This chapter discusses violations of human privacy by private individuals and organisations. This is a rapidly evolving area of the law, one which has, like defamation, been influenced to a great extent by developments in communication technology, as well as in human rights law. And like defamation, this area of the law too raises important questions about the role, and conduct, of the press. The discussion in this chapter is divided as follows: (1) the difficulties of defining privacy; (2) the casuistic protection afforded by English law; (3) the protection afforded in the most important types of cases; (4) the growth of breach of confidence after the entry into force of the Human Rights Act 1998 and the emergence in recent years of the ‘distinct’ tort of misuse of private information; (5) Europe and beyond.
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