



Romana Canneti – Barrister

Called 1997

LEGAL 500: Leading Junior in Defamation and Privacy, 2022 edition

MEDIA LAW

Romana specialises in all aspects of media and entertainment law (including: defamation, copyright, intellectual property, privacy, misuse of private information and data protection).

Since returning to private practice in 2018, Romana has been co-instructed by the Media Lawyers Association to intervene in the two leading test cases heard by the Supreme Court since the Defamation Act 2013 came into force. Both interventions successfully saw off restrictive challenges to the scope of the Act, and were welcomed by supporters of freedom of expression: *Lachaux v IPL & ES Ltd*, [2019] UKSC 27 established that a claimant must demonstrate on the facts that ‘serious harm’ has been caused – or is likely to be caused - to their reputation by the publication of a defamatory statement; *Serafin v Malciewicz* [2020] UKSC 23 established the flexibility of a new statutory defence for those making a defamatory statement in the public interest.

Romana represents individuals and the media in matters ranging from defamation, breach of confidence, misuse of private information and data protection to open justice and reporting restrictions.

She has successfully defended copyright claims in the Intellectual Property Enterprise Court and has advised on trademark and passing-off matters.

Thanks to her wide-ranging experience both in-house and in private practice, Romana has a unique understanding of disputed media-related issues from the perspective of both claimant and defendant. Between 2006 and 2016, she worked as an in-house legal adviser at The Independent, where she defended libel, privacy and copyright claims for the group that later acquired the Evening Standard and launched the *i* newspaper. She dealt with contracts and other commercial issues, including regulatory ASA matters and PCC (now IPSO) complaints.

For over two decades, Romana has regularly advised book publishers, newspapers and broadcasters (including ITN, the BBC, Channel 5, Associated Newspapers Limited, Independent Print Limited, The Telegraph Group, Times Newspapers and News Group Newspapers) on pre-publication and pre-broadcast law and compliance. She advises on matters ranging from defamation, privacy GDPR compliance and data protection to fair-dealing and the permissible use of copyrighted material.

She has a strong track record advising on – and where necessary – challenging the many other varieties of reporting restriction affecting media coverage of the criminal and family courts, army disciplinary proceedings and employment proceedings. Between 2009 and 2016, she led a series of media



challenges which led to the opening up of proceedings in the Court of Protection and effectively brought its rules in line with those governing media access to family proceedings.

She has also handled contempt of court issues, as well as other practical obstacles affecting journalism, such as production orders.

EMPLOYMENT LAW

Romana is an experienced advocate in the Employment Tribunal, and regularly acts for claimants and respondents. She specialises in discrimination cases, and has won significant awards for claimants. She has also effectively represented respondents at Tribunal hearings. She is regularly instructed on multi-day hearings involving complex discrimination, unfair constructive or actual dismissal and issues involving trade union detriment or other forms of victimisation. She has successfully resisted proposed anonymity orders sought by the respondents in a sexual harassment claim.

PUBLIC LAW

Romana has acted for residents seeking judicial [statutory] review of a local authority's decision to extend a controlled parking zone to their area.

TRANSPARENCY IN THE COURT OF PROTECTION

Romana successfully handled the leading case *Independent News and Media v A* [2010] EWCA Civ 343, [2010] 1 WLR 2262 in which the Court of Appeal upheld a landmark decision to allow media access to private court of protection hearings. That application was eventually joined by five other national news organisations, and was the first of several other successful consortium media applications for access to court of protection hearings. She was invited to contribute to the first edition of *The Court of Protection Practitioners' Handbook*, and has spoken at seminars on the media and the court of protection, including at the COPPA conference.

LEGAL WRITING

Romana has written articles on legal matters published in the *New Law Journal*, *The Times* law pages, *The Independent* and the *British Review of Journalism*. She is a regular contributor to the *New Law Journal*.

A former television producer who brings a practical and commercial approach to her legal practice, Romana has worked in France, Spain and Italy and is fluent in those languages.

RECENT CASES:

- **DEFAMATION:** Instructed (with Guy Vassall-Adams QC and Edward Craven of Matrix Chambers) by the Media Lawyers Association to intervene in the Supreme Court hearing of *Lachaux v Independent Print Ltd and Another* [2019] UKSC 27. This important test case



clarified the meaning of the 'serious harm' threshold set by the Defamation Act 2013. The outcome was a significant triumph for freedom of expression: the Supreme Court agreed with the MLA's submissions (and those of the defendant publishers) that a claimant must prove that his reputation has, or is likely to, suffer serious harm in order to be able to sue in libel.

- **DEFAMATION:** Instructed (with Heather Rogers QC and Jonathan Price of Doughty Street Chambers) by the Media Lawyers Association to intervene in the Supreme Court hearing of *Serafin v Malkiewicz and others* [2020] UKSC 23, a test case that expanded the ambit of the public interest defence provided by section 4 of the Defamation Act 2013 and proved a significant victory for freedom of expression.
- **EMPLOYMENT:** Successfully represented the former CFO of a major financial services company in a high value claim for unpaid wages in the Employment Tribunal.
- **EMPLOYMENT:** Appeared for the claimant in a seven-day Employment Tribunal hearing against a financial institution involving disability discrimination, breach of contract, unfair dismissal and religious discrimination. The Tribunal found for the claimant on all issues other than religious discrimination.
- **EMPLOYMENT:** Instructed for the Respondent, a major infrastructure company, in a pending unfair dismissal final multi-day hearing (adjourned for want of judicial capacity the day before the hearing).
- **EMPLOYMENT:** Appeared for the claimant at an Employment Tribunal preliminary hearing, successfully resisting the Respondent's application that a sex discrimination claim was out of time, and obtaining amendments to the Particulars of Claim that added maternity discrimination to a constructive dismissal claim.
- **EMPLOYMENT:** Instructed by the claimant in a high value employment claim involving alleged disability and beliefs discrimination and unfair dismissal. A favourable settlement negotiated to the client's satisfaction was the outcome.
- **EMPLOYMENT:** Instructed to represent the respondent, a charity, in a discrimination, bullying and harassment claim. A favourable settlement negotiated to the client's satisfaction followed the pre-trial hearing.
- **EMPLOYMENT/OPEN JUSTICE:** Instructed to represent the claimant in a case against a high-profile legal professional, whose application for a closed hearing was successfully opposed, as was their strike-out application. A favourable settlement ensued.
- **EMPLOYMENT:** Instructed to represent the claimant in a pregnancy-related discrimination, bullying and unfair dismissal claim. The claim settled after a preliminary hearing in which the respondent's strike-out application was resisted and permission was obtained to amend the ET1.
- **EMPLOYMENT:** Instructed to represent the claimant in a constructive dismissal, sex discrimination, harassment and trade union detriment claim.
- **EMPLOYMENT:** Advised solicitors and drafted a letter before action in a high-value unfair dismissal claim against one of the UK's largest retail chains, resulting in a favourable settlement for the claimant.
- **COPYRIGHT:** Advised on a licensing/copyright matter affecting an SME IT business.



- COPYRIGHT/DEFAMATION/PRIVACY: Regularly instructed by several of the UK's largest book publishing groups to draft detailed advisory pre-publication legal reports on a wide range of fiction and non-fiction books; written reports are followed – upon request - by further legal advice and guidance on issues arising (whether in relation to GDPR, privacy, breach of confidence, defamation, copyright or any other threatened legal action).
- BREACH OF CONFIDENCE/GDPR/MISUSE OF PRIVATE INFORMATION/BREACH OF CONTRACT: Acted for a defendant in a High Court claim brought against them by the claimant, a household name, pursuant to an injunction. The claim was settled by way of a Tomlin Order.
- BREACH OF CONFIDENCE/GDPR/MISUSE OF PRIVATE INFORMATION: advised a claimant in a GDPR/privacy/confidence claim arising from an alleged sexual assault. An offer of settlement ensued.

- DATA PROTECTION: Provided extensive and wide-ranging advice to a major book publisher on the various data protection implications arising from the leak of extensive unredacted instant messaging communications between members of an affiliated political party;
- DATA PROTECTION: Assisted the claimant in achieving a settlement and the the removal of sensitive personal information in the US edition of the memoir of a former sexual partner and performing artist;
- DATA PROTECTION: Advised a magazine publisher – having been provisionally instructed to draft a defence – to a data protection claim involving the alleged publication of personal data (the claim was disposed of by way of a Tomlin Order days before the defence was due to be filed);
- DATA PROTECTION: Assisted the defendant in a high value data protection and misuse of private information claim, which pursuant to a Tomlin Order has now been withdrawn;
- DATA PROTECTION: Regularly advised broadcast and print media on data protection and the applicability of the journalistic exemption

- OPEN JUSTICE: Drafted submissions for a Press Association journalist which successfully resisted a last-minute application in a £6m High Court psychiatric damage claim aimed at preventing the media reporting the claimant's name.
- OPEN JUSTICE: Instructed by the MLA to draft submissions to the House of Commons Public Bill Committee relating to the passage through Parliament of the Crime (Overseas Production Orders) Bill. Certain measures to protect media rights were subsequently incorporated into the Act, which was passed on 12 February 2019.
- OPEN JUSTICE: Drafted the MLA's response to a Home Office consultation seeking the views of interested parties (in this case the media) to draft Codes of Practice to the Counter-Terrorism and Border Security Act 2019, as well as modifications to the existing Code of Practice to the Terrorism Act 2000. The Codes include provisions governing police and port authorities' access to journalists' material and sources.
- OPEN JUSTICE: Instructed by a media consortium to appear at the Old Bailey to resist proposed witness anonymity orders in a high profile terrorism trial.

- CONTEMPT OF COURT: Appeared at the Old Bailey on behalf of a broadcaster threatened with a possible referral for contempt. The matter was explained to the judge's satisfaction and no action was taken.



- **JUDICIAL REVIEW:** Drafted pre-action protocol letter and Grounds for a claimant seeking a statutory review of a CPZ. The claim was transferred to the Planning Court, and was withdrawn, on a dropped hands basis, for want of funding.

PROFESSIONAL MEMBERSHIPS:

Medial Lawyers Association
Employment Law Bar Association

CONTACT DETAILS:

Telephone: 0207-822-7000
Email: clerks@4kbw.co.uk