

IN THE INVESTIGATORY POWERS TRIBUNAL

**B E T W E E N:**

**(1) DAVID MORAN**

**(2) STEVEN ADAMS**

**(3) Mr O**

**(4) Mrs O**

**(5) GERARD GALLACHER**

**(6) MARJORIE GALLACHER**

**Complainants**

**- and -**

**POLICE SCOTLAND**

**Respondent**

UPON the trial of the remedy of the Complainants' claims

AND UPON related police complaints having been made about the conduct of the Respondent's officers

AND UPON the said complaints having been referred to the Chief Constable of Durham Constabulary for investigation

AND UPON the Respondent having undertaken that the Respondent will provide a reasoned decision on the determination of the investigation

AND UPON the Respondent agreeing to retain all the data obtained as a result of the Authorisations herein pending the outcome of the investigation and any related legal proceedings (but, in each of their cases, and subject to any obligation to retain the material pending the outcome of the investigation and any related legal proceedings, to delete the data relating to their case if a written request to the Respondent by the Complainant is made)

AND UPON hearing Craig Sandison QC for the First, Second, Third and Fourth Complainants, and the Fifth and Sixth Complainants in person and Jeremy Johnson QC for the Respondent

IT IS DECLARED THAT the obtaining of the Complainants' communications data was unlawful, it being contrary to section 6 of the Human Rights Act 1998 as read with Articles 8 and 10 of the European Convention on the Rights

AND IT IS ORDERED THAT:

1. There be judgment for the Complainants and a declaration as set out above.
2. The Authorisations in each of the Complainant's cases is quashed.
3. The Respondent shall pay the Fifth Complainant £10,000 in damages.
4. There be no further order for any financial remedy.

Dated this 8<sup>th</sup> day of August 2016