

**Miranda Ching, Robin Rathmell, Edward Smith, Polly Wilkins in *WealthBriefing*: UK Supreme Court Confirms HNWI Privacy Rights**

February 28, 2022

Publication: ***WealthBriefing***

A recent landmark UK Supreme Court ruling confirms a reasonable expectation of privacy for individuals who are under criminal investigation but have not been charged. Kobre & Kim's Miranda Ching, Robin Rathmell, Edward Smith and Polly Wilkins – part of the International Private Client team in London – write in *WealthBriefing* what the implications of this ruling are for high-net-worth individuals (HNWIs) sensitive to press intrusion.

HNWIs fending off criminal allegations – particularly white-collar investigations – often face the additional battle of having to defend their reputations in the public domain. One such individual, a UK-based American businessman, had not been charged with a crime but was subject to a UK request for foreign mutual legal assistance. That letter was obtained and published by Bloomberg News, which subsequently lost a lawsuit against the businessman.

The UK Supreme Court unanimously dismissed Bloomberg's appeal, making clear that as a starting point, there is a reasonable expectation of privacy in relation to facts and details of a criminal investigation. The harm done was not diminished by the fact that the allegations stemmed from the businessman's business activities. Beyond the certainty this ruling provides to HNWIs and their advisors, the case also highlights the importance of not engaging with the press prior to publication in a way that could enable the publication to claim consent, as well as the difficulties for clients to recover once their privacy is lost.

[Click here to read the full article.](#)