

## Peter Girvan (Associate)



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### **Profile**

He is a noted specialist in all areas of media law including defamation, privacy, data protection, contempt of court and reporting restrictions. He often represents public figures, celebrities and journalists in high-profile civil proceedings. He has significant experience in direct claims against social media giants and was the first advocate to successfully obtain an award of damage against Facebook in respect of content published on its social network.

Peter is committed to representing vulnerable clients and has acted regularly for children, members of minority groups and vulnerable adults to protect their privacy and data rights against social media giants and public authorities.

He is called to the Bar of Northern Ireland, the Bar of England & Wales and the Bar of the Republic of Ireland.

### **Education**

BA (Hons) BCL (Oxon)

Gray's Inn - Prince of Wales Major Scholar

Irish Delegate for International Academy of Trial Lawyers

### **Related practice areas**

Media, Defamation and Freedom of Expression

Data Protection and Information Law

Actions Against the Police and Public Authorities

Employment, Discrimination and Equality Law

## **Claims Against Internet Intermediaries**

Peter has particular expertise in cases involving social media and internet publications and significant experience in bringing claims directly against Facebook, Google, Twitter and other internet intermediaries.

- **Mufassil Islam v Facebook** (2021) - Peter was led by Edward Fitzgerald in an action brought by a political activist/ spokesperson against extremist ideology including radical Islam. The plaintiff had been subjected to death threats and abuse posted by radical Islamic extremists. He also claimed against Facebook in respect of censorship and termination of his popular and verified Facebook accounts. **Belfast Telegraph.**
- **Jim Corr v Twitter** (2021) - Peter acts for the musician and activist Jim Corr in respect of his claim against Twitter for censorship and termination of his popular and verified Twitter account arising from a disputed breach of the Twitter policy on Covid-19 misleading information. **Independent.**
- **CDP v Snap Group Limited** (2021) - Peter acted for the plaintiff in an application for anonymity with related reporting restrictions and for a Norwich Pharmacal Order in a claim relating to the harassment and attempted blackmail of CDP by use of unlawfully obtained naked images of CDP perpetrated via Snap Chat. **Belfast Telegraph.**
- **FB1 v Facebook (TPI Intervening)** (Dec 2020) (Unrep) - Peter acted for the third-party intervenor in a successful challenge to an interim injunction granted to FB1 for the removal of Facebook postings published by her and which related to being the victim of a sexual assault perpetrated by FB1 and her experiences in the subsequent criminal trial of FB1. **Belfast Live**

- **L v Bumble** (2020) - Peter acted for the plaintiffs in respect of a claim in privacy and breach of copyright brought against an online dating platform arising out of use of an image of the plaintiffs harvested online by the defendants as part of an advertising campaign on Instagram.
- **K v PrettyLittleThing.com** (2020) - Peter acted for the plaintiff in a libel claim in respect of tweets published by the defendant (and widely reported upon by mainstream media) which alleged that the plaintiff had made a bogus complaint in order to gain notoriety on social media and scam the defendant.
- **Kelly v Facebook** (2018) - Peter acted for the plaintiff in respect of a libel claim brought against Facebook. The High Court to accept the plaintiff's defamatory meanings and rejected Facebook's pleaded meanings and justification defence.
- **CG v Facebook Ireland Ltd.** [2015] NIQB 11 and [2017] EMLR 12 - Peter acted as lead advocate in the High Court for the plaintiff successfully obtaining an award of damages of £20,000 against Facebook for failing to take down violent and irresponsible postings in breach of his common law right to privacy. On appeal the Court the Court upheld the finding of liability on the alternative ground of breach of personal data rights and reduced the award. The Court of Appeal decision is considered a landmark ruling in respect of the scope of the E-Commerce defence available to internet intermediaries such as Facebook. **Irish Times**.
- **AY (a child) v Facebook Ireland Ltd.** [2016] NIQB 76 - Peter, led by Edward Fitzgerald QC, acted for a plaintiff who, as a minor, was coerced into providing sexually explicit images which were then posted to a "revenge" site on Facebook. Faced with the difficult question of whether the suggested use of photo DNA software to target an block indecent images amounted imposed an impermissible monitoring obligation on Facebook, the Court rule in favour of the plaintiff and refused Facebook's application to strike out the claim. The case later resolved on confidential terms with a costs order being made against Facebook. **Irish Times**.
- **Galloway v Google Incorporated** [2016] NIQB 7 - Peter, acting as lead advocate, succeeded in establishing jurisdiction of the Court on behalf of George Galloway against Google Inc. in respect of claims in libel, privacy and harassment arising from videos published on YouTube. **BBC**.
- **CB v Google Incorporated** (2015) - Peter, acting as lead advocate, succeeded in

establishing jurisdiction of the Court on behalf of CB in respect of entries on google search alleging that CB was an informant.

- **AB v Facebook Ireland Ltd. and Others** [2013] NIQB 14 - Peter, acting as lead advocate, successfully applied for an injunction and an award of damages against a “troll” who had tried to conceal his identity and evade the Court’s jurisdiction through the use of a pseudonym. The Court awarded £35,000 damages to the plaintiffs. **Inform.**
- **KG v AW Systems Ltd (t/a adultwork.com)** [2014] NI Master 14 - Peter, acting as lead advocate, obtained an order for £28,000 damages in respect of the online publication of photographs of the plaintiff of a highly personal and sexual nature.
- **HL (a child) v Facebook Ireland Limited** [2013] NIQB 25 and [2014] NIQB 101 and [2015] NIQB 61 61 - Peter acted for the plaintiff, led by Edward Fitzgerald QC, in respect of a multifaceted claim centred upon the failure of Facebook to prevent children and adolescents from accessing their network and the absence of valid consent on the part of the child plaintiff to consent to its terms and conditions. **Irish Times.**

## Libel, Privacy and Data Protection

Peter’s practice encompasses the full range of information and publication law issues, including privacy, data protection, defamation, harassment, reporting restrictions, and contempt of court.

- Peter is currently instructed in a number of group data claims including a claim against the **Victims Commissioner** for a data breach within an email to victims. **Irish News.**
- **Sorcha Eastwood v Graham Craig** (2020) - Peter acted for Alliance politician Sorcha Eastwood in a libel claim relating to a tweet alleging that she was a “mouthpiece for the Provisional IRA”. The defendant apologised in open court and agreed to pay substantial damages following an application under the offer of amends procedure. **BBC**
- **James McClean v Chris McGimpsey** (2019) - Peter acted for international footballer James McClean in a libel claim relating to the defendant calling him a “super-provo” on national radio because he chose not to wear a remembrance-day poppy during football games. The defendant apologised in open court and paid £63,000 in damages. **Irish Times**

- **Michaella McCollum v Sunday World (2019)** - Peter acted for Michaella McCollum (“Peru 2”) in respect of the publication of her twin sons’ birth certificates in a tabloid newspaper. **Irish Times**.
- Peter advised the **Gillen Review** in respect of data protection issues in respect of Gillen LJ’s “Report into the law and procedures in serious sexual offences in NI”.
- **Lunney v McGovern (2019)** - Peter acted for the plaintiffs, directors in Quinn Industrial Holdings, in their successful application for a restraining order and exclusions zone grounded upon harassment and trespass. **Irish Times**.
- **Michaella McCollum v Various (2019)** Peter acted for Michaella McCollum (“Peru 2”) in respect of the publication of an intimate image published by numerous new outlets. The claims settled for undisclosed damages. **Irish Times** and **Belfast Telegraph**.
- **BNC v The Irish News Ltd [2018] NIQB 41** - Peter acted as lead advocate in litigation claiming relief in privacy and copyright in respect of the publication of images harvested from the plaintiff’s Facebook account within a national newspaper whilst reporting upon an unrelated criminal charge brought against the plaintiff.
- **Paddy Jackson/Stuart Olding (formerly TKR/TKS) v BBC [2017] NIQB 139** - Peter acted for two international rugby players in an injunction application and in respect of a reporting restriction relating to a claim against the BBC centred on breach of privacy arising from the publication of details of their arrest for rape/sexual assault. **Irish Times**.
- **Duffy and others v Sunday Newspapers and others [2017] NIQB 71** - Peter, led by Edward Fitzgerald QC, acted for the plaintiffs in a complex interlocutory application relating to a tabloid newspaper article which published details of recordings allegedly obtained by the security services during the currency of an investigation under terrorism legislation. **Belfast Telegraph**.
- **Rosemary “Dana” Scallon v Sunday Newspapers** - Peter acted for the plaintiff successfully contesting a meanings hearing. The case later settled for a six-figure sum and an apology in open court. **Irish Times**.
- **Fulton v Sunday Newspapers Ltd [2017] NICA 45** - Peter acted for the appellant in an appeal which defined the scope of the statutory defences available to newspapers under harassment legislation.
- **Cushnahan v British Broadcasting Corporation & Anor [2017] NIQB 30** - Peter

acted for the plaintiff in respect of high-profile litigation relating to a BBC Spotlight programme focused on the NAMA “scandal” in Ireland.

- **EC v Sunday Newspapers Limited** [2016] NIQB 61 and [2017] NIQB 117 - Peter acted successfully for the plaintiff in a privacy, data protection and libel action in respect of an article which published details of the plaintiff’s childhood convictions. The Court accepted the plaintiff’s defamatory meanings including that the article meant that the plaintiff was guilty of murder.
- **Arthurs v News Group Newspapers Ltd** [2017] NICA 70 - Peter acted as lead advocate in the Court of Appeal in respect of an injunction application for a young adult who appeared on a BBC talent show and was then subject to media reports linking him to his father’s criminal convictions. **Press Gazette**.
- **KRW Law v The Sunday Times** (2016) - Peter acted for the plaintiffs, a law firm and its directors, in respect of a libel claim relating to an article relating to their representation of “the Hooded Men.” The plaintiff succeeded in an interlocutory application in respect of defamatory meanings and the case was settled on the first day of trial. **Irish News**.
- **KL and NN v Sunday Newspapers Ltd** [2015] NIQB 88 - Peter acted as lead advocate for the plaintiff in an interlocutory application which laid down the procedure in Northern Ireland by which a plaintiff seeks anonymity and reporting restrictions in civil proceedings when instituting proceedings.
- **AB v Sunday Newspapers** [2014] NICA 58 - Peter acted as lead advocate for the appellant in the Court of Appeal obtaining an injunction prohibiting publication of allegations that the plaintiff was an informant.

## Journalists Rights

Peter has defended investigative journalists against unlawful police action in a number of high-profile cases.

- **In the Matter of an application by Barry McCaffrey** [2020] NIQB 55 - Peter acted for Barry McCaffrey, one of the applicant journalists. The police obtained and executed search warrants against investigative journalists who had received and published material in a confidential leaked document of the Northern Ireland Police Ombudsman.

In judicial review proceedings the Divisional Court quashed the warrants because the judge issuing the warrants had failed to respect their ECHR Article 10 rights and for breaches of PACE Sch 1. The PSNI later agreed to pay £125,000 to the applicant and to destroy materials obtained during the unlawful search. **Guardian** and **Guardian**.

- **In the Matter of an application by the Police Service for Northern Ireland and Suzanne Breen** [2009] NICty 4 - Peter acted for an investigative journalist who had accepted a call of responsibility from the RIRA in respect of an attack on security personnel at Massereene Barracks. The Court rejected the application by the PSNI to obtain information from the journalist under Schedule 5 of The Terrorism Act 2000. **Guardian**.

## Actions Against Public Authorities

Peter is regularly instructed in civil claims and judicial review challenges against public authorities.

- **In the Matter of An Application by Lee Martin and the Department of Health and Western Health and Social Care Trust** (2021) - Peter acts for the applicant who is clinically extremely vulnerable in respect of a judicial review challenge relating to priority for Covid-19 vaccinations in Northern Ireland. The Applicant was granted leave on 3rd August 2021. **Impartial Reporter, Irish News**.
- **C (A Person under a Disability) v Police Service of Northern Ireland** [2020] NIQB 3 - Peter acted for the plaintiff, a vulnerable adult suffering from Asperger's syndrome, in a claim against the PSNI for breach of Article 3 ECHR due to failure to investigate the rape of the plaintiff. The Court granted declaratory relief and awarded £15,000 damages under the Human Rights Act 1998. **BBC**.
- **MM v Police Service of Northern Ireland** - Peter acted for the plaintiff in domestic proceedings following on from an important decision handed down by the ECtHR **MM v UK** [2012] ECHR. The claim against the PSNI was brought for breach of Article 8 ECHR and of her personal data rights. The claim was settled on confidential terms with an order that the PSNI pay the plaintiff's costs.
- **JR 57, Re Judicial Review** [2013] NIQB 33 - Peter acted for the applicant in a successful judicial review challenge brought against the Department of Health and the Northern Health and Social Care Trust in respect of the retention and disclosure of



information on the SOS CARE system relating to the risk of sexual abuse of children posed by unadjudicated individuals.

- **Crusaders Football Club's Application** [2013] NIQB 68 - Peter acted in a successful public law challenge based on breach of State Aid provisions seeking leave to judicially review the allocation of £110 million of funding by DCAL for redevelopment of the national football stadium, Windsor Park.
- **AB and CD v BBC and Northern Health and Social Care Trust** (Reporting Restriction) (unrep) - Peter acted for the plaintiffs obtaining orders preventing the Trust from publishing Reports that risked jigsaw identification of the plaintiffs placing them at risk of harm within their communities.
- **R v Department of Agriculture and Rural Development ex parte Carson and Others** [2008] NIQB 87 - Peter acted for the applicants in their successful application for judicial review of the decision of the Department to impose penalties on farmers for alleged over-declarations of land holdings in connection with applications under the Single Farm Payment Scheme.

## Contractual and Other Claims

Peter has considerable experience in commercial law including high value procurement litigation, professional negligence, equitable claims, jurisdictional disputes and in respect of consumer and group actions.

- **Frampton v McGuigan (Rev 1)** [2018] NIQB 52, [2019] NIQB 42, [2019] NIQB 52 - Peter acted for Carl Frampton in his dispute with former manager Barry McGuigan. Mr Frampton claimed breaches of contract and fiduciary duty after he terminated his nine-year relationship with this former manager/promoter in August 2017. Mr McGuigan and his Cyclone Promotions company claimed that the boxer's termination of the agreements was in breach of contract. The plaintiff successfully established the jurisdiction of the High Court of Northern Ireland under the Civil Jurisdiction and Judgments Act 1982 with an important judgment on intra-UK jurisdiction delivered by Horner J. The £10 million dispute settled on confidential terms 20 days into the trial in November 2020. **Irish Times** and **Irish Times**.
- **North South Pig Company (NI) Ltd v McAuliffe & Ors** [2021] NIQB 22 - Peter acts for the defendants in respect of a £10 million claim alleging breach of a shareholder



agreement and directors duties.

- **MIL v Nexans (Arbitration Act)** (unreported) - Peter acted for the defendant in a case in which the plaintiff claimed £130 million damages in respect of alleged faulty constructions of the electrical interconnector between NI and Scotland. The defendant successfully applied for a stay of the proceedings pursuant to an arbitration clause and in reliance upon the Hague Service Convention.
- **Craven & Ors v Giambrone (p/a Giambrone & Law, Solicitors and European Lawyers)** [2013] NIQB 61 and [2012] NIQB 58 and [2013] NIQB 48 - Peter acted successfully for a group of around 100 investors in a £5 million action against the law firm Giambrone & Law for professional negligence in relation to its handling of the investors' holiday home purchases in Italy. **Belfast Telegraph**.
- **Henry Brothers & Others v Department of Education (Nos. 1,2 and 3)** [2007] NIQB 116; [2008] NIQB 105; [2008] NIQB 153 and [2011] NICA 59 - Peter acted for the plaintiff in this successful public procurement challenge to the award of contracts in the £650 million Schools Modernization Programme.

## Repatriation of Prisoners

Peter has acted in a number of important cases for prisoners seeking repatriation following conviction.

- **Michaella McCollum** - The client was convicted on drug offences in Peru and gained notoriety alongside her co-accused as the "Peru 2". Peter advised the client in respect of her repatriation from Peru to Northern Ireland. **Guardian**.
- **In the Matter of the Life Sentence (Northern Ireland) Order by the Applicant Michael McAleavey** [2008] NILST 15 - Peter appeared for the prisoner in respect of an application to set a tariff relating to the applicant's conviction for the murder of three fellow members of the UNIF in the Lebanon in 1982 upon his transfer from the Republic of Ireland to Northern Ireland. **RTE**.