

IN THE HIGH COURT OF JUSTICE

Claim No. HQ17M02933

QUEEN'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

BETWEEN:-

**NATASHA DOUGLAS
(Administratrix of the Estate
of Susanne Hinte, deceased)**

Claimant

-and-

NEWS GROUP NEWSPAPERS

Defendant

STATEMENT IN OPEN COURT

Claimant's Counsel:

1. May it please your Lordship/Ladyship, in this action the Claimant, Ms Douglas, is the daughter of Ms Susanne Hinte. Ms Hinte was a private individual and grandmother from Worcester. On 14 August 2017, shortly after issue of the Claim Form, Ms Hinte sadly died. Ms Douglas, has received a grant of Letters of Administration and acts for Ms Hinte's Estate.
2. The Defendant, News Group Newspapers, is a major media organisation and publishes *The Sun* newspaper.
3. This matter concerns a claim brought on behalf of Ms Hinte's Estate (and which was originally brought by Ms Hinte) for misuse of private information, breach of confidence, breach of the Data Protection Act 1998 ("DPA"), and infringement of copyright.
4. Ms Hinte came to public attention in January 2016 when she sent a damaged lottery ticket to Camelot to see if it had won. It transpired that she was not in fact the

winner. Ms Hinte's conduct was widely reported. Ms Hinte acquired the nickname 'Lotto Gran' in the tabloid press.

5. On 2 April 2016 at 23:01 *The Sun* newspaper published an article about Ms Hinte on its website. On 3 April 2016, it also published a version of this article in printed form and this was published in *The Sun* newspaper.
6. The articles contained an image ("the Image") of Ms Hinte taking a topless "selfie" photograph of herself in a mirror using a mobile phone. In the printed article, Ms Hinte's nipples were masked by lottery balls in the image. In the online version, Ms Hinte's nipples were not masked in the image (which had been modified). The writer also discussed the Image and other sexually explicit images of Ms Hinte ("the Text").
7. The Image and other sexually explicit photographs ("the Photographs") had been provided to *The Sun* by a former friend of Ms Hinte, called Julie Howard, for the sum of £750.
8. On 3 January 2017, Ms Howard was found guilty by the Magistrates at Worcester Magistrates' Court of disclosing private sexual photographs with intent to cause distress to Ms Hinte pursuant to section 33 of the Criminal Justice & Courts Act 2015 ("the Revenge Porn offence"). Ms Howard was sentenced to 6 weeks' imprisonment suspended for 12 months, plus £200 costs and surcharge.
9. The online version of the article continued to be published until around 13 February 2017 - when Messrs JMW Solicitors LLP, acting on behalf of Ms Hinte - sent a Letter of Claim to the Defendant.
10. Ms Hinte complained to the Defendant that the Text, the Image, the Photographs and the articles ("the Information") constituted information about her sexual life which was both confidential in nature and over which she enjoyed a reasonable expectation of privacy. The publication of the Information by the Defendant amounted to an unjustified intrusion into her private and family life, and breach of her rights pursuant to the DPA. In addition, as Ms Hinte was the legal owner of all intellectual property rights in the Photographs, she complained that *The Sun* infringed her copyright by copying, possessing, communicating and issuing to the public copies of the Photographs in edited and unedited form.

11. Following receipt of the Letter of Claim dated 3 February 2017, the Defendant denied all liability in relation to Ms Hinte's proposed claim.
12. On 11 August 2017, Ms Hinte, through JMW Solicitors, commenced claim proceedings in the High Court against the Defendant. Ms Hinte sadly passed away shortly after the proceedings were issued by the Court. Ms Douglas, on behalf of Ms Hinte's Estate, instructed JMW Solicitors that she would continue the proceedings.
13. I am here today to announce that the Defendant has agreed to pay substantial damages to Ms Hinte's Estate and has also agreed to pay the Estate's legal costs of this action. The Defendant has also agreed to ensure, to the greatest extent possible, the deletion of the images in the Defendant's possession and has, in addition, agreed not to re-publish the Information.
14. In light of the settlement that has been agreed with the Defendant, the Claimant is prepared not to take this claim any further.

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