

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST
BETWEEN

Claim No.

DELTA BELL SHEPARD

(a child, by KRISTEN BELL, her mother and litigation friend)

Claimant

-and-

ASSOCIATED NEWSPAPERS LIMITED

Defendant

STATEMENT IN OPEN COURT

BEN HAMER, COUNSEL FOR THE CLAIMANT

1. My Lord, in this action for misuse of private information and breach of data protection rights, I appear for the Claimant. My friend, Martin Wood, appears for the Defendant.
2. Kristen Bell and Dax Shepard are Hollywood actors and the parents of the Claimant, Delta Bell Shepard. Delta is six years old.
3. Ms Bell and Mr Shepard have been at the front of a highly publicised campaign, *No Kids Policy*, which advocates against media organisations publishing or buying photographs of children taken without their or their parents' consent.
4. On 11 June 2020, MailOnline published an article that included an unpixelated photograph of Delta from 2018. She was sitting on the shoulders of Mr Shepard as Ms Bell walked alongside. They were on a private family walk in a public park in Los Angeles.

5. This private moment was published to millions online by MailOnline in the article. Ms Bell and Mr Shepard were entirely unaware that they had been photographed at the time.
6. Ms Bell and Mr Shepard were particularly upset to see that a photograph of their daughter had been published in breach of her rights to privacy. The object of Ms Bell and Mr Shepard's campaign against the commercial exploitation of the photographs of celebrities' children in the press is to allow these children to have a proper childhood. A childhood free from unwanted harmful exposure to the public glare and the upset caused by paparazzi taking photographs of them.
7. The Claimant through her parents claimed the publication of the photograph on MailOnline constituted a misuse of the Claimant's private information and a breach of her rights under the General Data Protection Regulation.
8. The Claimant sought an injunction and damages.
9. I am here today to announce that Associated Newspapers Limited, the publisher of MailOnline, accepts that Ms Bell and Mr Shepard's daughter's privacy has been invaded by the publication of the photograph and accept liability.
10. Mail Online has agreed to join in this statement and publicly apologise to the Claimant for the distress caused to her by the invasion of her privacy and violations of her rights.
11. Mail Online recognises that the photograph of the Claimant should never have been published unpixelated and apologises to the Claimant. Mail Online has agreed to undertake not to publish unpixelated photographs of Delta, or any other children of Ms Bell and Mr Shepard, until they turn 18; save for photographs at public events or those put into the public domain by, or agreed to by, their parents. Mail Online has also agreed to pay her legal costs.

MARTIN WOOD, SOLICITOR FOR THE DEFENDANT

12. My Lord, on behalf of the Defendant, Associated Newspapers Limited, I accept everything my learned friend has said on behalf of the Claimants.
13. Associated Newspapers Limited is here today through me to apologise to the Claimant and her parents for the distress caused to them. The photograph was not commissioned by MailOnline and it was published inadvertently by mistake within a set of property images that had been obtained by Mail Online from a picture agency. If Mail Online had made a conscious decision to publish the photograph, the Claimant's face would have been pixilated in accordance with the Claimant's parents' public stance on photographs of their children. MailOnline removed the photograph from the article where it was published as soon as Ms Bell and Mr Shepard raised their complaint.

COUNSEL FOR THE CLAIMANT

14. My Lord, in the circumstances, the Claimant consider the matter to be concluded.

Signed



Gateley Tweed LLP
21 Arlington Street
London
SW1A 1RN

Solicitors for the Claimant

Date

6/10/21

Signed



Associated Newspapers Limited
Northcliffe House
2 Derry Street
Kensington
London W8 5TT
For the Defendants

Date

6/10/21