



1 CROWN OFFICE ROW

# Oliver Sanders KC

Call: 1995 KC: 2017



Oliver Sanders KC has a wide experience and expertise in public law and human rights, including judicial reviews, damages claims and statutory appeals; information rights, including data protection, freedom of information, breach of confidence and misuse of private information; national security and extremism; inquests and inquiries; contempt of court; and the Equality Act 2010.

He is a member of the Bar Pro Bono Scheme and the Inner Temple Advocacy Training Programme and has given lectures to various government and non-government clients, the Justice / Sweet and Maxwell FOI Conference and the ALBA Summer Conference.

Before joining chambers in 2004, Oliver spent seven years in the Government Legal Department working on the Northern Ireland peace process, prisons matters, public law litigation and the Hutton Inquiry.

*"He is an exceedingly good advocate – well prepared and very clear in his approach. He has a considered manner which means that coroners and witnesses respond well to him."*

**Legal 500 2023**

*"Oliver Sanders KC is a go-to for advice on really technical or difficult issues."*

**Chambers & Partners 2023**

*"Oliver's legal submissions are first-class; they are very elegant, poised and clever."*

**Chambers & Partners 2023**

# Public Law

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Oliver acts for claimants and defendants in a wide variety of contexts. In addition to the contentious work referred to below, he has undertaken specialist advisory work for government on articles 2-3 and 5 of the ECHR, Crown immunity and Crown proceedings, the Equality Act 2010, new schools and academies (including free and grammar schools) and the forfeiture of pensions.

In the national security context, he has acted for the intelligence services, government, the police and oversight bodies in relation to: breach of confidence and injunction claims; closed material procedures and public interest immunity; contempt of court; extremism, including in education; investigatory powers and data protection; mediations; and reporting restrictions. Furthermore, he has also worked on more than 10 different claims for MOD under special forces confidentiality contracts.

## Selected Cases

- **Attorney General v BBC [2022] EWHC 826 (QB)**: Confidentiality, national security, risks to life and MI5.
- **Attorney General v BBC [2022] EWHC 380 (QB)**: Open justice and national security.
- **R (UCPI Designated Lawyer Officers) v Chairman of UCPI [2021] EWHC 247 (Admin)**: Unlawful inquiry decision.
- **R (Butt) v Home Sec [2019] EWCA Civ 256**: Prevent duty & universities.
- **R (Da Silva) v Chairman of UCPI [2019] EWHC 426 (Admin)**: Anonymity.
- **R (Coll) v Justice Sec [2017] UKSC 40**: Approved premises for women.
- **LL v Lord Chancellor [2017] EWCA Civ 237**: Flawed committal and article 5.
- **Ministry of Defence v Maclachlan [2016] EWHC 3733 (QB)**: Special forces confidentiality contracts.
- **R (O'Connor) v Aldershot Magistrates [2016] EWHC 2792 (Admin)**: Access to justice.
- **NHS BSA v Williams [2016] EWHC 1952 (Ch)**: Nursery nurse pensions.
- **R (ILPA) v Tribunal Procedure Committee [2016] EWHC 218 (Admin)**: Immigration appeals and closed materials.
- **Lord Chancellor v Detention Action [2015] EWCA Civ 840**: Detained fast track appeal procedures.
- **Webster v Lord Chancellor [2015] EWCA Civ 742**: Flawed summing up and articles 5-6.
- **Wright v Lord Chancellor [2015] EWHC 1477 (QB)**: Flawed sentencing and article 5.
- **R (Al-Fawwaz) v Home Sec [2015] EWHC 468 – 469 (Admin)**: Closed material procedures.
- **R (Al-Fawwaz) v Home Sec [2015] EWHC 166 (Admin)**: NCND and mutual legal assistance.
- **R (Bentham) v Justice Sec [2014] EWHC 2469 (Admin)**: Probation exclusion zones.
- **R (Green) v Justice Sec [2013] EWHC 3491 (Admin)**: Transsexual prisoners.
- **R (T (Sri Lanka)) v Home Sec [2013] EWHC 1093 (Admin)**: Immigration.
- **Re a complaint of surveillance [2013] UKIPT A1**: Meaning of “surveillance” under RIPA.
- **R (Simpson) v Home Sec [2012] EWHC 808 (Admin)**: Police pensions.
- **Malcolm v Justice Sec [2011] EWCA Civ 1538**: Prison exercise regimes.
- **Ahmad v Brent LBC [2011] EWHC 80 (QB)**: Lifer recalls.
- **Morgan v Ministry of Justice [2010] EWHC 2248 (QB)**: Prison healthcare and “victim” status under article 2.
- **R (AB) v Justice Sec [2009] EWHC 2220 (Admin)**: Transsexual prisoners.
- **JS (Colombia) v Home Sec [2008] EWCA Civ 1238**: Deportation.

- **Moore v SST [2008] EWCA Civ 750**: Francovich damages and limitation.
- **Home Sec v Lord Alton of Liverpool [2008] EWCA Civ 443**: Proscribed organisations.
- **Ministry of Defence v Griffin [2008] EWHC 1542 (QB)**: Special forces confidentiality contracts.
- **E v Home Sec [2007] EWHC 2232 (Admin)**: Control orders.

## Inquests

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Acting for interested persons (including families, healthcare professionals and private and public sector bodies) and coroners in connection with inquests into healthcare and hospital deaths, deaths in custody (prison, police, immigration and mental health), workplace and road traffic accidents, service deaths and related claims in tort and under article 2 of the ECHR.

### Selected Cases

- **Re Molly Russell**: Children and online harms.
- **Re Paul Craig & Others**: Guildford Pub Bombings 1974.
- **Re Stuart Fuller**: HIV and HCV contaminated blood products.
- **Re LCpl Brynin**: Friendly fire.
- **Re Eystna Blunnie**: Domestic homicide.
- **Re Private Lomas**: White water rafting.
- **Re Jimmy Mubenga**: Deportation restraint.
- **Re Rhiya Malin**: Nursery playground accident.
- **Re Michael Harland**: RAF Tornado ejection seat malfunction.
- **Re Cpl Bryant & Others**: Snatch Landrover IED.
- **Re Able Seaman Johnstone**: Navy diving accident.
- **Re Godfrey Moyo**: Prison restraint.
- **Re Flt Lt Sale & Others**: RAF helicopter crash.
- **Re Lt Cole & Others**: Navy helicopter crash.
- **Re Capt Wright**: SAS parachute accident.

## Public Inquiries

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Oliver acted for Number 10 witnesses in the Hutton Inquiry, he was counsel to the Intelligence Services Commissioner on his inquiry into Michael Adebolajo's torture claims and counter-terrorism work overseas and he is currently acting for more than 100 former Metropolitan Police Service members of the Special Demonstration Squad and the National Public Order Intelligence Unit in the Undercover Policing Inquiry.

### Selected Cases

- **Undercover Policing Inquiry**: Leading counsel for the Designated Lawyer Officers.
- **Operation Kenova**: Advising the investigation team on disclosure and public law issues.

- **Intelligence Services Commr Inquiry into Adebolajo torture claims, MI6 and counter-terrorism overseas:** HC 458, 2016.

## Data Protection & Cyber

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He acts for claimants and defendants in connection with information and personal data related cases for misuse of private information and under article 8 of the ECHR, the GDPR, the Data Protection Acts 1998 and 2018 and the Freedom of Information Act 2000

### Selected Cases

- **R (Butt) v Home Sec [2019] EWCA Civ 256:** Prevent duty & universities.
- **Home Sec v TLU [2018] EWCA Civ 2217:** Online data breach.
- **Willow v Info Commr [2017] EWCA Civ 1876:** Restraint of juveniles.
- **TLT v Home Sec [2016] EWHC 2217 (QB):** Online data breach.
- **Youssef v Info Commr [2016] UKFTT EA/2016/0185 (GRC):** First Lady of Syria.
- **Crook v Info Commr [2016] UKFTT EA/2015/0224 (GRC):** WW2 intelligence.
- **DWP v Info Commr and Gale [2015] UKUT 599 (AAC):** EU infraction proceedings.
- **Home Office v Info Commr and Cobain [2015] UKUT 0027 (AAC):** Deprivation of citizenship.
- **MXA v Harrow LBC [2014] EWHC 3756 (QB):** Data protection.
- **McIntyre v Info Commr [2014] UKFTT EA/2013/0093 (GRC):** Extremist material online.
- **Stevenson v Info Commr [2013] UKUT 181 (AAC):** Hospitals.
- **Home Office v Info Commr and John O [2013] UKFTT EA/2011/0265 (GRC):** Immigration lists.
- **Platts v Info Commr [2013] UKFTT EA/2012/0190 (GRC):** Whether information “held”.
- **Wynn v Info Commr [2012] UKFTT EA/2011/0084 (GRC):** Equitable Life.
- **Pragnell v Info Commr [2012] UKFTT EA/2011/0279 (GRC):** Royal papers FOIA amendments.
- **Veer v Info Commr [2012] UKFTT EA/2011/0255 (GRC):** Cabinet minutes.
- **Weiss (AIRE Centre) v Info Commr [2012] UKFTT EA/2011/0191 (GRC):** Removal of EEA nationals.
- **McGonagle v Info Commr [2011] UKFTT EA/2011/0104 (GRC):** UFOs.
- **Gradwick v Info Commr [2011] UKFTT EA/2010/0151 (GRC):** Chemical weapons.

### Appointments

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- Northern Ireland Bar (2020)
- Attorney General’s A Panel (2012)
- Attorney General’s FOI Sub-Panel (2009)
- Attorney General’s B Panel (2005)

### Education

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- BCL, St Anne’s College, University of Oxford (1994-1995)
- BVC, Council of Legal Education, Inns of Court School of Law (1993-1994)
- LLB (First Class), Queen Mary College, University of London (1990-1993)

## Memberships

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- ALBA
- HRLA

## Publications

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- Chapters on national security and defence plus other sections in all five editions of Coppel on "Information Rights" (2004, 2007, 2010, 2014 and 2020)
- "Candour and Disclosure in Claims for Judicial Review: An Outline" [2008] JR 244
- "Disclosure of Documents in Claims for Judicial Review" [2006] JR 194 (cited as "valuable" in *Tweed v PCNI* [2006] UKHL 53, per Lord Carswell at [29])