

“What's in a name?” - Privacy and anonymous speech on the Internet

Conference5RB Keynote speech, 30 September 2014

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Introduction

1. Good morning. It is a somewhat daunting pleasure for me as a senior judge to be addressing an audience of lawyers and journalists. Lawyers can take advantage of role reversal and assess the quality of my submissions rather than having me pontificate on theirs. But lawyers and judges work in the same neck of the constitutional woods, whereas journalists occupy rather a different area. At least in the past, judges have been prone to see journalists as being keen to seize on an incautious observation or a remark which can be sensationalised out of context, and journalists have seen judges as pompous and out of touch. The suspicion which judges and journalists have felt about each other has been to some extent based on a failure to appreciate the nature of the other's role. But although our roles are very different, we share a very important function, namely that of holding power, particularly governmental power, to account.

2. Two legal topics which are of particular interest to journalists, and on which there is therefore particular room for friction with judges, are freedom of the press and privacy. Indeed, vocal journalistic antagonism to some judges' decisions in court and indeed some judges' decisions out of court, illustrate the strength of feeling to which the two matters can give rise.

3. While the right to respect for privacy (in article 8 of the Convention) and the right

to freedom of expression (in article 10 of the Convention) are both of fundamental importance they often give rise to conflict, or at least serious tension, particularly as between journalists and the subjects of their articles. The courts are often called upon to conduct a balancing exercise; as was said in *Campbell v MGN*, “both are vitally important rights. Neither has precedence over the other”.¹ Nowhere is this tension more apparent than in the context of the privacy injunction.² However, rather than revisiting that well-worn topic, today I want to dig a little deeper into the interrelationship of privacy and freedom of expression, particularly in the light of developments in IT, and especially the internet.

A Seventeenth Century Mystery

4. Having mentioned that modern wonder the Internet I propose, somewhat paradoxically, to start with a mystery which excited and exercised journalists and lawyers in London more than two centuries ago. Many of you will work near Fleet Street and so may be at least passingly familiar with that ancient watering hole “Ye Olde Cheshire Cheese” on Fleet Street. The pub has had many notable patrons over the centuries, not least Tennyson and Dickens, but for this morning’s purposes I want to focus on just two, drawn from opposite ends of the late Eighteenth Century political spectrum; the political theorist and statesman Edmund Burke, a Whig MP, and the great writer and lexicographer Samuel Johnson, a famously high Tory.³

¹ [2004] 2 AC 457 at [12] per Lord Hoffmann.

² This is a topic upon which a committee on super-injunctions (which I appointed and chaired when Master of the Rolls) reported in 2011. The Report can be found here: <http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Reports/super-injunction-report-20052011.pdf>

³ I do not of course wish to caricature Burke’s political views and legacy, which as the *Oxford Dictionary of National Biography* notes, defies “party political classification and remained a source of inspiration as well as

5. In particular, I want to consider their respective reactions to one of the greatest and most effective public writers of his time; the writer pseudonymously known as “Junius”. Junius wrote a series of increasingly controversial anonymous letters published in the pages of the *Public Advertiser*. He⁴ was an early champion of press freedom and the legal protection of free speech as well as a strident critic of the government; his public attacks probably contributed to the resignation of the Prime Minister, the Duke of Grafton, in 1770. Members of the judiciary certainly did not escape his vitriol. In one letter he wrote that:

“A judge under the influence of government, may be honest enough in the decision of private causes, yet a traitor to the public.”

6. Junius’ campaign reached its zenith with a letter addressed to the King published in December 1769, and which opened with the following words:

“Sir, —It is the misfortune of your life, and originally the cause of every reproach and distress which has attended your government, that you should never have been acquainted with the language of truth, until you heard it in the complaints of your people.”

7. The letter went on to complain of the “continued violation of the laws” and an “enormous attack upon the vital principles of the constitution”. It is hard to imagine a more direct example of speaking truth to power. The publication of this letter led to the celebrated trial of Henry Woodfall, publisher of the *Public Advertiser*, for seditious libel.⁵ The case came before Lord Mansfield in 1770. Lord Mansfield, who is now regarded as one of the greatest ever Lord Chief Justices, was himself a favourite target

argument to generations of Conservatives and Liberals”: ‘Burke, Edmund (1729/30–1797)’, *Oxford Dictionary of National Biography* (OUP, 2004).

⁴ I adopt the masculine as the gender of his pseudonym. The gender of Junius is, like Junius’ identity, unknown.

⁵ The consequences of which are reported in *R v Woodfall* (1770) 5 Burrow 2661.

of Junius, who once termed him “the worst and most dangerous man in the kingdom”.

8. In one of his letters to Mansfield, Junius had himself noted that the oppression of an individual may be productive of good, citing the origins of the *habeas corpus* Act in the oppression of an obscure individual. It is perhaps therefore appropriate that the prosecution of Woodfall was also productive of good, leading to considerable public debate over the law of libel, to Thomas Erskine’s legendary defences of the Dean of St Asaph in 1784, and of Stockdale in 1789⁶ and ultimately to a beneficial change in the law through Fox’s Libel Act of 1792.⁷

9. Let us return then to our two figures in *Ye Olde Cheshire Cheese*, Burke and Johnson. Many of Burke’s contemporaries believed Burke *himself* to be Junius.⁸ If this *were* true, Burke’s speech before the House of Commons, extolling Junius’ “honesty, his firmness, and integrity” would seem a little disingenuous.

10. Though he was much more critical of Junius’ views, Johnson was equally impressed by his force and rhetoric. In 1771 Johnson wrote of Junius that his safety was provided by “impenetrable secrecy” and enjoyed “all the immunities of

⁶ Erskine also famously defended Thomas Paine when he was prosecuted for the publication of the second part of the *Rights of Man* in a speech containing an impassioned defence of the right to a legal defence even for the most politically unpopular. See my earlier speech, “Lord Erskine and Trial by Jury”: <http://www.supremecourt.uk/docs/speech-121018.pdf>.

⁷ At the time the prevailing but much-criticised view was that the question of whether speech was libellous was a question of pure law. Therefore the jury were only entitled to decide upon the facts of publication, seriously limiting the role of the jury in libel trials. However, in Woodfall’s trial, in an example of jury activism the jury delivered a verdict of “Guilty of the printing and publishing only” which led to extensive debate at the Bar on the effect of this verdict, and ultimately a mistrial. The 1792 Act finally abolished the much-maligned legal doctrine

⁸ Another somewhat more convincing theory favours Sir Philip Francis.

invisibility”.⁹

11. Both Burke and Johnson recognised that “Junius” drew much of his strength from his anonymity; he was able to make criticisms of the powerful for which others of his time faced prosecution. Junius offered a voice of firm if sometimes scurrilous criticism, prompting both political and legal change. He is rightly remembered as one of the greatest political writers in an age dominated by great figures, yet his identity remains a mystery.

12. Johnson’s biographer and friend Boswell once asked Johnson whether this shadowy figure was right to conceal his identity. Johnson’s offhand response inadvertently anticipates the development of the law of confidential information:

“Supposing the author had told me confidentially that he had written Junius, and I were asked if he had, I should hold myself at liberty to deny it, as being under a previous promise, express or implied, to conceal it. Now what I ought to do for the author, may I not do for myself?¹⁰”

From Junius to anonymous blogging

13. Let me now move forward two and a quarter centuries. Among the mainstream press, the past decade has witnessed a focussing of attention on the personality of the journalist, whether as columnists who become celebrities or celebrities who become columnists. By-lines have been supplemented by sometimes page-length photographs of the authors and journalists respond individually to comments left on web versions of their stories. Micro-blogs such as Twitter have contributed to this trend. *The*

⁹ *Thoughts on the Late Transactions Respecting Falkland's Islands* (1771).

¹⁰ Boswell, *Life of Samuel Johnson*.

Economist, whose articles are not credited to their author, is a notable exception to the rule.

14. It is perhaps the bloggers rather than traditional journalists who most closely resemble the anonymous Junius. The Internet offers an unprecedented number of people the capacity to publish with ease, at little or no expense and, perhaps most importantly, with relative anonymity. For many users, a Facebook or Twitter account is at once a pulpit and a confessional. Furthermore, a number of factors make permanently deleting material published on the internet difficult, leading some to go so far as tentatively to suggest “expiration dates” for information.¹¹ Such radical solutions aside, Internet users are increasingly astute to limit or prevent infringements of their privacy; “private browsing” modes on Internet browsers prevent the storage of information of browsing history. Others have sought legal remedies, as illustrated by the recent, and to many commentators rather questionable, “right to be forgotten” ruling.¹²

15. In the political sphere, anonymous blogging has thrived. To give a relatively well-known example, the previously anonymous political blogger “Guido Fawkes” is rather graphically credited with claiming the “scalps” of politicians including a serving UK minister.¹³ However, this blogger barely maintained his anonymity for five months before he was “unmasked” by the Guardian.¹⁴ To borrow the title from his blog post on the subject, “So much for anonymity.” The irony is of course that the

¹¹ As proposed by Viktor Mayer-Schönberger in *Delete: The Virtue of Forgetting in the Digital Age*.

¹² *Google Spain SL and Google Inc v Agencia Española de Protección de Datos (AEPD) and Mario Costeja González* (C-131/12)

¹³ <http://www.theguardian.com/politics/2009/apr/12/guido-fawkes-damian-mcbride>

¹⁴ <http://order-order.com/2007/02/12/so-much-for-anonymity/>

more popular and successful a blog becomes, the greater the interest in the identity of its anonymous author, not least from the mainstream press. As was famously said by the late and much lamented Lord Rodger in *In re Guardian News and Media Ltd and others*¹⁵:

“What’s in a name? ‘A lot’, the press would answer. This is because stories about particular individuals are simply much more attractive to readers than stories about unidentified people. It is just human nature. [...] A requirement to report it in some austere, abstract form, devoid of much of its human interest, could well mean that the report would not be read and the information would not be passed on. Ultimately, such an approach could threaten the viability of newspapers and magazines, which can only inform the public if they attract enough readers and make enough money to survive.”

16. As Lord Rodger’s observations indicate, the courts will recognise the press’ interest in publishing the names of individuals in appropriate circumstances. For example, this year we have seen news organisations succeeding in setting aside reporting restrictions in the Court of Protection (a context where judgments are regularly anonymised) in order to be able to identify individuals involved in litigation.¹⁶

17. However, the perfectly legitimate interest in learning the identities of these bloggers can fairly be said to lead to disquieting consequences, but there is room for argument, within the media and outside. For example, a journalist in the *Sunday Times* has written that “if bloggers were made aware that their anonymity was not always

¹⁵ [2010] UKSC 1.

¹⁶ See *The Public Guardian v JM & Associated Newspapers Limited* [2014] EWCOP 7; *The Press Association v Newcastle Upon Tyne Hospitals Foundation Trust* [2014] EWCOP 6. Cf. *A v BBC* [2014] UKSC 25 where the Supreme Court recognised a common law power to withhold the identity of a party or witness.

absolutely guaranteed, then arguably they would be just a tiny bit more careful. So perhaps the occasional outing is just the level of control that the blogging community needs.”¹⁷ Given that this effectively describes a chilling effect, others no doubt would argue that such a sentiment must be treated with the utmost caution.

18. Furthermore, this was said in defence of her outing the author of the pseudonymously authored “Girl with a one-track mind”. Many people may think that knowing the author’s identity could scarcely be said to be in the public interest though it may well have been of interest to the public.

19. This tension was tested in the English courts in *Author of a Blog v Times Newspapers Limited*,¹⁸ which arose out of an application by a blogger to restrain publication of his identity by the respondent newspaper. The blogger who, as a result of the judgment, was identified as a detective constable, ran a blog known as “Night Jack” which made various critical allegations and observations regarding police activity. Mr Justice Eady concluded that blogging is essentially a public and not a private activity. As such, a blogger did not enjoy a reasonable expectation of privacy. This decision cannot be faulted as an application of our law of confidential information in its current state, but it does raise the question of the extent to which anonymous speech of the sort enjoyed by Junius is even *capable* of protection in the Internet age.

20. If activities such as blogging, and perhaps by extension posting on social networks and uploading photographs or videos to websites such as Flickr, Instagram and YouTube, are to be characterised as a public activity, it may prove difficult for any

¹⁷ Anna Mikhailova, ‘As I found, you take on the bloggers at your peril’ *Sunday Times* (21 June 2009).

¹⁸ [2009] EWHC 1358 (QB).

Internet users to argue subsequently that they have a reasonable expectation of privacy, either in relation to their identity or more generally.

21. The NightJack saga has an interesting corollary in the context of media law. It was later revealed that a reporter at *The Times* had used email hacking to discover NightJack's identity. The incident, including the High Court action, came under the scrutiny of the Leveson Inquiry and led to a public apology from the editor of the Times to the detective constable.¹⁹

22. In *SRJ v Person(s) Unknown being the author and commenters of Internet blogs*²⁰ Sir David Eady had to consider a conflict of confidences. The anonymous author of at least two blogs had published confidential information belonging to the applicant. The applicant sought to obtain the anonymous blogger's identity from the blogger's former solicitors. The solicitors resisted this application on the basis that either the author's identity was subject to absolute legal professional privilege or was otherwise protected as confidential information. The court held that in circumstances where it was clear that protecting the blogger's identity was of paramount importance when he sought legal advice, the applicant's wholly legitimate interest in pursuing its legal remedies against the blogger did not outweigh this duty of confidence. This result was achieved under an entirely conventional application of well-established common law principles on confidential information and without any resort to the protections offered by Convention rights. It remains to be seen whether there are other circumstances where a person's identity is "not simply a piece of neutral background

¹⁹ <http://www.bbc.com/news/uk-16936408>.

²⁰ [2014] EWHC 2293.

information" but rather is confidential information and protected as such.

Anonymous speech and privacy on the Internet

23. When I last spoke on a similar topic in 2012,²¹ about 2.4 billion people used the internet. By the end of 2014, that figure is projected to have risen to 3 billion, or about 40% of the world's population.²² This provides unprecedented opportunities for public speech. As was said by the US Supreme Court in *Reno v ACLU* in 1997:

“Through the use of chat rooms, any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox”²³

At an earlier stage in the same case the Internet was termed “the most participatory form of mass speech yet developed” and thus deserving of the highest level of protection.

24. Internet speech similarly engages Article 8 rights. As has often been noted, the approach taken to Article 8 in both Strasbourg and the domestic courts goes far beyond mere “privacy” and encompasses personal autonomy and self-development as well as the right to develop relationships with others.²⁴ The Internet offers unprecedented opportunities for such self-development.

25. In the context of anonymous speech, an author's article 8 rights reinforce his or her article 10 rights. As the UN Special Rapporteur Frank La Rue noted in his report

²¹ This is a topic I have previously addressed in a speech to UK Association of Jewish Lawyers and Jurists' Lecture on 28 November 2012. <http://www.supremecourt.uk/docs/speech-121128.pdf>.

²² <http://www.internetlivestats.com/internet-users/>

²³ 521 US 844 (1997)

²⁴ See Buxton, 'Private Life and the English Judges' *Oxford Journal of Legal Studies* (2009) 29(3) 413

to the Human Rights Council:²⁵

“Throughout history, people’s willingness to engage in debate on controversial subjects in the public sphere has always been linked to possibilities for doing so anonymously. The Internet allows individuals to access information and to engage in public debate without having to reveal their real identities.”

26. However, this rapid development has made it easier than ever for both state and non-state actors to access confidential information and communications by individuals. This has led to something of a technological arms race. In China, users of the Twitter-like microblogs called “Weibo” have introduced real-name registration rules. This move has led to both direct and indirect censorship: this policy was so unpopular that one Weibo began automatically to censor posts containing references to real-name registration. Such policies can carry other risks. When South Korea instigated a similar policy, a hacking attack led to the loss of the personal data of 35 million users.²⁶ The gravity of such a loss is exacerbated by the connection with the inclusion of real names; it is precisely for this reason that it is *identifiable* personal information that enjoys the protection of European and UK data protection legislation.

27. In the United States the right to anonymity has been carried further, in that freedom of expression has been held to justify a “right to *read* anonymously” for example in *United States v Rumely*.²⁷ An example of users taking matters into their own hands is offered by the development of “TOR”, a freely distributed technology which

²⁵ A/HRC/17/27.

²⁶ <http://www.bbc.co.uk/news/technology-14323787>

²⁷ 345 US 41, 57

enables users to browse and communicate on the Internet with greater anonymity.

28. The irony is of course that while the Internet supports freedom of expression by allowing (relatively) anonymous speech, that very technology has eroded this anonymity. As Guido Fawkes and Night Jack can attest, today's anonymous bloggers are less able to protect their identities than was the mysterious eighteenth century Junius.

29. What then of legal protections? It is unsurprising that the most robust protection of anonymous speech is to be found in US law. In *McIntyre v Ohio Elections Commission*, a case on a statute prohibiting anonymous political literature, it was famously said by Justice Stevens that:

“Under our Constitution, anonymous pamphleteering is not a pernicious, fraudulent practice, but an honourable tradition of advocacy and of dissent. Anonymity is a shield from the tyranny of the majority.”²⁸

30. However, as the NightJack case illustrates, under English and European Law a tension will always exist where the identity of the author is a matter of public interest and its publication engages article 10 rights which may trump the author's article 8 rights. However, it could be suggested that in very many cases the public's interest in knowing the anonymous author's identity will be outweighed by the public interest in hearing what they have to say.

31. A similar consideration exists in the context of confidential speech; the possibility of surveillance is likely to give rise to a chilling effect. A piece of oft-repeated advice is

²⁸ 514 US 334 (1995).

“don’t say anything on the Internet you wouldn’t shout in a crowded room”. But there are very many things an individual should be able to say that he or she would not wish to shout in a crowded room. This point was forcefully made in the dissenting judgment of Chief Justice Rehnquist in the US Supreme Court case of *Bartnicki v Vopper*²⁹, which concerned the broadcast by a journalist of an illegally intercepted telephone conversation between trade union officials. The majority of the court ruled that the protection of privacy was outweighed by the First Amendment protection of the publication of matters of public concern. The Chief Justice rejected this analysis, arguing that:

“[The majority’s] decision diminishes, rather than enhances, the purposes of the First Amendment, thereby chilling the speech of the millions of Americans who rely upon electronic technology to communicate each day.”

32. This 2001 case takes on a new complexion when one considers the discovery in the last decade of the widespread use of phone-hacking in certain corners of the media. In recent years journalists have themselves been victims of invasions of their privacy. I understand that the Bureau of Investigative Journalism is challenging domestic laws (specifically the Regulation of Investigatory Powers Act 2000) in Strasbourg in expedited proceedings.³⁰ It is of some interest that this case is being pursued on both article 8 and article 10 grounds.

33. It is worth noting briefly that press freedom is not expressly protected by article 10 of the Convention, in contrast to the position under US law, where the First

²⁹ 532 US 514 (2001). Justice Scalia and Justice Thomas joined in his dissent.

³⁰ <http://www.thebureauinvestigates.com/2014/09/14/a-summary-of-the-bureaus-application-to-the-european-court-of-human-rights/>

Amendment provides that “Congress shall make no law [...] abridging the freedom of speech, *or of the press*”³¹ To some extent Strasbourg has supplied this deficit, building a body of jurisprudence circumscribing the nature and limits of press freedom as a subset of article 10.³² A very clear example is to be found in the protection of journalists’ source, notably in the *Goodwin* case.³³ The cases following this landmark decision illustrate that what is truly being protected in this context is the public’s right to receive accurate information, not the press’ right to convey it.³⁴

34. If this is a correct analysis of the rationale behind press freedom it could therefore be suggested that, everything else being equal, the anonymous author of a blog should enjoy protection rivalling the protection of anonymous press sources. One answer to this view might be that the Strasbourg case-law has developed a wide body of jurisprudence on the duties and responsibilities of the Press. This reflects article 10, paragraph 2, which uniquely to the Convention, states that the right to freedom of expression “carries with it duties and responsibilities”.³⁵

35. It is well-recognised that those who use the internet are often unaccountable. It is notoriously easy to breach court orders through online activity, and notoriously difficult to enforce legal remedies against the perpetrators, not least because of the

³¹ For an enlightening though dated exploration of the significance of this provision under US law by an associate justice of the US Supreme Court, see Potter Stewart, ‘Or of the Press’. For a more recent account see C Baker, ‘The Independent Significance of the Press Clause under Existing Law’. Both are reprinted in Barendt ed. *Freedom of the Press* (2009).

³² A sentiment admirably expressed in a speech given by Lady Justice Arden to Cardiff Law School; ‘Media Intrusion and Human Rights: Striking the Balance’ : <http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Speeches/lj-arden-speech-media-intrusion-cardiff.pdf>

³³ *Goodwin v UK* (16/1994/463/544) (1996) 1 BHRC 81

³⁴ See in particular *Tillack v Belgium* (20477/05) and *Voskuil v Netherlands* (64752/01) (2008) 24 BHRC 306

³⁵ As noted in Egbert Myjer, a former Strasbourg judge, ‘About court jesters: Freedom of expression and duties and responsibilities of journalists’ in *Freedom of Expression: Essays in honour of Nicolas Bratza* (2012) 111-136.

international scope of internet communications.

36. Perhaps article 10(2) supplies the answer. It might be suggested that developing the law on the duties and responsibilities of anonymous speech is to be preferred to the chilling effect created by the fear of exposure. As was said by the President of the Family Division, while the internet poses enormous challenges:

“The law must develop and adapt, as it always has done down the years in response to other revolutionary technologies. We must not simply throw up our hands in despair and moan that the internet is uncontrollable. Nor can we simply abandon basic legal principles.”³⁶

37. Furthermore, the absence of a clear or consistent principle in Strasbourg jurisprudence does not prohibit the development of a coherent body of domestic law. In *Kennedy v The Charity Commission*³⁷ it was argued before the Supreme Court that article 10 imposed a positive duty on public authorities to disclose information of genuine public interest. I joined the majority of the Supreme Court, in expressing doubt as to whether the Strasbourg had gone so far. However, we held that the common law principle of open justice supplied a means of accessing such information without a need for article 10 to be engaged.

38. This decision and others³⁸ demonstrate that the common law continues to develop alongside the Convention rights, and offers protections which complement those rights; as Lord Mance hinted in *Kennedy*, such developments may be “inspired”³⁹

³⁶ *Re J (A child)* [2013] EWHC 2694 (Fam), [43], per Sir James Munby P.

³⁷ [2014] UKSC 20.

³⁸ For example, *R(Daly) v Secretary of State for the Home Department* [2001] 2 AC 532, *A v Secretary of State for the Department (No.2)* 2 AC 221, *R(Osborn) v Parole Board* [2013] 3 WLR 1020.

³⁹ *Kennedy*, [46],

by Convention rights without relying on them. As was famously said by Lord Bingham in *R(on the application of Ullah) v Special Adjudicator*:⁴⁰

“It is of course open to member states to provide for rights *more generous* than those guaranteed by the Convention, but such provision should not be the product of interpretation of the Convention by national courts [...] The duty of national courts is to keep pace with the Strasbourg jurisprudence as it evolves over time: no more, but certainly no less.”

Conclusion

39. In his impressive report, Sir Brian Leveson set out the case for press privileges as follows:

“A free press is able to perform valuable functions which individual free speech cannot. It is because of the position of the press as an institution of power that it is able to stand up to and speak truth to power.”⁴¹

40. However, in an Internet age the institutions of the press do not have a monopoly on speaking truth to power. The *Kennedy* decision drew attention to the role played by “watchdogs” of which the press offer only one example, albeit the most prominent, and arguably the most important example.⁴² The scope of this role has not been defined,⁴³ and it will be seen how it is developed in the future. What is clear is that the rights enjoyed by users of the Internet must, in appropriate circumstances, be protected robustly.

41. Last year the former Attorney General announced that he would be publishing

⁴⁰ [2004] 2 AC 323, [20] emphasis added.

⁴¹ *An inquiry into the culture, practices and ethics of the press: Volume 1*, 6.1

⁴² See for example *Társaság a Szabadságjogokért v Hungary* (2011) 53 EHRR 3 at [26].

⁴³ As was noted by O’Byrne in her case-note on *Kennedy*. [2014] EHRLR, 284 et seq.

guidance notes typically reserved for mainstream media outlets online.⁴⁴ Such decisions acknowledge that Internet speech is a fantastic tool for expression but poses new challenges.

42. As I hope to have suggested, the Internet offers a new frontier for public speech, and the way in which the law protects both privacy and freedom of expression in this context demands careful exploration. Analogies with traditional print journalism may prove unhelpful, and hard line distinctions between private and public speech will prove hard to maintain in a context where such a distinction is often blurred. This is a context where the rights enshrined by article 8 are of a fundamental importance. The law must reflect the importance of protecting this new platform for expression while recognising the need to determine the duties and responsibilities of those who exercise these vital rights.

43. Thank you.

⁴⁴ <http://www.independent.co.uk/news/uk/home-news/the-war-on-twitter-social-media-sites-threaten-justice-system-warns-attorney-general-8981287.html>