

# Schillings win privacy appeal for J K Rowling's son



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## Press Release Summary: Schillings win privacy appeal for J K Rowling's son to grant enhanced privacy rights for children



Press Release Body: **Schillings** the solicitors to **David Murray** (the son of J K Rowling and Dr Neil Murray), has succeeded in achieving a favourable judgment on behalf of their client in his court action against **Big Pictures (UK) Ltd.** This decision from the appeal court will grant enhanced privacy rights for children in the UK.

The Court of Appeal handed down the judgment in favour of David, now aged 5, in his action against picture agency **Big Pictures** for [breach of privacy](#) and family life under the **European Convention on Human Rights**. The case was brought by **Dr Neil Murray and his wife, Mrs. Joanne Murray (a.k.a. J K Rowling)** as "Litigation friends" of their son. Dr. and Mrs Murray made no claim in these proceedings for protection of their own privacy.

The Court of Appeal upheld **David Murray's** appeal in respect of covert long lens photographs of him taken by a photographer whilst

David was being pushed in a buggy by his parents down an Edinburgh street on a family outing on 8th November 2004.

In a key finding, the **Master of the Rolls, Sir Anthony Clarke**, said, *"If a child of parents who are not in the public eye could reasonably expect not to have photographs of him published in the media, so too should the child of a famous parent. In our opinion, it is at least arguable that a child of 'ordinary' parents could reasonably expect that the press would not target him and publish photographs of him."*

In a statement released through their lawyers, **Schillings**, David's parents said, *"We embarked on this lawsuit, not because we were seeking special privileges for our children, but because we wanted them to grow up like their friends, free from unwarranted intrusions into their privacy. We understand and accept that with the success of **Harry Potter** there will be a measure of legitimate media and public interest in Jo's professional activities and appearances. However, we have striven to give our children a normal family life outside the media spotlight. We are immensely grateful to the Court for giving our children protection from covert, unauthorised photography; this ruling will make an immediate and material difference to their lives."*

**Keith Schilling**, Senior Partner at **Schillings** said, "This case is a major development in the law of privacy in this country. Following the **House of Lords** decision in **Campbell v MGN**, which established a [right of privacy](#), this case establishes a law of privacy for children in those cases where, understandably, the parents wish to protect their children from intrusive photography by the paparazzi. It will have a profound effect especially on certain sections of the paparazzi, but I am sure that the overwhelming majority of the media will welcome it. After all, the change in the law broadly reflects what was already provided for, voluntarily, in the PCC Code of Practice"

**Neil Blair**, instructing solicitor from **J K Rowling's literary agents, Christopher Little Literary Agency**, said, *"Whilst the case concerned photography, which has always been recognised as especially intrusive in privacy cases, the principles that this decision establishes are apposite to the protection of private information concerning children generally."*

Issued by **Schillings**, solicitors for Dr. and Mrs. Murray, litigation friends of David Murray.

END

Further details of the judgment and additional editors' notes are available in PDF format from the **Schillings** website.

Court of Appeal Case Number A3/2007/2236

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