



Book Reviews

Privacy and the Press

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Author: Joshua Rozenberg

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Joshua Rozenberg is legal editor of the Daily Telegraph, having previously worked for the BBC, with 15 years covering legal affairs for BBC News. His book could not be more relevant at the current time and he raises interesting arguments in an attractive and readable way on the what privacy means and whether we need legislation to protect it. On occasion he adopts a slightly pompous and self-important tenor in the writing. Take his solemn statement in the Preface: "This book originated, like so many fine things, over a table in the Garrick Club". I am sure Mr Rozenberg would acknowledge that this is a rebuttable presumption.

The book examines the very pertinent and current problems arising from all the recent privacy cases both here and in Europe. In its eight chapters Mr Rozenberg compares the existing confidentiality laws with the emerging privacy law (which though yet to be a tort is effectively summarised in Art 8 ECHR as implemented in the Human Rights Act 1998). He discusses the decisions in *Hello! v OK!* in *A v B & C* and *Campbell* and other recent cases. He also debates freedom of expression, respecting private life and the questions arising in seeking to regulate the Press. In Chapter 6 he reviews the importance of Reynolds to the UK media and the balance presently struck between claimants and the media and why privacy cases are still treated within the confines of confidentiality.

In concluding the book, and looking to the future, he puts his cards on the table and reveals that he is against legislation and agrees with Lord Justice Buxton in *Wainwright* emphasising the very serious difficulties of principle in creating a privacy law. He concludes that as far as a balancing exercise is concerned there can only be one answer to the question of whether there should be a law of privacy: "The media in Britain have a great deal to answer for but, in the end, there is no contest. Privacy good; free press better". Most would agree.

There are few books or commentaries available on the subject of privacy which is such an important topic in our society today and Mr Rozenberg's book is an entertaining account of the problems that need to be addressed which is well worth a read. There is also a useful reproduction of the PCC Code, Bibliography and Table of Cases as well as an Index at the back.

Reviewed by: Rod Dadak, head of defamation at Lewis Silkin