

IN THE INVESTIGATORY POWERS TRIBUNAL

BEFORE MR JUSTICE BURTON
SHERIFF JOHN McINNES
ROBERT SEABROOK QC

8 February 2010

BETWEEN:

MICHAEL NEWELL

Complainant/Claimant

-and-

THE CHIEF CONSTABLE OF THE THAMES VALLEY POLICE

Respondent/Defendant

DECISION

This is our decision on remedy in the light of our upholding the Complainant's complaint and human rights claim in respect of directed surveillance by use of the public CCTV in the environs of Reading Crown Court on 7 August 2006.

We have read the submissions of the Complainant and the Respondent and in the light of them have reached the following conclusions as to remedy:

1. That the CCTV recording between 13.10 and 13.42 on 7 August 2006 be destroyed pursuant to s67(7) of the Regulation of Investigatory Powers Act 2000.
2. That there be a declaration that by virtue of such CCTV coverage of the Complainant there was a breach of his Article 8 right to respect for his private life.
3. That no further remedy is appropriate.

REASONS

1. The Complainant's privacy was only marginally infringed by the direction of existing CCTV equipment towards him for a short period.
2. Such CCTV coverage was authorised, albeit in the mistaken belief referred to in our decision of 2 December 2009. Had that belief not been mistaken, then we would have considered the authorisation lawful and proportionate.
3. No case for compensation is in any event made out by reference to the statement of the Complainant. We are satisfied that none of his injured feelings, nor the financial and other implications to which he refers, in any way flowed from or can be related to the CCTV footage in relation to which alone his complainant has succeeded.