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## **SIR CLIFF RICHARD OBE V (1) THE BBC (2) SYP**

### **Statement by Gideon Benaim of Simkins LLP on behalf of Sir Cliff Richard OBE**

Good morning. Sir Cliff is of course very pleased with the Court's judgment today, in which the Judge concluded that, and I quote, "the BBC went in for an invasion of Sir Cliff's privacy rights in a big way". Mr Justice Mann's ruling is that the BBC's conduct was unlawful and a very serious invasion of privacy rights. The case clearly confirms that individuals, including high profile ones, have a reasonable expectation of privacy in relation to police investigations.

What transpired in August 2014 resulted from decisions taken by only a small number of people at the BBC. However, it was as a direct result of those decisions that the impact on Sir Cliff over the last four years was so profound. He never expected after 60 years in the public eye that his privacy and reputation would be tarnished in this way, and that he would need to fight such a battle.

Although he felt it necessary to pursue this case and the sum awarded in damages is one of the highest ever in this area of law, Sir Cliff's motivation was not for personal gain, as he knew all along that he would be substantially out of pocket no matter what. His aim has been to try to right a wrong, and, to ensure as best he could, that no other innocent person would have to endure what he went through.

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What Sir Cliff wanted was for the BBC to acknowledge that what it had done to him was unlawful. Before litigation commenced we asked the BBC to accept this and to apologise. Sir Cliff would have been reasonable in relation to damages had they agreed to do so. Not only did they refuse to apologise but they were defiant, repeatedly telling the world that this was public interest journalism, when it was not. They even submitted the story for an award, which the Judge found to be an aggravating factor.

The Judge came to the clear conclusion that Sir Cliff's privacy rights were not outweighed by the BBC's right to freedom of expression, and, that there did not exist a public interest in identifying him.

Given the adverse findings of fact by the Judge, serious questions ought to be asked about the BBC's focus on preserving their exclusive story at the expense of Sir Cliff's rights, as well as how the BBC came to advance such a factual case, including to the Home Affairs Select Committee in 2014. Additionally, whether senior executives exercised sufficient scrutiny over the activities of their journalist, and in approving and signing the BBC's Defence.

We welcome today's Judgment, and Sir Cliff would like to wholeheartedly thank everyone who has supported him throughout, his family, friends and of course his fans. It has meant a huge deal to him. Thank you.

**18 July 2018**