

Dear Sirs

Our Client: Michael Shillaker

We act for the above.

We have been passed a copy of the email sent by you to our client on 17 July 2020 timed at 21:44. In that email you indicate an intention to publish an article in which our client will be prominently featured. The proposed article, written by Bill Cohan, will refer to an alleged incident in April 2010.

We write further to the letter of 19 July 2020 from our client's US attorney, Lavelly & Singer. Their letter sets out in some detail why the allegation made against our client is untrue.

We do not propose to repeat the content of this letter, other than to reiterate that this matter was fully investigated by the UK police in 2010 and again in 2011. The police decided on both occasions that the complaint warranted no further action and no charges were brought. There is no new evidence that our client is aware of. Our client has, at all times, provided full disclosure to any investigation.

You will know that our client has never been identified in the press. You are furthermore aware that other newspapers have declined to publish the allegation. We understand Mr Cohan first sought to publish the allegation in the *New York Times* and *Vanity Fair*. Both publications rejected the story. Several national newspapers in the UK, including the *Sunday Times*, *Financial Times* and *Guardian*, have similarly taken the decision not to publish the allegation.

Any suggestion that our client has committed a sexual assault or that he is reasonably suspected of having done so would be both false and seriously defamatory. There is no doubt that an allegation of such a serious criminal nature would cause serious harm to our client's reputation. Publication would also be a serious breach of our client's

privacy. In circumstances where no further action has been taken following two police investigations, and where no arrest was made or charges brought, publication of the allegation would be an unjustified and disproportionate intrusion into our client's private life and a clear breach of his Article 8 ECHR rights.

The allegation contains inaccurate personal data of our client and its publication would furthermore amount to a breach of your statutory duties under the GDPR. The allegation is personal data within the meaning of Article 4 of the GDPR. Publication of this personal data would constitute processing for the purposes of the data protection regime.

You are aware that the GDPR applies to US businesses under Article 3 of the GDPR. As a data controller, it is your duty to comply with the data protection principles set out in Article 5 of the GDPR. In particular, personal data must be processed fairly and lawfully and must be accurate. Processing is only lawful if one of the conditions in Article 6 of the GDPR applies. Your processing does not fall within the journalistic exemption set out in Schedule 2 Part 5 of the DPA 2018. There is no public interest in publishing this personal data of our client.

Insofar as the processing was, purportedly, based on Article 6(1)(f) please treat this letter as a notice of objection to processing of this data under Article 21(1). In the meantime, our client seeks the restriction of processing of his personal data under Article 18. In the light of this notice and given that the data has been processed unlawfully, there is a clear right to have all of the data erased without undue delay under Article 17 of the GDPR, and to have this communicated to all recipients under Article 19. This includes the interview provided by our client under duress to Mr Cohan on 11 September 2018 and any documentation sent to him afterwards.

Please be in no doubt that our client will have no alternative but to pursue all legal avenues available to him without further notice should the allegation be published.

Kindly confirm receipt of this letter by return and provide assurance that you do not plan to publish the false allegation made against our client.

Our client's legal rights are strictly reserved.

Yours faithfully

Kingsley Napley LLP

Dr Rosa Malley

Associate

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