect for privacy should not be belittled as a plaything for pop, film or sports stars or subjugated in the relentless pursuit of free speech, or what passes for it. These sibling, and often warring, rights must equally be protected for our citizens to be able to live without the constant threat of scrutiny and prudent probing, while at the same time allowing our media to fulfil its vital role as bloodhound and watchdog of society, sniffing out wrongdoing and alerting us to it.

The need for privacy is exacerbated by the extent and nature of today’s modern media pandering to our growing interest in the private lives of neighbours. Traditional print publications have for generations fed our insatiable hunger for information, whether in public interest stories of intrigue and impropriety, or simply in interesting stories of infidelity and indiscretion. Western society generally, and the British public in particular, certainly appear to have a craving for celebrity, and, from icons of the silver screen to those sacrificed on the altar of reality TV, we are fascinated both by their public persona and by what goes on in their private lives.

* With additional research by Caroline Thompson and Roger Waite.
It is not just the mainstream media that is blurring the lines of the privacy battlefield. We are equally interested in what goes on behind the bedroom curtains of our neighbours and in the boardrooms of businesses. As the omnipresent, seemingly omnipotent Internet spins its web around the world, with online newspapers, blogs and postings by ‘citizen journalists’ and gossip spread on social networking sites, there is little room to hide for any of us and every possible risk of kissing our privacy goodbye.

A private practitioner specialising in privacy receives cries for help from all walks of life: from public figures to private people; divorcing couples to diverging work colleagues; from big business to small charities. And with complaints and claims as diverse as the clients that seek protection, we lawyers are required to take a practical and pragmatic approach to privacy protection, tailoring our advice and using our legal tools best to suit the particular matter at hand. The flip side of this potentially positive flexibility is a potentially negative lack of clarity, which can give client, claimant lawyer, media organisation and defendant lawyer a large privacy headache, leaving no-one able easily to predict, let alone guarantee, where the lines would be drawn by the court if action were taken.

I aim in this chapter to shine a light on the areas that often raise concerns for those on the claimant side of the privacy divide and to debunk some myths in the process. And I hope to raise awareness as to why, despite the undoubted importance in a democracy of a right to free speech and a vibrant press, there is a need for our citizens to protect themselves from the slings and arrows of outrageous privacy invasion.

Privacy for prince and pauper

Privacy protection is not just for the rich and famous. From high-profile superstar to high street supermarket shelf stacker, we all have private and confidential information to protect – and we are all at risk of exposure. Whether the risk is from privacy invasion by the media, or being spied on by former spouses or colleagues, as privacy lawyers we have found no difference in the anxiety that a potential exposure can elicit. The mere mortals who have crossed our meeting room thresholds range across the professions – headmistress, lawyer, manufacturer, yoga instructor, administrator, journalist, to name but a few; while celebrity complainants making the headlines might fill a rather entertaining Celebrity Big Brother house – Prince Charles (plus his son Prince Harry and his daughter-in-law the Duchess of Cambridge); radio and TV presenters Sara Cox and Jeremy Clarkson; singers Charlotte Church and Tulisa Contostavlos; and footballers John Terry, Ryan Giggs and Rio Ferdinand.