This Request was ALSO dismissed - by Justice Mackay: 24.10.11 Order – for which he refused to state his Reasons: my 31.10.11 and 14.11.11 letters; his 25.11.11 reply; my 28.11.11 complaint to the Office for Judicial Complaints which, misrepresenting my complaint, dismissed it in its 05.12.11 'reply'.

1. Introduction

2. This is a request for an oral hearing pursuant to CPR Rule 52.3(4) following an Order dated 06.10.11 from the Honourable Mrs Justice Lang DBE refusing the Appellant's ('A') application for permission to appeal against Master Eyre's Order of 09.08.11 that struck-out, with costs (£8,478.03), her 19.04.11 claim (Ref. HQ11X01471) against the Commissioner of Police for the Metropolis, the 1st Defendant and Respondent ('R'). The reasons in the 06.10.11 Order are:

    2. *"I do not consider that the appeal would have a real prospect of success, nor that there is some compelling reason why the appeal should be heard."*

    "The Appellant alleges against the Respondent/First Defendant breaches of statutory duty under the Police (Conduct) Regulations, Criminal Procedure & Investigation Act 1996, Malicious Communications Act 1988 and the Police Reform Act 2002 which cannot be pursued in a private claim".

    "The remaining claims, which include claims under the Data Protection Act 1998, Protection from Harassment Act 1997 and Human Rights Act 1998, as well as common law claims of misfeasance/misconduct in public office, have no real prospect of success for the reasons set out in the First Defendant's Defence. They are, as the Master said in his reasons, misconceived and unfounded".

    "The statement of case discloses no reasonable grounds for bringing the claim and in my view the Master was correct to strike it out under CPR 3.4(2)(a)".

3. In the light of this outcome at this stage of the proceedings, A opts to issue comprehensive detail in this request. It is based on A's Grounds of Appeal and Skeleton Argument of 29.08.11 – reworded as A has since found examples of precedents. As previously, it includes references to her Witness Statements and supporting documents. This time A provides comprehensive extracts from R's Defence of 23.05.11 and its 30.06.11 Application, as well as refers to her 19.04.11 Particulars of Claim. Her evidence is preceded by recalling the matters in her claim. In the Appendix, she also provides extracts from the relevant statutes.

2. Matters in the 19.04.11 claim

4. The content of 3 extensively redacted *"crime reports"* processed by R:

(1) 2002 report, CR:5604102/02: a complaint filed by A following receiving numerous anonymous phone calls, for which she identified Andrew David Ladsky ('ADL'), as the likely perpetrator/instigator: **B3/T2/383**.

(2) 2003 report, CR:5602261/03: a complaint against A by ADL that she used *"abusive language"* towards him, and had *"a history of doing this"* – leading to the report being classified as a *"Substantiated Offence of Harassment"*: **B3/T2/407**.

(3) 2007 report, CR:5605839/07: a complaint against A by ADL which, based on the report, as A was *never* contacted by R at any point in time, accuses her of having on her website *"anti-Semitic comments directed in particular at* [ADL]*"*, as well as *"anti-Black and anti-Asian text and pictures"* – leading to the report being classified as a *"Substantiated Racial Incident"- "Hate Crime – Race, Religion"*. A is also accused of having *"slanderous comments"* directed at various parties within the State and private sector. Further, and among other, A is portrayed as an individual who: *"suffers from mental issues"*, in relation to which R contacted social services *"to see if they aware of her"*; is waging some kind of vendetta against ADL; defaults on her contractual obligations: **B3/T2/424.**

5. Failure by R to address A's numerous requests over a period of nearly 1 year in relation to the 3 *"crime reports"*, including a statute-based Notice for: (i) rectifications / additions / deletions / destruction of the data; (ii) being provided with the redacted data; (iii) being supplied with the name of 3rd parties to whom R has disclosed her personal data.

6. In the context of the 2007 report, sending a malicious e-mail to A's website Host accusing A of having committed a crime – without any supporting evidence - and a further intimidatory e-mail.

7. Failure by R to investigate 2 well-documented complaints of harassment by A in October 2010.

3. The law

8. The 5-page Appendix attached to this document contains relevant extracts from:

(1) The Data Protection Act 1998 ('DPA')

(2) The Data Protection Directive 95/46/EC of the European Parliament

(3) The European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (as set out in Sch.1 of the Human Rights Act 1998)

(4) The Malicious Communications Act 1998

(5) The Protection from Harassment Act 1997

4. Version of the *"crime reports"*

9. In her Particulars of claim, A stressed that the 2002, 2003 and 2007 *"crime reports"* she was supplied with by R in July 2009 were *"extensively redacted"* (para.10) and that it had failed to address her numerous requests (paras 14-16; Annex 1).

10. A contends that she was treated unjustly in relation to R's 30.06.11 Application as she was only supplied with a less redacted version of the reports on 22.07.11, post-filing her 19.07.11 Witness Statement in response to R's Application. This irregularity is material as the redacted text helps support A's position on various matters – as detailed in her Supplementary Witness Statement of 29.08.11, **B2/20/275**. It includes additional evidence that:

(1) other residents also received harassment phone calls from ADL: **WS2 § 5(1)/276;**

(2) in addition to harassment phone calls, (one of) ADL's typical responses to a leaseholder who 'dares' to challenge him is to file a complaint with R: **WS2 § 5(2)(3), 6 and 9/276**;

(3) further undermines R's assertion that the resident made all the anonymous phone calls to A: **WS2 § 10/278**;

(4) R connived with ADL; in addition to attributing all the 2002 phone calls to the resident:

i. the 2002 'Method' page states: *"By person unknown"* and the 'Suspect Elimination' page: 'Reason for Elimination': *"No evidence"*: **WS2 § 14/282**

ii. R wanting A to block out the 3rd telephone number in the 2002 report: **WS2 § 11/279.**

11. Reason 5 of the Order comments on A's position that she "*allege*[s] *malice, conniving with Mr Ladsky*". In addition to the above, A cites the following previously redacted text as providing additional support to her position. Also, as reinforcing her position that the reason R (and supporters) want to keep the "*crime reports*" as they are is to use them as justification for continuing to take retaliatory actions against her (for no other reason than her refusing to accept injustice by 'daring' to stand-up and fight for her rights) - either directly or by other parties who have access to R's reports – by portraying her as an 'anti-social', "*racist*", "*anti-Semite*" element, with "*mental issues*":

(1) The claim that there is "***No suspicion of false reporting***": 'Primary Investigation Details: 6', **B3/T2/435; WS2 § 23/282**. (When A raised this during the 29.07.11 hearing, asking how R could claim this given that it had *never* contacted her in relation to the 'complaint', it led R's Counsel to look at Master Eyre).

(2) The claim that the "*Victim considers himself intimidated*": 'Primary Investigation Details: 4', **B3/T2/435**, and the answer to the question: 'Vulnerable/Intimidated Victim?': "*Y*": 'Victim Details', **B3/T2/429**. This claim is hilarious considering what ADL has done and instigated against A (and fellow leaseholders) since 2002: **WS2 § 21/281.**

(3) The statement that: "[ADL] *states that Ms Rawé is Franco-German as is well aware he is Jewish*": 16/03/07-19h07 entry, **B3/T2/438**. A did not know that ADL said to be Jewish until R's e-mails of 16.03.07 and 20.03.07 to her website Host: **WS2 § 24 and 25/282**.

(4) The claim that ADL: "*believes he has become a target for abuse on the web site* [because he] *was involved with the business who was carrying out the repairs and improvements that were paid for with the service charge*": 15/03/2007-16h14 entry, **B3/T2/434**, and that "*About four years ago Mr Ladsky organised for refurbishment on the flats…*[and] *initiated the works*": 15/03/07-16h14 entry, **B3/T2/437**. "*Initiated*" and "*organised*" add further supporting evidence against

R's description of ADL as A's *"neighbour"* (instead of 'landlord') and expose the ploy in describing him as *"a target for abuse"*: **WS2 § 20/281**.

(5) The claim that A: *"sent faxes accusing* [ADL] *of fraud"*: 25/01/03-13h55 entry, **B3/T2/420-421**. The documentary evidence proves the falsity of this (and previously supplied text: *"accusing* [ADL] *of theft"*): **WS2 § 17/280**.

(6) The claim that: "[A] *was walking out of her flat and shouted 'Go fuck yourself!"*: 25/01/03-13h55 entry, **B3/T2/420**. This claim is false; R failed to assert / capture what actually took place: **WS1 § 34/115.**

(7) The claim that: *"the reason* [A] *is being like this* [objecting to the (fraudulent) service charge demand? / using 'abusive language'?] *is because she does not want to pay* [the demand] *sent by the managing agents"*: 25/01/03-13h55 entry, **B3/T2/440**. The falsity of this claim is proven by irrebutable evidence: (i) the London Leasehold Valuation Tribunal ('LVT') told A (and fellow leaseholders) to *not pay* the service charge demand until it had issued its report and it had been implemented; (ii) the demand was fraudulent: **WS2 § 17(1)/280**.

(8) The statement that: "[A] *is alleged to be extremely paranoid and is said to sleep with a knife beside her bed"*: 'Primary Investigation Details: 5', **B3/T2/435**. R failed to capture the 'inconvenient' reason for A doing this: her substantiated belief that she cannot count on R for protection; a fact she had stated on her website, www.leasehold-outrage.com, at the time of 'the complaint': **WS2 § 22/282**.

(9) The claim that there are *"Numerous potential victims for this allegation"*: 'Primary Investigation Details: 4', **B3/T2/435.** This claim is not defined.

12. A asked during the Application hearing why the text had been blocked. She contends that she was not provided with the data in order to prevent her from challenging it in her Witness Statement – so that there would be no record of it – and it would be the end of the matter as her claim would be struck-out.

13. The fact that R released it confirms A's suspicion under para.10 of her Particulars that it was withholding data *"contrary to Section 7(1)(b)(c) of the DPA"*. It disproves R's claim under para.25 (and para.12) of its Defence that it had released data to her *"to the*

extent required and/or permitted under s.7(4) DPA. The MPS notes the Claimant "suspects" that it is contrary to s.7(1) DPA; to the extent that it is an allegation, it is denied". (R repeated the earlier part of its claim under para.15 of its Application).

14. There still remains some redacted text, in relation to which, in the light of the above, A suspects is being withheld from her in breach of her rights under s.7(1) of the DPA.

15. Further, in its 22.07.11 version, R failed to supply several important pages from each of the *"crime reports"* – pages that were redacted in the July 2009 version. (Other pages are also missing):

    i. 'Victim summary': 2002;

    ii. 'Suspect Summary': 2003; 2007;

    iii. 'Suspect Details' (2 pages): 2003; 2007 which, on the July 2009 version, states: 'How victim knows suspect?': *"Neighbour of victim"*;

    iv. 'Suspect Elimination – Officer's Notes': 2003; 2007;

    v. 'Classification' (2 pages): 2002, which (July 2009 version), states: 'Method': *"By person unknown making nuisance phone calls"*; 2003, which (July 2009 version) states: *"Substantiated Offence of Harassment"*; 'Confirm?': *"Y"*;

    vi. 'Main classification: 2007, which (July 2009 version) states: *"Substantiated Racial Incident"*; 'Confirm?': *"Y"*. Also: *"A web page has been created which is alleged to contain anti-Semitic, anti-Black, anti-Asian pictures and text"*;

    vii. 'Messages'; 'Memo' (2 pages); 'Supervision' (2 pages) – are missing from the 3 reports.

Jul 09 version: 2003: 2007

Jul 09 version: 2002; 2003; 2007
July 11 version: 2002; 2003; 2007

5. The Orders

16. **06.10.11 Order: "[A]** ***claim…under the Data Protection Act 1998…ha*****[s]** ***no real prospect of success for the reasons set out in the First Defendant's Defence*****. [It is]** ***as the Master said in his reasons, misconceived and unfounded"***.

17. In the light of this, the following deals with the Reasons in the 09.08.11 Order and refers to: R's Defence of 23.05.11 (under **B1/8/11**), and its 30.06.11 Application to have A's claim struck-out (under **B1/11/95**).

18. **Reason 1** – ***"The Claimant is the tenant of a Mr. Ladsky, who lives in the same block of flats. She describes herself as being of Franco-German origin, and he describes himself as Jewish"***

19. A contends that in the exercise of his discretion the learned Master has stated these facts as the 1st Reason in order to 'set the scene' for Reasons 3 and 4 which endorse R's malicious portrayal of A, in particular in the 2003 and 2007 *"crime reports"*, as waging some kind of vendetta against ADL – with the outcome of supporting R's portrayal of ADL as 'the victim'.

20. The learned Master has failed to take into account at all the fact that in the 3 *"crime reports"* R falsely describes ADL as A's *"neighbour"*, when the accurate definition is: landlord: **WS1 § 18-21/106-107**. (Particulars: 8.b, 9.d, 1.1.2.1 k, v). During the hearing, he dismissed A's protest by stating: *"He is your neighbour, isn't he?"*

21. This misleading description which, under para.13 of its Defence, R asserts has *"negligible effects"*, is in fact the foundation on which the majority of the content of the 2003 and 2007 *"crime reports"* relies - as does much of the 2002 report e.g. (i) the report entry of 25/01/2003-13h55, **B3/T2/420-421**, states: "[A] *seems to think that* [ADL] *is behind the company that sent letters asking for money"*: **WS1 § 19-21/106-107**; (ii) the 15/03/2007-16h14 entry, **B3/T2/434**, re. ADL being *"a target for abuse"* (detailed above, under section 4): **WS2 § 20(2)-(4)/281; WS1 § 76/127**.

22. Had the learned Master taken A's irrebutable evidence into account he would and should have reached the conclusion that in processing this data R is breaching A's rights under the DPA by breaching its s.4(4) *"duty"* in relation to the DPP3 and DPP4 requirements under Pt I of Sch.1 and, in relation to the latter, as a result of its – A contends: deliberate - failure to meet the requirements under para.7 of Pt II of Sch.1. A also refers to s.70(2) of the Act: *"Data are inaccurate if they are incorrect or misleading as to any matter of fact"*.

23. **Reason 2** – ***"In 2002, there were proceedings before the Leasehold Valuation Tribunal which have left the Claimant with a burning sense of grievance towards***

Mr Ladsky: indeed, she has recently described him as "that evil, greed-ridden monster""

24. The learned Master did not state during the 29.07.11 hearing that: "[A] *was left with a burning sense of grievance towards* [ADL]". This assertion is false. (Any *"grievance"* A had was towards the London LVT for failing to perform its duty by not providing her with an effective remedy). It is clear (considering also the learned Master's other Reasons) that he is making this assertion by drawing on the *false and malicious accusations and opinions of A* contained in the reports:

25. Among others, in the 2007 report that:

    (1) *"…to challenge the service charge in the leasehold valuation tribunal…actually cost* [A] *a considerably larger sum than she saved. Since then she has been extremely upset and is seeking compensation and retribution…"*: 15/03/2007-16h14, **B3/T2/434; WS1 § 62-66/123-124; § 69/125 and § 75/127**;

    (2) ADL *"has become a target for abuse because he was involved with the business carrying out the repairs and improvements…organised* [them]: 15/03/07-16h14 entry, **B3/T2/437; WS2 § 20/281**;

    (3) *"Despite the values of the flats going up a considerable amount* [A] *is still obviously not happy with what* [ADL] *initiated"*: 16/03/2007-18h56 entry, **B3/T2/437; WS1 § 76/127**;

    (4) *"…parts of* [A's website]*… are extremely insulting, alleged to be of a racial nature and* [make] *numerous references by name to the victim…"*: 15/03/2007-16h14 entry, **B3/T2/434; WS1 § 70/125**;

    (5) that A used the words *"pigs"* and *"monkeys" "as used by the Nazis to refer to Jewish people…Mr Ladsky is Jewish and believes this is what* [A] *is referring to"*: 16/03/2007-18h56 entry, **B3/T2/437; WS1 § 77/127**;

    (6) A: *"would be aware of this because she is franco-german* (sic)": **B3/T3/465; WS1 § 55/121**.

26. Examples from the 2003 report:

(1) A *"was walking out of her flat and shouted 'Go fuck yourself!'"*: 25/01/03-13h55 entry, **B3/T2/420; WS1 § 34/115**;

(2) *"this verbal abuse started in November 2002"*, and that A had done this *"approximately 3-4 times"*: 25/01/2003-13h55 entry, **B3/T2/420; WS1 § 35/115**;

(3) A *"is like this* [objecting to the (fraudulent) service charge demand? / using 'abusive language'?] *because she does not want to pay the* [demand] *sent by the managing agents"* : 25/01/03-13h55 entry, **B3/T2/440; WS1 § 38/116**; **WS2 § 17/280**;

(4) A: *"wrote letters accusing* [ADL] *of theft and fraud"*: **WS1 § 39/116-117; WS2 § 17(1)/280.**

27. R's defences - stated in relation to the 3 reports:

(1) Para.11: *"The MPS' case is that it did at all times comply with the data protection principles in relation to the Claimant's personal data"*;

(2) Paras.11(i): *"it was processed fairly and lawfully and in such a way that conditions 1* [given consent], *3* [compliance with legal obligation], *5(a)* [administration of justice] *and 6* [pursuit of legitimate interests] *from Sch.2 DPA, and conditions 1* [given explicit consent], *6* [for legal proceedings], *7(a)* [for administration of justice] *and 7(b)* [exercise of functions conferred by enactment] *of Sch.3 were met";*

(3) Under para.11(iii): *"The Claimant's personal data was accurate, adequate, relevant…"*;

(4) Under para.11(v): *"The Claimant's personal data was processed in accordance with the Claimant's rights under the DPA"*;

28. Had the learned Master taken into account A's replies in her Witness Statement and her supporting documents in relation to the above accusations and opinions of her and other claims in the reports – some of which she also raised during the Application hearing (not all, as, under CPR Pt 24, it was not meant to be a mini-trial) - he would have known that his assertion was false. Concurrently, he would, and should have

determined that R's claims of compliance with the DPA are false. Specifically, that in processing these data R is breaching:

(1) Its s.4(4) *"duty"* under Pt I of Sch.1 in relation to DPP1 and related Schs 2 and 3 – as contrary to its claims: A obviously did not give her *"consent"* / *"expressed consent"* to the processing of false, malicious data against her; processing these false data cannot be claimed to be justified for *"the administration of justice"*, *"in the pursuit of legitimate interests"*, in *"the exercise of functions conferred by enactment"*, or for *"legal proceedings"*.

A cites *Chief Constable of Humberside Police v Information Commissioner* [2009] EWCA Civ 1079 – per Carnwath L.J at [71]: *"…the data controller determines the purposes for which data are to be processed, provided that they are lawful, and subject to the "principles" set out in Schedule 1. In the case of "sensitive" data such as data about convictions…, those conditions require compliance with at least one of the conditions in Schedule 1 and one of the conditions in Schedule 3"*.

She also highlights the Metropolitan Police Authority's letter of 11.07.02 to A, stating: *"the police…must only act on the basis of established facts"*: **B3/T3/457**.

(2) DPP2 under Pt I of Sch.1; DPP4 under Pt I of Sch.1, and para.7 of Pt II of Sch.1 by *totally* failing to challenge ADL on *any* of his false, malicious accusations against A and opinions of her, and by adding its own defamatory opinions of her; DPP6 under Pt I of Sch.1 by *totally* ignoring A's rights. A also highlights s.70(2) of the Act.

29. As to the last part of the Reason that A described ADL as *"that evil, greed-ridden monster"* - which A contends has clearly been stated in order to add weight to the false assertion - A refers to the evidence she *supplied* under: **WS1 § 32/114, § 42(1)(5)(6)/117-118, § 57/121-122, § 63/123-124, § 65/124; WS2 § 6-9/276 and 277.**

30. These cover: ADL's repeated fraudulent demands (to this day); repeated threats of forfeiture in response to A 'daring' to challenge the fraudulent demands, and threat of bankruptcy; repeated fraudulent claims, followed on one occasion by an 'offer' of £6,350 (v. the £14,400 demanded) (and then resending the demand in spite of the offer

Snapshot in My Diary 22 Nov 08

- Protection from Harassment Act
- Elderly Resident
- Resident Assoc.
- Other Residents
- Resident K
- Nucleus CAB

being accepted and paid); on another occasion, followed by a notice of discontinuance of *"all"* the claim against A; his typical harassment and persecution tactics of A (and of any other leaseholder who 'dares' stand-up to him, as well as anybody who 'dares' help the leaseholders); his false, malicious accusations to A's employer, eventually leading her to lose her job – added to his equally false, malicious complaints to R: **WS1 § 6-12/103-105, § 27-45 /113-119, § 46-84/119-129**.

31. In A's world, a person who does that is an *"evil, greed-ridden monster"* to which A adds: extremely cruel, vicious, sadistic, and without an iota of humanity.

32. **Reason 3 – *"There followed various incidents resulting in -- among other – these complaints to the police"***

33. The learned Master's statement *"there followed* [from the Tribunal's proceedings (in 2003), Reason 2 above] is incorrect as major, prior events took place. They include A's 2002 complaint, and ADL's 2003 'complaint'. As to describing them as *"various incidents"*, it falsely infers that there were of little significance. Considering what actually took place, A contends that the learned Master's aim was to avoid undermining his subsequent Reasons that relate to / refer to ADL.

34. Main events that took place:

    (1) In February 2002, within days of challenging the managing agents about the intention to build a penthouse flat, A suffered harassment from ADL: CR:5604102/02, **B3/T1/284** and **B3/T2/383; WS1 § 22-26/107-113**.

    (2) In July 2002, the managing agents sent A and fellow leaseholders an unsupported global service charge demand of £736,200 for the *"major works"*; A's 'share' was £14,400; (A's belief that the demand was fraudulent: **B3/T6/705; WS1 § 38/116,** proved to be correct e.g. 21.10.03 'offer': **B3/T5/678 & 681; WS1 § 63 and 64/123-124)**.

    (3) As the demand caused a 'mini-revolt' among the leaseholders, ADL-managing agents filed a 07.08.02 application with the London LVT to: *"determine the reasonableness of the global sum demanded"*: **WS1 § 39(3)/117 and § 69/125**.

(4) In October 2002, ADL had his solicitors, Cawdery Kaye Fireman & Taylor (CKFT), threaten A with forfeiture and contacting her mortgage lender if she failed to pay immediately the £14,400 demanded: **B3/T6/709; WS1 § 65/124**.

(5) Ignoring the Tribunal's 29.10.02 pre-trial hearing direction to the leaseholders to *not pay* the service charge until it had issued its determination (it did on 17.06.03) and it had been implemented, ADL, (who attended the hearing claiming to be *"just a tenant"*), had CKFT file a 29.11.02 claim against A (and 13 other flats), asking for payment of the July 2002 demand: **B3/T5/675; WS1 § 42(1)/117**. (The outcome of the bullying and intimidation tactics was that the majority of the leaseholders paid the full amount demanded: letter to A from the Institute of Chartered Accountants for England & Wales: **B3/T6/728; WS1 § 42(2)/117-118**).

(6) To prevent the leaseholders from challenging the application, the managing agents ignored the Tribunal's pre-trial directions to supply the leaseholders with the required documents. They and ADL's surveyor also lied repeatedly to the Tribunal in communications, including Expert Witness reports by, among other, vehemently denying that the works entailed the construction of a penthouse flat: **WS1 § 42(3)(4)/118.**

- Expert Witness reports: 13.12.02; 24.02.03
- Brian Gale – Mansell's Nov 04 'Description of the works'

(7) Following A asking the Tribunal how could a non-existent company file and pursue an application in the Tribunal, given that the landlord, 'Steel Services', had been *"Struck-off the* [British Virgin Islands Register] *for non-payment of the licence fee"*, ADL had CKFT send A a 28.11.02 letter demanding payment of *"substantial damages"* and threatening proceedings, by falsely accusing her of making defamatory comments against ADL: **B3/T6/711-713**; **WS1 § 39-41/116-117** (false accusations ADL also made to R in his January 2003 'complaint': **B3/T2/440, WS1 § 39/116-117; WS2 § 17(1)/280**).

35. As evidenced by the above references, A had supplied this evidence in the context of her response to R's Application (bar, of course, the 'WS2' references).

36. **Reason 3(1) – *"2002: The Claimant asked the First Defendant to investigate anonymous telephone-calls to her number, for which she believed that Mr. Ladsky was responsible. The First Defendant duly investigated the matter, concluded that***

there were no grounds for pursuing the complaint, and informed the Claimant accordingly"

37. The learned Master is repeating, what A contends, is R's false assertion under para.8 of its Defence and para.10 of its Application that it "*investigated*" A's complaint: **WS1 § 23/107 and § 25/111**. In supporting this assertion the learned Master has failed to take into account at all the following facts and matters (supported by documentary evidence) – triggered by A's insistence that the perpetrator of the anonymous phone calls be identified:

    (1) in relation to the phone calls made from a mobile phone: R's concocted excuses, explanations and 'story' to ultimately attribute the calls to the resident: 20/03/2002-13h51 and 26/03/2002-13h23 entries, **B3/T2/399; WS1 § 24(2)/108**;

    (2) the also, clearly fabricated story to claim that the calls made from a landline number were likewise made by the resident: 22/05/2002-14h32 entry, **B3/T2/405 & 406; WS1 § 24(4)(5)/110-111; WS2 § 10(1)/277**;

    (3) claiming in the report, 'Method' page: "*By person unknown making nuisance phone calls*"; 'Elimination – Reason for elimination': "*No evidence*": **WS2 § 14/282**;

    (4) entering A's number as the landline number (R had initially claimed that her BT voicemail had been "*calling* [her] *number by mistake*": 22/02/2002-14h31 entry, **B3/T2/396; WS1 § 26(2)/112**;

    (5) more than 1 month later, entering a 3rd number (British Telecom had identified only 2 numbers: a mobile phone and a landline phone): 28/03/2002-12h44, **B3/T2/402; WS2 § 11/278**;

    (6) R's attitude when A demanded that her complaint be investigated, including R stating: "*You won't be able to prove a link with Andrew Ladsky*": **WS1 § 24(2)(g)(h)/109-110 and § 25/111-112**.

38. A gives this as additional support to her position, (commented on under Reason 5 that she "*allege*[s]…, *conniving with Mr Ladsky*") of R's complicity with ADL. (Particulars, para.19).

39. The learned Master also failed to take into account at all R's failure to record material communications (verbal and written) - because they undermine its report: **WS1 § 24 and 25/107-112.** Under para.13 of its Defence, R claimed that: *"the DPP does not require it to (a) record every piece of information, (b) information according to A's preferences"* - v what it states under para.6 of its Application: *"All the details* [supplied] *must be recorded…"*: **WS1 § 131/140**. And, under para.22 of its Defence, that: *"no rectifications, deletions or amendments are required"* (in response to the para.7 of the Particulars).

40. A contends that, had the learned Master taken the above into account, he would and should have determined that in processing these data R is breaching its s.4(4) *"duty"* under the DPA by breaching the requirements of DPP3 and DPP4 under Pt I of Sch.1 and, in relation to the latter, para.7 of Pt II of Sch.1 – and it stemmed from covering up the evidence with the (intentional) outcome of undermining the credibility of A's complaint. A also refers to s.70(2) of the Act.

41. Further, the learned Master should have also challenged R on its failure to act as per its claim in its Application that *"all the details must be recorded in a Cris"*.

42. The learned Master also failed to take into account at all R's assertion under the 08/04/2002-14h32 entry, **B3/T2/402**, that ADL: *"has not been the subject in any Cris reports"* v its claims:

- Elderly Resident
- Resident Assoc.
- Other Residents
- Resident K

(1) The entries under 18/02/2002-18h53, **B3/T2/392**, and 26/03/2002-13h23, **B3/T2/399**, (which were redacted in the July 2009 version) identify that other residents had complained of repeatedly suffering harassment from ADL, hence: offences under the Protection from Harassment Act 1997. In addition, A reported this to R at the time, including identifying 4 residents by name: **WS1 § 24(1)(2)(e) and § 26(3)-(5)/107**.

(2) Under: para.5 of its Application, R states: *"Cris is used to store information on crimes reported to the police…"*; under para.6: *"All the details* [supplied] *must be recorded"*; under para.8: *"…The reasons for initially recording that a person is a suspect are wide and varied, and are often a matter of the subjectivity of the witness. In carrying out investigations officers will always be aware of the subjectivity and as such will keep an open mind"*.

43. In the light of the above, A contends that the question that should have been asked of R, 'the police', is: How does it explain its readiness to process – without *any* challenge whatsoever – and *without giving A the right to defend herself* (see below) – *any* accusation against her and opinion of her in *"crime reports"* when ADL is the 'complainant' and, in the process, endorse them fully (e.g. *"No suspicion of false reporting"*) - v its failing to record *any* of the leaseholders' reporting of harassment by ADL, including A's complaints in October 2010 (see below)? A gives this as additional support to her position, (commented on under Reason 5 that she *"allege*[s] *malice, conniving with Mr Ladsky"*) of R's complicity with ADL.

- Elderly Resident
- Resident Assoc.
- Other Residents
- Resident K
- Nucleus CAB

44. Had A been supplied with the (still redacted) 22.07.11 version of the report at the time of writing her Witness Statement, she would have also highlighted the additional evidence in support of her position that making harassment phone calls to leaseholders who 'dare' stand-up to him, and anybody who 'dares' help leaseholders, is one of ADL's typical intimidatory and harassment tactics: point 7 of the 19/02/2002-18h53 entry, **B3/T2/392; WS2 § 5(1), 6(1) and 9/276.**

45. Re. *"Note 2 - Particulars of Claim § 30 to 47"*: A points out that her Witness Statement in response to R's Application of 30.06.11 is dated 19.07.11 – not 27.06.11.

46. **Reason 3(2) – *"2003: Mr. Ladsky complained to the First Defendant that the Claimant had used abusive language towards him when they were at the premises. The Claimant admits having been irritated by a comment made to her by Mr. Ladsky as they passed each other, and says - though without the least sign of shame - that she reacted by using the most disgusting and undignified language towards him…"***

47. In stating this the learned Master opted to totally ignore A's response: **WS1 § 34/115**, preferring to rely on R's entry under 25/01/2003-13h55, **B3/T2/420** - which fails to reflect what actually took place – which is that, on coming out of the block, A saw ADL standing by the lift but pretended to not see him. He provoked her by telling her: *"Better luck next time"* followed by a sarcastic laugh. A assumed he was referring to the impending London LVT hearing and that he had it 'sewn-up'. (Subsequent events proved A's assessment to be correct: **WS1 § 64/124**). (The previous month, A found ADL standing by the door to her flat. He told her, with a lot of venom in his voice: *"I am going to get you this year!"*: **WS1 § 34/115**).

48. Had the learned Master taken A's reply into account (which she repeated during the hearing), he would and should have determined that, in processing the data R is breaching its s.4(4) *"duty"* under the DPA by breaching: the DPP1 requirements under Pt I of Sch.1 and related Sch.2; DPP3, DPP6, and DPP4 under Pt I of Sch.1, and, in relation to the latter, para.7 of Pt II of Sch.2 - by failing to take reasonable steps to assert the accuracy and adequacy of the data and thereby ensure fairness. A also refers to s.70(2) of the DPA.

49. Further, (as A reported in her initial (hurried) 07.08.11 reply to the Draft 09.08.11 Order: **B2/17/250**), during the 29.07.11 Application hearing, the learned Master did *not* ask A whether she felt *"ashamed"*. Had he done so, A would have replied as *"ashamed"* as ADL and his aides who repeatedly lied to a tribunal: **WS1 § 38/116 and § 42(3)/118**, and 2 courts: **WS1 § 42(1)(2)/117-118, § 42(5)/118 and § 63/123-124**; abused the police service by making false, malicious accusations against A in 2003 and 2007; subjected her to extremely distressing events, some of which are listed under the introduction to Reason 3, above, that destroyed her life, made her lose her job, as well as a very large part of her life savings. The learned Master had most of this information available at the time.

- West London County Court in 2002-04 and 2007-08;
- Wandsworth County Court in 2004

50. **Reason 3(2) - *"…The First Defendant took the matter no further."***

51. The conclusion of the learned Master is wrong as he failed to take into account at all the fact that R processed a false *"crime report"* of *"Substantiated Offence of Harassment"* against A (Particulars, para.20), and it subsequently 'recycled' and, in the process, endorsed the accusation in its 2007 report – as evidenced by the following:

    (1) A is falsely portrayed in the 2003 report as having a history of using abusive language towards ADL: *"this verbal abuse started in November 2002"*, and that she had done this *"approximately 3-4 times"*: 25/01/2003-13h55 entry, **B3/T2/420; WS1 § 35/115**. This false claim was made with the objective of making an offence of harassment 'stick' against A: **WS1 § 35/115**.

    (2) The *"Substantiated Offence of Harassment"* was processed *before* contacting A, as the first she heard of 'the complaint' was in R's letter of 27.01.03: **B3/T3/459**, stating that the complaint had been *"fully recorded"*; warning A of *"further*

consequences if [she] *confronted* [ADL]". It was signed *"Crime Investigator"*: **WS1 § 30/113-114 and 33/114**.

(3) On the day R received A's reply of 11.02.03 in which she asked for *"precise detail – in writing – of the accusation against me"*: **B3/T3/461; WS1 § 32/114**, R closed down the report, falsely stating under the 12/02/2003-10h44 entry, **B2/T2/423**, that A had failed to respond: **WS1 § 6/103, § 32/114, § 43/119 and 44/119.** The 06/02/2003-11h06 entry, **B2/T2/423**, also falsely states: *"have attended nrrk have left note for susp to call me"*: **WS1 § 43/119**. A never found a *"note"*.

(4) In spite of the 2003 report stating that A had been *"Eliminated"*, **B3/T2/418**, in the 2007 report, under the 16/03/2007-19h07 entry, **B3/T2/438**, R repeated and, in the process, endorsed the false accusation by stating: *"it shows Ms Rawé used to swear at Mr Ladsky when seeing him in the communal area"*: **WS1 § 80/128 and § 82/128** (Particulars, para.21.d)

52. R's defences (in addition to those stated under Reason 2, above):

(1) Para.23: *"Processing of the 2003 report is not unlawful; it does not accuse the Claimant of anything; it records accusations made by another individual. The complaint was properly recorded as harassment"*.

It is crystal-clear that R – unlawfully - accuses A of an offence of harassment under the Protection from Harassment Act 1997, and irrebutable proof is provided by the fact that it 'recycled' it and, in the process, endorsed it, in the 2007 report.

(2) Para.23: *"KCP* [Kensington & Chelsea Police] *did not deny the Claimant "the right to defend herself against the accusations and opinions of her""*, and *"It is admitted that the MPS has not responded to some of the Claimant's written requests for precise details of the complaints against her. It is not required by the DPA to do so"*.

R *did* deny A the right to defend herself against the accusations as: (i) it processed the report as a *"Substantiated Offence of Harassment" before* contacting A; (ii) it threatened her in its 27.01.03 letter that she had 'better shut-

up' or *"there would be further consequences"*, signing it *"Crime Investigator"*; (iii) it failed to respond to her 11.02.03 letter; (iv) it closed down the report on the day it received it.

(3) Para.23: *"The MPS is unable to comment on the alleged falsity of Mr Ladsky's claims or on their allegedly being malicious or misleading"*. This excuse by 'R', 'the police', is outrageous.

In addition to the above, other examples of false accusations in the 2003 report are detailed under Reason 2, above.

53. Had the learned Master taken into account A's replies in her Witness Statement and her supporting documents in relation to these accusations against her – which she also raised during the hearing - he would have known that his assertion was false. Concurrently, he would, and should have determined that R's claims of compliance with the DPA are false. Specifically, that in processing these data R is breaching:

(1) Its s.4(4) *"duty"* under Pt I of Sch.1 in relation to DPP1 and related Schs 2 and 3 – contrary to its claims as: A obviously did not give her *"consent"* / *"expressed consent"*; processing these false data cannot be claimed to be justified for *"the administration of justice"*, *"in the pursuit of legitimate interests"*, in *"the exercise of functions conferred by enactment"*, or for *"legal proceedings"*.

(2) A repeats the earlier quote from Carnwath L.J. at [71] in *Chief Constable of Humberside Police v Information Commissioner*, under Reason 2, above, that while the data controller defines the purpose for which data are to be processed, the processing must be *"lawful and subject to the principles" set out in Schedule 1"*, and again cites the 11.07.02 letter to her from the Metropolitan Police Authority: **B3/T3/457**.

(3) DPP2 under Pt I of Sch.1; DPP4 under Pt I of Sch.1, and para.7 of Pt II of Sch.1 by *totally* failing to challenge ADL on *any* of his accusations; DPP6 under Pt I of Sch.1 by *totally* ignoring A's rights. A also highlights s.70(2) of the Act.

54. **Reason 3(3) – *"2007: The Claimant had by now launched her own web-site. (Note 3 - http://www.leasehold-outrage.com). It consists of a single page of nearly 50,000 words, in other words the single page is as long as some published novels…"***

55. This is irrelevant (in addition to being incorrect, as A's website contains many sections). However, it helps confirm the Master's disposition towards A.

56. **Reason 3(3)** - ***"…The page is no more than a sustained tirade against Mr. Ladsky and his supposed allies. In it, she at first referred to Mr. Ladsky and his allies as "pigs and monkeys. Mr. Ladsky, not very surprisingly in view of what he says is his racial background" took offence... The Claimant, who now says that the terms she used were not strong enough, changed the description to "morally depraved, despicable, beneath contempt scums" (sic)."***

57. The learned Master did *not* state *any* of the first 3 sentences during the 29.07.11 Application hearing.

58. In relation to the 1st sentence, A assumes that it is linked with the unsupported accusations that her website contains *"a lot of slanderous comments"* against numerous parties: 16/03/2007-18h56 entry, **B3/T2/437; WS1 § 78/127**; *"Numerous potential victims exist for this allegation"*: 'Primary Investigation Details:4': **B3/T2/435**. A responds that if her 'criticisms and accusations' (definition of 'tirade') were not justified and true, she would no doubt have had proceedings filed against her a long time ago. As to her being 'angry' (definition of 'tirade'), she leaves the court of 'Joe' 'Jo public' to judge her on that in the light of her experience since 2002 with various State parties and other parties in the professions.

59. In relation to the 2nd sentence, A can categorically assert that the learned Master's assertion is false. It is abundantly clear from the context in which A used these terms that she was referring to the individuals who were – *unlawfully* – hounding her, tracking her and monitoring her: **WS1 § 77/127**, using the dictionary definition of *"pig"* to refer to those she concluded were police-connected, and the word *"monkey"* to refer to the rest.

60. In relation to the 3rd sentence, during the hearing, as though, (in breach of CPR Pt 24), the Master was conducting a mini-trial on this particular issue, he attempted to force A to admit that ADL could have arrived at the conclusion that she was referring to him (as evidenced by his statement *"not very surprisingly"*). A denied this, stating that the objective was to falsely portray her as an anti-Semite. It was clear that the Master's objective was to gain support for the false 15/03/2007-16h14 entry, **B3/T2/434**, that

"…parts of [A's website]… *are alleged to be of a racial nature and* [make] *numerous references by name to the victim…"*: **WS1 § 70/125**.

61. As to the last part captured above (which is the 5th sentence under Reason 3(3) of the Order), A contends that this inclusion, as part of the Reasons, further confirms the masts to which the learned Master very firmly pinned his colours.

62. **Reason 3(3)** ***"…Mr. Ladsky, not very surprisingly…complained to the First Defendant, who took the matter up with the Claimant and the then web-host…"***

63. The assertion of the learned Master that R *"took-up the matter with* [A]" is false. A contends that, as with other evidence, the learned Master deliberately failed to take into account at all the fact that R *never* contacted A at *any* point in time in relation to the 2007 'complaint' (Particulars paras 5.c, 9.f and 21.a). Being so shocked by this conduct by the police, A repeated this on several occasions in her Witness Statement: **WS1 § 8/104, § 49/119-120, § 58/122 and § 84/129**. She also re-emphasised it during the Application hearing. Of note: R *failed* to address this in its Defence.

64. Instead of contacting A, R sent her website Host a 16.03.07-12h45 e-mail headed *"Website with anti semitic* (sic) *views"*: **B3/T3/462**, accusing her of having committed a crime by claiming – without any evidence in support - that, on her website she: *"use*[d] *the words "pigs and monkeys" which are racially abusive terms towards Jewish people from the Nazi's"*; that: *"This is directed at a particular person"*; and by stating: *"I am the police officer dealing with this crime. I would therefore be grateful if this site could be taken down"*: **WS1 § 49/119-120, § 53/121 and § 58/122**. (This e-mail is dealt with below).

65. Had the learned Master taken A's repeated assertion into account that R did *not* contact her at *any* point in time, he would have known that his assertion was false. A contends that the objective of this false assertion is to cover-up R's unlawful failure to contact A – and allow it 'to prove' by means of a 'court order' that 'it did' - in the expectation that the Order striking out her claim would be the end of the matter. If this is denied, A would like to know how the learned Master can back-up his assertion.

66. Contrary to what is claimed on the 'Elimination page' of the 2007 report, **B3/T2/432**, R did not even contact A to say that she had been *"Eliminated"*, as this was done through her then employer, 5 weeks after R had closed down the report – and because

A had, 2/3 days previously, given prominence to the events on her website: **WS1 § 84/129**. It amounts to another breach of the DPA by R of its *"duty"* under s.4(4) by failing to meet the requirements of DPP4 under Pt of Sch.1.

67. **Reason 3(3) – *"...After unsuccessful attempts to get the web-host's co-operation…"***

68. This assertion by the learned Master is false as he failed to take into account at all the replies from A's website Host asking for evidence in support of the accusations: 16.03.07-21h00 e-mail: **B3/T3/464** and 20.03.07-17h13 e-mail: **B3/T3/465** – but the response was clearly 'not liked'; and, evidently, this is still the case.

69. As A highlighted in her Witness Statement, like the content of R's initial e-mail to her website Host, none of the subsequent exchange of e-mails between R and the Host have been captured in the report – because 'inconvenient'. Outcome: there is *nothing* in the report to counteract the false, malicious accusations against A and opinions of her: **WS1 § 51/120, § 52/120-121, § 54/121 and 56/121**. (A again highlights R's claim under para.6 of its Application, **B1/10/95**: *"all the details* [supplied] *must be recorded"*: **WS1 § 131/140**).

70. Had the learned Master taken the evidence into account, he would not have made this false assertion, and would and should have determined that R is breaching A's rights under the DPA by breaching its s.4(4) *"duty"* in relation to DPP3 (among other legislation).

71. **Reason 3(3) - *"…, the First Defendant took the matter no further, but - again not surprisingly -- recorded it "as a racial incident and nothing more.""***

72. These assertions by the learned Master are false because he failed to take into account at all the following:

    (1) R could not *"take the matter further"* in relation to A's website because it could not back-up *any* of its accusations and, to this day, has failed to do so – because they are false: **WS1 § 83/129**.

    (2) The fact that R backed down in its follow-on e-mail of 20.03.07 – as a result of being challenged by A's website Host – leading R to state: *"there is nothing we as a police force can do except class it as a racist incident"*: **B3/T3/465** (v. the previous e-mail of 16.03.07 *"I am the police officer dealing with this crime"*. If

A had 'committed a crime', who else but the police 'could do' something about it?) – while still not providing evidence in support: **WS1 § 53/121**.

(3) R's classification of the report as a *"Substantiated Racial Incident"*, *"Anti-Semitic Racial Incident"*: **B3/T2/424**, and a *"Hate Crime – Race, Religion"*: **B3/T2/425**, is based on false, malicious, outrageous, totally unsupported accusations against A and opinions of her. As R *"looked"* at A's website: 16/03/2007-18h56 entry, **B3/T2/437**, it would have been in no doubt from the 'black-on-white' evidence contained on the site that these, and other accusations were false: **WS1 § 62/123**. These accusations against A and opinions of her amount to a vicious, unlawful attack on her good name and reputation:

i. Accusation in R's 1st e-mail of 16.03.07 to A's website Host that she had committed a crime by stating: *"I am the police officer dealing with this crime"*: **B3/T3/462**, **WS1 § 49/119-120, § 53/121 and § 58/122**.

ii. In the said e-mail and subsequent e-mail of 20.03.07, in effect branding A *"a Nazi"* on the grounds of her Franco-German origin: **B3/T3/462-465; WS1 § 49-55/119-121**.

iii. Accusation that A: *"created a website which is alleged to contain anti-Semitic, anti-Black, anti-Asian pictures and text"*: 'Classification', **B3/T2/433.** No evidence has been supplied in support of this accusation: **WS1 § 68/125**.

iv. Accusation that: "[In] *My Diary" 2002-2007. The specific racist remarks and pictures that are being complained about are contained throughout…"*: 15/03/2007-16h14, entry, **B3/T2/434**. No evidence has been supplied in support of this accusation: **WS1 § 71/125-126**.

v. Accusation that A had used the words *"pigs"* and *"monkeys" "as used by the Nazis to refer to Jewish people during the holocaust"*: 16/03/2007-18h56 entry, **B3/T2/437.** No evidence has been supplied in support of this accusation. As stated earlier, it is crystal-clear from the context in which these words were used that this accusation is false: **WS1 § 77/127**. These and related outrageous accusations were, and continue to be a source of great distress to A as she would *never* do such a thing: **WS1 § 50, 60/120.**

vi. Accusation that "*…parts of the www.leasehold-outrage.com site are alleged to be extremely upsetting and insulting...of a racial nature and* [make] *numerous references by name to the victim…*": 15/03/2007-16h14 entry, **B3/T2/434**. No evidence has been supplied in support of this accusation: **WS1 § 70/125**. To add weight to it, the 16/03/07-19h07 entry, **B3/T3/438**, (which was redacted) states: "[ADL] *states that Ms Rawé is Franco-German as is well aware he is Jewish"*. As stated earlier, this accusation is false as A did not know that ADL claims to be Jewish until R's e-mails of 16.03.07 and 20.03.07: **WS2 § 25/282**.

vii. Claim under the 15/03/2007-16h14 entry, **B3/T2/434**, that ADL "*has become a target for abuse on the web site"* because he "*was involved with the business carrying out the repairs and improvements paid for with the service charge"*. This accusation is false. As stated earlier, it is based on false information: ADL is the landlord. Hence, he was not 'brought in'; and he "*initiated"* and "*organised the refurbishment on the flats"*, under the 16/03/2007-18h56 entry, **B3/T2/437**, add further proof of this: **WS2 § 20(2)-(4)/281**; **WS1 § 76/127.**

viii. Accusation that A is "*seeking compensation and retribution"*, under the 15/03/2007-16h14 entry, **B3/T2/434,** because of the costs incurred in challenging ADL's application in the Tribunal. This accusation is false. The reality is that ADL did not expect A to challenge his application, in spite of being unable to recoup her costs (tribunal's policy): **WS1 § 69/125**.

ix. The implication, in the 16/03/2007–18h56 entry, **B3/T2/437,** that A should have turned a blind eye to fraud because the "*works increased the value of the flats"*. This is not A's value system: **WS1 § 76/127.**

x. Accusation that A's website contains "*a lot of slanderous comments mainly directed at Mr Ladsky but also at K&C Police and even MPs, the Prime Minister and DPM. Also against solicitors and many others"*: 16/03/2007-18h56 entry, **B3/T2/437.** No evidence has been supplied in support of this accusation: **WS1 § 78/127.**

xi. In spite of the 2003 report stating that A had been *"Eliminated"*, **B3/T2/418**, the 'recycling' of the accusation in the 2003 report, and its endorsement in the 2007 report, **B3/T2/438**, stating: *"it shows Ms Rawé used to swear at Mr Ladsky when seeing him in the communal area"*: **WS1 § 80/128**. This disproves R's assertion under para.6 of its Application that *"the mere fact that an allegation is recorded on the CRIS does not mean that the allegation is treated as being true"*: **WS1 § 82/128**.

xii. The statement under 'Primary Investigation Details: 6', **B3/T2/435**, which states: *"**No suspicion of false reporting**"*, which A was *not* supplied with at the time of writing her 19.07.11 Witness Statement: **WS2 § 23/282** - but raised during the hearing (which led R's Counsel to look at the Master).

73. R also *"took the matter further"* in other ways by, among other, contacting social services to see *"if they aware of her"* claiming that A suffered from *"mental issues"* – by, it is assumed, using, among others (no doubt, R holds far more damaging data against A), its following malicious opinions of A:

(1) "[A] *is paranoid"/ "extremely paranoid"* because on her website: *"She thinks the police may be following her as well as numerous people employed by her enemies"* and *"This is not the case"*: 15/03/2007-16h14 entry, **B3/T2/434**, and 16/03/2007-18h56 entry, **B3/T2/437**; **WS1 § 72 and § 73/126**.

Snapshot in My Diary 23 May 10

In support of her position that she is being *"followed"*, A refers to **WS3**, **B2/16/203**, in which she reports, among others, some of the evidence contained on her website at the time of the 2007 'complaint'. Her Witness Statement focuses on events A has concluded involve the police and other State parties. They therefore exclude those for which she believes ADL to be the instigator, some of which are reported on her website, www.leasehold-outrage.com.

A contends that other evidence contained in the said Witness Statement such as: (i) monitoring and interference with all her means of communications: **§ 8-39**; (ii) covert surveillance in the UK: **§ 51-105**; (iii) surveillance by local uniform police officers: **§ 106-108**; (iv) being hounded and harassed by police helicopters: **§ 109-114** - add irrebutable evidence to what she had reported by

March 2007. To this she adds, among others, her experience with R in October 2010 when she tried, in vain, to report suffering harassment. (See below)

(2) "[A] *is alleged to be extremely paranoid and is said to sleep with a knife beside her bed"*: 'Primary Investigation Details: 5', **B3/T2/435.** As stated earlier, A was doing this because of her substantiated belief that she could not count on R for protection – and had stated this on her website at the time of the 'complaint': **WS2 § 22/281**; **WS3 § 61/217**.

74. And to this day, R continues to process – and use – this and the 2003 false, malicious reports against A, including having them on its system for use by numerous parties with access to its database.

75. R's defences are the same as detailed earlier on under Reason 2, with the addition of:

(1) In relation to its 16.03.07 e-mail, under para.9 of its Defence (repeated under para.12 of its Application), R states that its e-mail amounted to: "*ma*[king] *inquiries to the Claimant's website host"*, and that: "[it] *did not suggest that the Claimant was guilty of the alleged conduct"*.

This is blatantly not the case, and the 19/03/2007-17h59 entry, **B3/T2/438**: *"I am still trying to get the website closed down"* provides further proof of this: **WS1 § 50/120, § 53/121 and 56/121**.

76. Had the learned Master taken into account A's replies in her Witness Statement and her supporting documents in relation to the accusations against her and opinions of her, as well as other claims – most of which she also raised during the hearing - he would have known that his endorsement of R's actions (*"again not surprisingly - recorded it "as a racial incident and nothing more."*) was perverse. Therefore, he would, and should have determined that R's claims of compliance with the DPA are false. Specifically, that in processing these data R is breaching:

(1) Its s.4(4) *"duty"* under Pt I of Sch.1 in relation to DPP1 and related Schs 2 and 3 – contrary to its claims as: A obviously did not give her *"consent"* / *"expressed consent"*; processing these false data cannot be claimed to be justified for *"the administration of justice"*, *"in the pursuit of legitimate interests"*, in *"the exercise of functions conferred by enactment"*, or for *"legal proceedings"*.

A repeats the earlier quote from Carnwath L.J. at [71] in *Chief Constable of Humberside Police v Information Commissioner*, under Reason 2 above. A also cites again the 11.07.02 letter to her from the Metropolitan Police Authority: **B3/T3/457**.

(2) DPP2 under Pt I of Sch.1; DPP4 under Pt I of Sch.1, and para.7 of Pt II of Sch.1 by *totally* failing to challenge ADL on *any* of his false, malicious accusations against A and opinions of her, and by R adding its own false, malicious accusations against her and opinions of her; DPP6 under Pt I of Sch.1 by *totally* ignoring A's rights. A also highlights s.70(2) of the Act.

77. The learned Master should have also asked R why, in processing the 2007 (and 2003 report) it did not refer back to its 2002 report, the 28/02/2002-14h00 entry, **B3/T2/397**, which reports that A *"continues to claim that Mr Ladsky is harassing her…She believes that a deception is being practised surrounding these costs"*: **WS1 § 67/124**.

78. **Reason 3(4) – *"2010: The Claimant reported to the First Defendant that she was being followed by individuals that she believed were acting on Mr. Ladsky's instructions. The First Defendant recorded the matter, but took no action."***

79. In relation to *"recorded the matter, but took no action"*:

(1) A contends that it falsely infers that A's 2 complaints to R: 20th and 27th July 2010 man: **B3/T4/659**, and 30th June 2010 man and previous occasions man: **B3/T4/663**, were unsubstantiated / unactionable (Particulars, para.115). A contends that any fair minded, reasonable, honest individual would agree with her that she provided ample evidence for R, 'the police', to act: **WS1 § 130 and 131/140**.

(2) The learned Master failed to take into account at all the fact that A had provided irrebutable evidence, in the form of a recording and transcript, with her 14.06.11 Reply, **B1/9/84**, to R's Defence, that R lied by falsely claiming, under para.40 of its Defence that: *"PC Giles explained to the Claimant that her allegations…did not appear to constitute evidence of racial harassment. PC Giles did not accuse the Claimant of following the man. For this reason, PC Giles declined at the time to open a crime report. She noted the Claimant's complaints, but did not*

state that this would be filed as an "intelligence report": **B3/T4/668; WS1 § 128-131/139-140**.

(3) PC Giles challenged A that she feared for her safety (Particulars, para.116). How would PC Giles know how A felt?: **WS1 § 122/138**. In addition to the man circling around her, since June 2009, A has had a death threat 'hanging over her head': *"Enjoy your life. You don't have long to live"* – which R knew about, but failed to act upon: **WS1 § 98/131**.

80. The learned Master also failed to take into account at all how R treated A:

(1) In her vain attempts to get her complaints dealt with, during October 2010 she made 7 visits to her local police stations (Particulars, paras.115-125): **WS1 § 117/137, § 119-140/137-143**.

(2) On her 7th visit, the response from another officer (Sgt. Avison) to A challenging his refusal to record her complaint as a crime report was: *"We have to capture everything that is reported, but not unlawful information against people; that's a breach of the Data Protection Act"*. Considering the content of the *"crime reports"* that R is processing against her, A concluded that he was having fun and viewed the comment as a 'spit in the face': **WS1 § 138/142**.

81. European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (as set out in Sch.1 to the Human Rights Act 1998)

82. R's defences:

(1) Para.40: *"…Sgt Avison explained to the Claimant that the MPS was not required to record all information provided by the Claimant concerning Mr Ladsky… As regards paragraph 117* [PC Giles that: A had *"no evidence of racial harassment"*; *"followed the man"*; filing the report as an *"intelligence report"*], *the comments relied upon by the Claimant were in the context of PC Giles explaining to the Claimant that her allegations as explained on 20 July 2010 did not appear to constitute evidence of racial harassment."* (Followed by the denials reported above).

(2) Para.41: *"Insofar as the Claimant is dissatisfied with the MPS' handling of or investigation of her allegations against Mr Ladsky in October 2010, the proper*

course of action is for the Claimant to complain to the MPS and/or to the IPCC".

In the light of the outcome of A's experience with both (covered below): there was clearly no point her doing that: **WS1 § 143/137**.

(3) Para.41: *"In any event, it is denied that the MPS handled or investigated these allegations unlawfully or otherwise improperly."*

(4) Para.42: *"It is denied that in the circumstances the MPS' officers have acted in contravention of the Claimant's rights under the ECHR as alleged or at all. The MPS' response as regards Articles 6, 8 and 14 as set out above* (*) *is repeated as appropriate. It is further denied that the Claimant's Article 2 rights were engaged in the circumstances".*

(5) (*) Para.34, (in relation to the processing of the *"crime reports"*): (iii) *"It is denied that the Claimant's rights under Article 8 were interfered with…"*; (iv) *"…The Claimant's rights under Article 14 were not engaged".*

(6) (*) Para.35, (also in relation to the *"crime reports"*): *"The Claimant is required to prove that she suffered the humiliation, degradation, injury to feelings, additional anxiety, distressed and costs…Even if the Claimant's ECHR rights…have been breached, no award of damages should be made in these circumstances. It is denied that damages would be required to afford just satisfaction to the Claimant. Further, for the reasons set out above, the Claimant is not entitled to any of the declarations she seeks…"*

83. A contends that, had the learned Master taken into account the above evidence, including the fact that R lied in its Defence, he would and should have concluded that R's conduct amounted to a breach of A's rights under the Convention:

(1) Article 2 - by failing to protect A, a woman, from the acts of others who, in addition, has received a death threat.

(2) Article 8(1) - by unlawfully allowing others to infringe A's right to privacy i.e. by failing in its obligation to ensure the enforcement of the national law: Protection from Harassment Act 1997. (The infringement~~'s~~ of A's privacy is ongoing).

(3) Article 3 by treating A in a manner clearly intended to humiliate and debase her.

(4) All stemming from unlawful and unjustified and/or unreasonable discrimination - thereby engaging Article 14.

84. This was a continuation of the discriminatory treatment R had subjected A to since 2002 (see also below re. her s.10 Notice under the DPA and preceding correspondence).

85. A contends that the discrimination is blatant when contrasting the above treatment with how R has – and continues - to treat ADL's 'complaints' against her. As captured under para.76.e.i and ii of her Particulars, A contends that the discrimination stems from her personal characteristics: female; single; limited financial means; no influential connections; of 'no status'; a tenant v a landlord who, in addition said to be Jewish; of foreign origin, including being of part German descent (which, added to having a 'Jewish' landlord, has led R to brand her a *"Nazi");* her 'daring' to stand-up and fight for her rights by challenging ADL's unlawful service charge demands, as well as, in this context, other parties; her eventually reporting comprehensive detail of her case on her website (after 5 years of fighting).

86. A cites *R. (Carson and Reynolds) v Secretary of State for Work and Pension* [2005] UKHL 37; [2006] 1 AC 173: , per Lord Hoffman:

(1) at [14], per Lord Hoffman: *"Discrimination means a failure to treat like cases alike. There is discrimination only if the cases are not sufficiently different to justify the difference in treatment. The Strasbourg court sometimes expresses this by saying that the two cases must be in an "analogous situation": see Van der Mussele v Belgium (1983) 6 EHRR 163, 179-180, para 46"*;

(2) at [15], per Lord Hoffman: *"Article 14 expresses the Enlightenment value that every human being is entitled to equal respect and to be treated as an end and not a means. Characteristics such as race, caste, noble birth,…gender, are seldom, if ever, acceptable grounds for differences in treatment"*;

(3) at [3], per Lord Nicholls of Birkenhead: *"…the essential question for the court is whether the alleged discrimination, that is, the difference in treatment of which complaint is made, can withstand scrutiny"*.

87. **Reason 4** - ***"On 19/04/11, the Claimant brought this action to compel the First Defendant to correct its record of Incident (1), to delete its records of (2) and (3) and to compensate her for its failure in relation to (4)"***

88. In relation to R *"deleting"* its 2003 and 2007 reports (A actually wants R to 'destroy' them: Particulars, 1.1.1.2).

89. R's defences:

    (1) Para.13: *"the Claimant demanded the total destruction of the 2003 and 2007 reports because she disputed the allegations against her…The MPS is not, however, in breach of the DPA by its recording of those allegations…"*.

    (2) Para.34(ii): *"…the MPS's refusal of her requests for the destruction of the 2003 and 2007 reports were lawful"*.

    (3) Para.11(ii): *"The Claimant's personal data was obtained for a specified and lawful purpose (namely the investigation of alleged offences) and not further processed in a manner incompatible for that purpose"*;

    (4) Para.11(iv): "[It]…*is being kept for as long as is necessary for the aforementioned purpose"*.

90. As extensively demonstrated in this document, and in A's Witness Statements and supporting evidence, these reports are a web of false, malicious, vicious accusations against A and opinions of her. R cannot claim a *"legal obligation"* to process this type of data when, in fact, doing so, amounts to causing prejudice to A's rights and legitimate interests – pursuant to para.6 of Sch.2, as well as Recital 28 and Directive 14 of the Data Protection Directive 95/46/EC. Consequently, A is justified in demanding their destruction.

91. A repeats the earlier quote from Carnwath L.J. at [71] in *Chief Constable of Humberside Police v Information Commissioner*, under Reason 2, above that while the data controller defines the purpose for which data are to be processed, the processing must be *"lawful and subject to the principles" set out in Schedule 1"*.

92. And, from the same case, quotes Lord Justice Hughes at [107]: *"the proper purposes of policing include the retention of information for use by others with a legitimate*

need". Clearly – as in the case of R - parties with access to its database of crime reports cannot be said to have *"a legitimate need"* for false information.

93. A assumes that in the above quotes from para.11 (ii) and (iv), R is referring to s.29(1) of the DPA: processing of data (a) *"for the prevention or detection of crime"*; (b) *"for the apprehension or prosecution of offenders"*. She highlights the section's follow on text: that *"these purposes are exempt from the first data protection principle (except to the extent to which it requires compliance with the conditions in Schedules 2 and 3)…"*. As A has demonstrated: R has *failed* consistently to meet this requirement.

94. She also cites *R. (on the application of Alan Lord) v Secretary of State for the Home Department* [2003] EWHC 2073; at [99], per Mr Justice Munby: *"The test of necessity is a strict one. The interference with the rights conferred on the data subject must be proportionate to the reality as well as to the potential gravity of the public interests involved. It is for those who seek to assert the exemption in section 29(1) to bring themselves within it, and, moreover, to do so convincingly, not by mere assertion but by evidence that establishes the necessity contemplated by the Directive"*.

95. As R is 'so concerned' about the *"prevention and detection of crime"*: why, in the face of the very extensive amount of 'black-on-white' evidence on A's website of false accounting, fraud, harassment, malicious communications, etc. against ADL and his aides (which R *"looked at"*: 16/03/2007-18h56 entry, **B3/T2/437**) - has it failed to take action? Why, in spite of this evidence is it treating ADL as 'the victim' and - without *any* supporting evidence – treating A as 'the criminal'?

96. In relation to the last part of the Reason, to *"compensate her for its failure in relation to (4)"*, A adds: to *actually* investigate her complaints – as she captured under para.136 of her Particulars of Claim.

97. **Reason 5** - ***"The Claimant takes no fewer than 139 paragraphs to set out her case against the First Defendant alone, citing the Data Protection Act 1998, the Convention on Human Rights, the Criminal Procedure and Investigation Act 1996, the Police Reform Act 2002, the Malicious Communications Act 1988 and the Protection from Harassment Act 1997,…"***

98. Data Protection Act 1998

99. In relation to *"139 paragraphs"*: at least, A defined her Claim comprehensively – in compliance with CPR.

100. A contends that, as undeniably demonstrated by the content of this document, the learned Master totally ignored R's breaches of A's rights under the Act (Particulars, 1.1.1.1). He also ignored Recital 28 of Directive 95/46/EC which states: *"Any processing of personal data must be lawful and fair to the individual"*.

101. It also includes ignoring:

    (1) R's failure to respond to A's 02.06.10 s.10 Notice: **B1/5/49-55, B2/T3/590-656; WS1 § 109-110/135** (Particulars, paras.14 and 22);

    (2) Its repeated failure to address A's questions in her initial Subject Access Request of 28.05.09: Annex 1 to the Particulars, **B1/5/15**, including her requests to be provided with the name of parties to whom R supplied A's personal data (Particulars, para.22).

102. R's defences:

    (1) Para.16 (and 34): *"This purported notice was not valid for the purposes of s.10 DPA, because to whatever extent the MPS' processing of the Claimant's personal data caused her damage or distress, that damage or distress was not unwarranted (s.10(1)(b) DPA), and because conditions 1* [given consent] *and 3* [compliance with legal obligation] *from Sch.2 were met (s.10(2)(1) DPA)"*.

    (2) Para.34: *"The MPS' failure to acknowledge the Claimant's purported s.10 notice was not "wilful or reckless", but in accordance with the law"*.

    (3) Para.34(i): *"It is admitted that the MPS has not responded to all questions in writing by Claimant since her subject access request of 29 May 2009. It was not required under DPA or by any other law to answer these questions"*.

    R has not answered *any* of A's questions.

103. A, who is a law-abiding individual with strongly held moral principles of right and wrong: **WS1 § 13 and 14/105,** is, for obvious reasons, extremely distressed by the contents of the 2003 and 2007 reports. This distress is compounded by the fact that R: (i) has a policy of keeping reports until individuals reach 100 years of age: **WS1 §**

14/105; (ii) has demonstrated that it disregards the classification of its reports: **WS1 § 80/128**; (iii) makes its data available to numerous other parties e.g. law enforcement agencies, courts, central and local government, etc (Particulars, paras.17, 20 and 21).

104. In 2007, A was so distressed by the false, malicious, vicious accusations against her by R and the fact that it denied her the right to defend herself against them by not contacting her, added to the other attacks by ADL, that she saw her doctor, and was prescribed tranquilisers and anti-depressants: **WS1 § 50 and 60/120 and 122.**

- My 10.04.08 letter to my then GP. See also Intro My Diary 2009, sub-section 'Medical'

105. Given the content of the *"crime reports"* which R has 'deemed' A to be 'entitled to see', she is extremely worried about the data R has communicated to 3rd parties, such as social services: **WS1 § 79 and 86/128 and 129** (Particulars, para.21).

106. In its 22.07.11 version, R has also failed to provide A with several important pages from each of the *"crime reports"* – as detailed above under '4. Version of the *"crime reports"*.

107. Had the learned Master taken into account A's replies in her Witness Statement and her supporting documents in relation to the accusations against her and opinions of her in the *"crime reports"*, as well as other claims – many of which she also raised during the hearing - he would have known that his acceptance of R's claim that it did not breach s.10 of the DPA was contradicted by the evidence, and that it could not ignore A's questions; given that A raised the issue during the hearing that, in addition to pages missing in the 22.07.11 version, some text is still redacted:

(1) A's absolute right under s.10 of the Act applies also because R did not meet any of the conditions under paras 1-4 of Sch.2: A obviously did not give her consent for the processing of false, malicious data against her and opinions of her in the *"crime reports"*; R cannot claim a *"legal obligation"* to process this type of data when, in fact, doing so, amounts to causing prejudice to the rights of A and her legitimate interests – pursuant to para.6 of Sch.2 of the Act.

(2) R breached the requirements of s.10(3) of the Act by failing to respond to A's Notice – pursuant to para.8(a) of Part II of Sch.1 in relation to DDP6.

(3) R is breaching the requirements of s.7(1)(a)(iii) by failing to provide A with the name of parties to whom it has disclosed her personal data (Particulars 22).

(4) A cites *Durant v Financial Services Authority* [2003] EWCA Civ 1746; [2004] F.S.R. 28; [2004] IP & T 814, per Auld L.J:

at [27]: "[The court considers the purpose of this right as being] *to enable him to check whether the data controller's processing of it unlawfully infringes his privacy and, if so, take such steps as the Act provides, for example in section 10 to 14 to protect it"*;

at [69]: *"the purpose of the legislation…is to ensure that records of an inaccurate nature are not kept about an individual. A citizen needs to know what the record says in order to have an opportunity of remedying an error or false information"*.

(5) R is also breaching the requirements of s.7(1)(b)(i) and (c)(i) by failing to supply A with several important pages from the reports and, in all likelihood, through the remaining redacted text.

108. R's failure to respond to A's s.10 Notice was preceded by numerous attempts by A at getting her rights enforced under the DPA: **WS1 § 86-100/129-135** (Particulars, paras 14-16).

(1) An initial comprehensive reply of 13.08.09: **B3/T3/466**, supported by a bundle of 49 evidential documents: **B3/T3/504**, was followed by R's contemptuous response of 25.08.09: **B3/T3/506**.

(2) Another detailed reply on 20.09.09: **B3/T3/507**, led to another contemptuous, dismissive 22.09.09 response: **B3/T3/548**, that A had *"quite clearly express* [her] *concerns about accuracy to the MPS"* and to *"contact the Information Commissioner if* [she] *was dissatisfied with the MPS response"*: **WS1 § 90/129** (Particulars, paras 14 and 15).

The DPA does not require approaching the Commissioner. Even if approached, A could have commenced legal action: *R. (Lord) v Secretary of State for the Home Department* [2003] EWHC 2073 (Admin), at [16]: *"A letter from the* [Information] *Commissioner dated 16 August 2002 shows that the matter was at that stage still under investigation by the Commissioner. Apparently it still is.*

The letter drew the Claimant's attention to an individual's right to make an application to the courts under section 7(9) of the Act".

IPCC granted '**dispensation'** to MPS from complying with its DPA obligations by using Reg.3(1) and (2)(a) of Police (Complaints and Misconduct) Regulations 2004

(3) There followed further correspondence, with the same negative outcome, **WS1 § 91-98/129-131** – including when the complaint was referred to the IPCC which dismissed it by using totally irrelevant legislation. Like R, it also referred A to the Information Commissioner: **B3/T3/588**; **WS1 § 99-108/131-133**.

109. Human Rights Act 1998

110. The following relates to R's defences in relation to A's s.10 Notice and the *"crime reports"*. Its defences in relation to her complaints to R in October 2010 are dealt with under Reason (4), above. A's contention that R breached her rights under the HRA are detailed under paras 76 and 77 of her Particulars.

(1) Para.34: "[In not acknowledging the s.10 Notice] *neither Mr Heath of KCP* [Kensington & Chelsea police] *nor any officer or employee of the MPS acted in a way which is compatible* (sic) *with the Claimant's rights under the ECHR as alleged or at all"*

(2) Para.34(i): *"The MPS's actions did not entail "contempt" or "lack of respect", nor were they intended to humiliate and debase the Claimant. It is denied that the Claimant's rights under Articles 3 or 14 were engaged."*

(3) Para.34(ii): *"…the MPS's refusal of her requests for the destruction of the 2003 and 2007 reports were lawful. It is denied that the Claimant's rights under Article 6 were engaged: no "criminal charges" have been brought or "held" against the Claimant".*

R *is* holding criminal charges against A: (i) a "*Substantiated Offence of Harassment*" following the 2003 'complaint', which it subsequently confirmed in the 2007 report: **WS1 § 80/128 and § 82/128**; (ii) a "*Substantiated Racial Incident" "Anti-Semitic Racial Incident*": **B3/T2/424**, and a "*Hate Crime – Race, Religion*": **B3/T2/425**. Further, on 17.10.10, R told her: *"We have to keep information in case you commit an offence and end-up in court"*: **WS1 § 138(2)/142**.

(4) Para.34(iii): *"It is admitted that the Claimant's rights under Article 8 were engaged insofar as the MPS compiled and retained the crime reports. It is denied that the Claimant's rights under Article 8 were interfered with. Alternatively, such interference was minimal: it was necessary and proportionate to the MPS's legitimate objective of investigating crime"*.

(5) Para.34(iv): *"The Claimant has put forward no basis for her unfounded assertions at paragraphs 76(e) and 76(e)(i) and (ii) that the MPS discriminated against the Claimant on any grounds, as alleged or at all. The Claimant's rights under Article 14 were not engaged"*.

(6) Para.35: *"The Claimant is required to prove that she suffered the humiliation, degradation, injury to feelings, additional anxiety, distress and costs referred to in paragraphs 77 and 80. Even if the Claimant's ECHR rights (as contained in the HRA) have been breached, no award of damages should be made in the circumstances. It is denied that damages would be required to afford just satisfaction to the Claimant. Further, for the reasons set out above, the Claimant is not entitled to any of the declarations she seeks under paragraph 81"*.

111. A contends that, had the learned Master taken into account A's evidence, he would and should have concluded that R's conduct amounted to a breach of A's rights under the Convention:

112. Article 3 - by treating A, over a period of nearly 1 year in a manner entailing contempt, lack of respect, intended to humiliate and debase her.

113. Article 6(1) and (2) – by holding criminal charges against A, as these are held without being determined by a court of law, and R has denied A the right to defend herself against them: **WS1 § 6/103, § 32/114, § 43/119, § 44/119-120 and § 58/122** (Particulars, para.26).

114. Article 8(1) and (2) – by breaching A's right to respect for her private life, as well as by processing data about her that is not in accordance with the rule of law. A cites:

(1) *Rotaru v. Romania* [GC], no. 28341/95, § 43, ECHR 2000-V:

i. at [41]: *"The applicant complained that the RIS held and could at any moment make use of information about this private life, some of which was false and defamatory*";

ii. at [43]: "…[the purpose] *of the Council of Europe's Convention…with regard to Automatic Processing of Personal Data…is "to secure…for every individual…respect for his rights and fundamental freedoms, and in particular his right to privacy with regard to automatic processing of personal data relating to him" (Article 1), such personal data being defined in Article 2 as "any information relating to an identified or identifiable individual" (see Amann v. Switzerland [GC], no. 27798/95, § 65, ECHR 2000-II)";*

iii. at [46]: *"The Court points out that both the storing by a public authority of information relating to an individual's private life and the use of it and the refusal to allow an opportunity for it to be refuted amount to interference with the right to respect for private life secured in Article 8 § 1 of the Convention (see the Leander v. Sweden judgment of 26 March 1987, Series A no. 116, p. 22, § 48)"*;

iv. at [47]: *"The cardinal issue that arises is whether the interference so found is justifiable under paragraph 2 of Article 8"*; and at [1]: *"If it is not to contravene Article 8, such interference must have been "in accordance with the law", pursue a legitimate aim under paragraph 2 and, furthermore, be necessary in a democratic society in order to achieve that aim"*.

v. at [68]: *"The Court observes that the applicant's complaint that the RIS held information about his private life for archiving and for use, contrary to Article 8 of the Convention, was indisputably an "arguable" one. He was therefore entitled to an effective domestic remedy within the meaning of Article 13 of the Convention"*.

(2) *Gaskin v United Kingdom*, Application No 10454/83 - Report of the Commission, 13 November 1987, at [86]: *"In its Report under Article 31 (Art. 31) of the Convention the Commission considered that the nature of the information held in the register was the determining factor as to whether an*

interference with Mr. Leander's rights under Article 8 para. 1 (Art. 8-1) arose (No. 9248/81, Comm. Report 17.5.85, para. 56)".

(3) *Turek v Slovakia* (2006) 44 EHRR 861, at [109]: "[An individual] *is entitled also to have his good name and reputation protected"*.

115. Article 14, as the above treatment of A stems from unlawful and unjustified and/or unreasonable discrimination against her. A repeats her reasons under Reason (4), above.

116. Malicious Communications Act 1998

117. The 06.10.11 Order backs-up R's assertion under para 4(ii) of its Defence that it *"does not need and does not respond because th*[is] *statute do*[es] *not give rise to* [a] *cause of action which can be brought under Pt 7"*.

118. Why? S.1 of the Act states: *"Any person"*.

119. Under paras 38 and 12 of its Defence, R claims that "[its] *e-mails were sent in the ordinary course of an investigation into complaints made against the Claimant. They made no accusations against the Claimant."*

120. In sending its 16.03.07 e-mail (Particulars, paras 97 and 98): R's intention was clearly to scare A's website Host into closing down A's website by causing *"distress or anxiety"* - and it knew that the information was *"false"* (s.1(1)(a)(iii) of the Act). For obvious reasons, these e-mails also caused extreme distress to A: **WS1 § 50-51/120**.

121. Proof: as detailed earlier on under Reason 3(3): (i) *"I am still trying to get the website closed down"*: 19/03/2007-17h59 entry, **B3/T2/438; WS1 § 50/120, § 53/121 and 56/121**; (ii) having accused A of committing a crime by stating, in its 16.03.07 e-mail, *"I am the police officer dealing with this crime"*: **B3/T3/462; WS1 § 49/119-120, § 53/121 and § 58/122,** R backed down in its 20.03.07 e-mail, **B3/T3/465**, by stating: *"there is nothing we as a police force can do except class it as a racist incident"*: **WS1 § 53/121**.

122. Protection from Harassment Act 1997

123. The claim (Particulars paras 96-99 and 102-104) relate to the above e-mails, and because the latter e-mail still attempted to cause anxiety to A's website Host by asking

for the name of the organisation that *"deals with any complaints about websites in the US"*: **B3/T3/465**; **WS1 § 54/121**. As stated above, for obvious reasons, these e-mails also caused extreme distress to A: **WS1 § 50 and 51/120**.

124. S.1(1) of the Act prohibits an individual from *"engaging in a course of conduct which he knows or ought to know amounts to harassing, causing alarm or distress to another"*.

125. Under paras 19 and 36 of its Defence, R states that "…[its] *conduct…is incapable of amounting to harassment, as this conduct was pursued for the purpose of preventing or detecting crime (s.1(3)(a) of the Act)."*.

126. This excuse is outrageous considering the content of the e-mails. As stated earlier, they, 16.03.07 e-mail, **B3/T3/462**, and 20.03.07 e-mail, **B3/T3/465,** were very clearly intended to cause *"distress"* in order to scare A's website Host into closing down her website: **WS1 § 49/119-120, § 53/121 and § 58/122.** And the entry *"I am still trying to get the website closed down"* provides irrebutable evidence: **B3/T2/438; WS1 § 50/120, § 53/121 and 56/121.**

127. Police (Conduct) Regulations, Criminal Procedure and Investigation Act 1996 and Police Reform Act 2002: A contends that R breached these statutes in relation to its dealings with her. If A *"cannot pursue* [these breaches] *in a private claim"* (06.10.11 Order): who will take action against R?

128. **Reason 5 – *"…to say nothing of alleging malice, conniving with Mr. Ladsky, intimidation, misfeasance in public office, &c…"***

129. In relation to *"alleging malice, conniving with Mr Ladsky"*, in this document, A has already quoted this reason in the context of some of the contents of the *"crime reports"* and failure to respect her rights. Other instances can be added in relation to what is reported in this document.

130. In relation to *"intimidation"*, A cites R's letter to her of 27.01.03 under Reason 3(2), above; its 2007 e-mails; its treatment of A since her 1st contact in 2002 – including in relation to her complaints in 2010, and in the context of her Claim.

131. In relation to Misfeasance/misconduct in public office, A contends that: (i) R's conduct in relation to the processing of the *"crime reports"*; (ii) its repeated refusal to

- 20-27 Jul 10 man
- 30 Jun 10 and previous occasions man

implement A's statutory rights in relation to these reports; (iii) its 16.03.07 e-mail to her website Host; (iv) its refusal to act on her complaints of harassment – amount to misfeasance/misconduct in public office (Particulars, paras 24, 99, 104 and 135).

132. In these contexts, A contends that: (i) R misused and/or abused and/or falsely represented its power and/or rights; (ii) acted maliciously and/or recklessly towards her; (iii) victimised her and/or demonstrated unlawful and/or unreasonable discrimination against her by ignoring her rights and its legal obligations.

133. A cites *Ashley & Anor v Sussex Police* [2006] Po LR 227, [2006] EWCA Civ 1085, [2007] 1 WLR 398, per Sir Anthony Clarke MR:

at [102]: *"…the relevant principles* [for the tort of misfeasance] *can be taken from the speech of Lord Steyn in Three Rivers District Council v Bank of England [2003] 2 AC 1 at 191 to 194. The first ingredient of the tort is that the defendant must be a public officer… The second is that the defendant…must have been exercising power as a public officer…".*

at [103]: *"The third… relates to the state of mind necessary to establish the tort. Lord Steyn identified the two forms of liability for the tort at page 191E as follows: "First there is the case of targeted malice by a public officer, i.e. conduct specifically intended to injure a person or persons. This type of case involves bad faith in the sense of the exercise of public power for an improper or ulterior motive. The second form is where a public officer acts knowing that he has no power to do the act complained of and that the act will probably injure the plaintiff. It involves bad faith inasmuch as the public officer does not have an honest belief that his act is unlawful."*

at [104]: *"Lord Steyn then considered whether subjective recklessness was sufficient, both as to the lawfulness of the act and as to its consequences. He held that it was. As to the lawfulness of the act, he concluded (at page 193D) that reckless indifference to the illegality of the act was sufficient and, as to the consequences, he said (at page 196C) that recklessness of the consequences of the act, in the sense of not caring whether the consequences happen or not, was sufficient".*

at [105]: *"The fourth… is that of causation, as Lord Steyn indicated at page 194B-C. Lord Steyn also stated that it is not necessary for the claimant to establish a further*

ingredient in the form either of a duty owed to the claimant or of a right of the claimant being infringed: see page 193E-H".

at [106]: (Quoting from a judge): *"The tort can be committed by an act or omission: Three Rivers. Failure to act can only amount to misfeasance when an officer is under a legal obligation to act. The tort is not directed at the officer who inadvertently or negligently fails adequately to discharge the obligations of his office. It has to be deliberate breach or disregard of his duty coupled with a reckless disregard for the interests of those who might be affected by his acts."*

134. **Reason 5 – *"…She claims for various forms of relief, including some £70,000 in damages."***

135. A contends that her claim of £66,936.61, at 19.04.11, under Annex 2 to the Claim, which includes £48,000 for damages, is very modest considering what A had been subjected to by R by then: paras 68 and 69 of the Particulars.

136. R's defences (in addition to para.35, quoted earlier on, in relation to the HRA):

(1) Para.32: *"The Claimant is not entitled to any of the relief she seeks as detailed at paragraphs 23-27. In particular":*

i. *"Even if the MPS were found to have acted in breach of any of its obligations under the DPA, s.13 only allows for the recovery of pecuniary loss: see Johnson v Medical Defence Union Ltd [2007] EWCA Civ 262. The Claimant is required to prove that she suffered any such loss as a result of acts or omissions of the MPS."*

ii. *"The Claimant is not entitled at common law to "aggravated damages and /or exemplary damages", whether for "malpractice and /or misconduct in public office and /or misfeasance in public office" as alleged in paragraph 24 or at all."*

iii. Para.39: *"The Claimant is required to prove that she suffered the anxiety, distress, embarrassment and inconvenience referred to in paragraph 104. The Claimant is not entitled (whether at common law or under the Protection from Harassment Act 1997) to "aggravated damages and /or*

exemplary damages", whether for misconduct in public office or misfeasance in public office" as alleged in paragraph 104 or at all."

iv. Para.44: *"For the reasons set out above, the MPS has not breached any of its legal obligations as alleged or at all. It is denied that the Claimant is entitled to any damages. As regards the Claimant's claims for damages as set out at paragraphs 137-139, the MPS repeats its responses above as appropriate."*

137. In relation to *Johnson v Medical Defence Union*, the court held that compensation for distress may be awarded for distress arising from the occurrence giving rise to the right to damages i.e. where damage has been suffered, the data subject may also claim for any associated distress.

138. A cites *Ashley & Anor v Sussex Police* [2006] Po LR 227, [2006] EWCA Civ 1085, [2007] 1 WLR 398, Sir Anthony Clarke MR:

(1) at [10]: *"It was agreed that aggravated damages are also compensatory in nature and are paid for the shock, distress, outrage and similar emotions experienced by the appellants caused by any aggravating or alleged aggravating features of the case, including humiliating circumstances…, and/or any conduct or alleged conduct which shows that those responsible behaved in a high handed, insulting, malicious or oppressive manner"*.

(2) at [11]: *"It follows* [appeal to the House of Lords in relation to *Watkins v Home Office* [2004] EWCA Civ 966, [2005] QB 883] *that … in* [a] *misfeasance* [claim]*…the court* [can] *award exemplary damages…* if [it can]*…establish that* [the claimants]*…have suffered damage in respect of which they are entitled to compensatory damages"*.

As detailed above, A has demonstrated that she has suffered damage.

139. A cites *Kuddus (AP) v Chief Constable of Leicestershire Constabulary* [2001] UKHL 29, [2001] 2 WLR 1789, [2001] 3 All ER 193, (2001) 3 LGLR 45, [2002] 2 AC 122:

(1) at [5]: *"In Rookes v Barnard [1964] AC 1129, 1223 Lord Devlin: at pp 125-1226 that there are certain categories of cases in which an award of exemplary damages can serve a useful purpose in vindicating the strength of the law and*

thus affording a practical justification for admitting into the civil law a principle which ought logically to belong to the criminal."

"The first category is oppressive, arbitrary or unconstitutional action by the servants of the government…Where one man is more powerful than another… and if his power is much greater than the other's, he might, perhaps, be said to be using it oppressively. If he uses his power illegally, he must of course pay for his illegality in the ordinary way;

"[p 1227] - a plaintiff can only recover exemplary damages if he is "the victim of the punishable behaviour" . [p 1228] - "Everything which aggravates or mitigates the defendant's conduct is relevant."

(2) At [6]: *"It is equally accepted by the parties that exemplary damages are not precluded by the fact that aggravated damages may be awarded."*

140. A cites *Watkins v Secretary of State for the Home Office Department and others*, [2006] UKHL 17, per Lord Bingham:

(1) at [7]: *"It was common ground, in the light of the decision of the House in Kuddus v Chief Constable of Leicestershire Constabulary [2001] UKHL 29, [2001] 3 All ER 193, [2002] 2 AC 122, that exemplary damages could in principle be awarded where misfeasance in public office was established."*

(2) at [9]: *"…the primary role of the law of tort is to provide monetary compensation for those who have suffered material damage…"*

(3) at [26]: *"That exemplary damages may be awarded where a compensatory award is insufficient to mark the court's disapproval of proven misfeasance in public office, and deter repetition, is, as already noted, accepted."*

141. **Reason 6** - ***"Counsel for the First Defendant points out that:" "(1) On the authorities, there is as a matter of general principle no right to bring a private-law action in relation to a breach of statutory duty." "(2) Even if this could be viewed as a possible private-law action for breach of statutory duty, it would be clear for all of the reasons set out in the First Defendant's Defence that the Claimant's allegations are misconceived and unfounded."***

142. **Reason 7** – ***"There can be no answer to those objections."***

143. A contends that the decision by the learned Master to endorse R's blanket denial of its obligations under the above statutes is perverse in that, on the basis of the evidence in the case, no reasonable master regardful of his/her duty to act judicially would reach the conclusion that A's *"allegations are misconceived and unfounded"*.

144. **Reason 8** - ***"However, there is also this: the action against the First Defendant amounts to no more than a most obvious attempt to re-write history, and is completely devoid of merit."***

145. This conclusion by the learned Master further confirms that he has totally failed to take into account the evidence supplied by A. A's objective is not to *"re-write history"*, but, in line with her rights, to ensure accuracy in order to 'reflect history'.

146. **Reason 9** - ***"For those reasons, the First Defendant's application must be granted."***

147. 06.10.11 Order – *"I do not consider that the appeal would have a real prospect of success, nor that there is some compelling reason why the appeal should be heard."*

148. For the above reasons: the learned Master should have dismissed R's Application – with costs; A strongly contends that she has *"a real prospect of success"*, and that the *"compelling reason"* is detailed throughout this document.

149. If not addressed, for the reasons detailed in this document, the decision of the learned Master and of the Right Honourable Lady Justice will result in injustice and breach A's right to an effective remedy under Article 13 of the Convention, and under Article 22 of the Data Protection Directive 95/46/EC of the European Parliament.

Hand-delivered to the High Court Appeal Centre Royal Courts of Justice on 17th October 2011

N. Klosterkotter-Dit-Rawé

……..

APPENDIX – THE LAW

1 Relevant parts of the Data Protection Act 1998

S.1(1) – Personal data is *"data that relates to an individual"*. It includes *"any expression of opinion about the individual"* and *"any indication of the intentions of the data controller or any other person in respect of that individual"*.

S.2 – *"Sensitive personal information"* includes: (a) *"racial or ethnic origin"*; (e) *"mental health or condition"*; (g) *"the commission or alleged commission of any offence"*.

S.4(4) – (Subject to s.27(1)) *"a data controller has a duty to comply with the data protection principles"* ('DPPs').

S.7 – Provides an individual with a right of access to *"personal data"*, entitling him to know: whether a data controller is processing any of his personal data (s.7(1)(a)) and, if so: to be told what it is (s.7(1)(b)(i) and (c)(i)); its source (s.7(1)(c)(ii)); why it is being processed (s.7(1)(b)(ii)); if by automatic means, for the purpose of evaluating matters relating to him, to be informed of the logic involved in that decision-making (s.7(1)(d)); to whom the data are or may be disclosed (s.7(1)(a)(iii)). These entail, if required, redaction to protect another individual either as a subject or the source of the information (s.7(4) and (5)).

If satisfied that a data controller has failed to comply with a request, a court may order him to do so (s.7(9)). In this context, the court is entitled to inspect any relevant data or information as to the logic involved in any decision making in order to determine the case (s.15(2)).

S.10 – Provides an individual with an absolute right to submit a notice to a data controller *"to cease processing any personal data on the grounds that for specified reasons* (s.10(1)) *it is causing or is likely to cause substantial damage or substantial distress to him* (s.10(1)(a)) *and that damage or distress is or would be unwarranted"* (s.10(1)(b)). This *"applies where the data controller has failed to meet any of the conditions in paras. 1-4 of Sch.2"* (s.10(2)(a)). Within 21 days of receiving the notice, the data controller must (s.10(3)) state whether he has complied or intends to comply (s.10(3)(a)), or state his reasons for not complying with the request or parts of it (s.10(3)(b)). If the notice appears justified, the court may order him to comply (s.10.(4)).

S.13 – *"An individual who has suffered damage by reason of any contravention by a data controller of any of the requirements of the Act is entitled to compensation"*. Where damage has been suffered, the individual may also claim for any associated distress.

S.14 – If a court is satisfied that the personal data are inaccurate, *"it may order the data controller to rectify, block, erase or destroy those data and any other personal data which contain an expression of opinion which appears to the court to be based on the inaccurate data"*. It applies: *"whether or not the data accurately record information received or obtained by the data controller from a third party"*; where the data controller has failed to take reasonable steps to ensure the accuracy of the data (para.7 of Part II of Sch.1).

If all or any of the requirements have not been complied with, the court may make such order as it thinks fit for securing compliance with those requirements (s.14(2)(b)). The court *"may also order the data controller to notify 3rd third parties of the rectification, blocking, erasure or destruction of the data"* (s.14.(3)).

"If a court is satisfied that the individual has suffered damage by reason of any contravention by a data controller of any of the requirements of the Act in respect of any personal data, in circumstances entitling him to compensation under s.13, and there is a substantial risk of further contravention, the court may order the rectification, blocking, erasure or destruction of any of those data" (s.14(4)).

It may as well order enquiries to be made and data to be traced where it has been shown that the inaccurate data have been disclosed to third parties. When it makes an order, the court may consider ordering the data controller to notify third parties to whom the data has been disclosed of the rectification, blocking, erasure or destruction.

S.29(1) – *"Personal data processed for any of the following purposes"* - (a) *"the prevention or detection of crime"*; (b) *"the apprehension or prosecution of offenders"*… *"are exempt from the first data protection principle (except to the extent to which it requires compliance with the conditions in Schedules 2 and 3) and section 7 in any case to the extent to which the application of those provisions to the data would be likely to prejudice any of the matters mentioned in this subsection."*

S.70(2) – *"Data are inaccurate if they are incorrect or misleading as to any matter of fact"*.

Schedule 1 – Parts I and II

DPP1 – Personal data must be processed *"fairly and lawfully"*, meeting at least 1 of Sch.2 conditions, and for sensitive personal data concurrently meeting at least 1 of the conditions in Sch.3.

Para.1(1) of Part II stresses the need *"to have regard as to the method by which the data was obtained"*.

DPP2 – Personal data can only be processed *"for 1 or more specified and lawful purposes"*.

Para.6 of Part II states that *"in determining whether any disclosure of personal data is compatible with the purpose for which it was obtained, regard is to be had to how it is going to be processed by any person to whom it is disclosed"*.

DPP3 – The data must be *"adequate in relation to the purpose for which it is processed*".

DPP4 – Personal data must be *"accurate"*.

Para.7 of Part II states that *"having regard to the purpose or purposes for which the data were obtained and further processed, the data controller must take reasonable steps to ensure the accuracy of the data"*.

DPP6 – Personal data must be processed *"in accordance with the rights of the data subject"*.

Para.8(a) of Part II states that a data controller contravenes s.7 by failing to supply information in accordance with that section, and s.10 by failing to comply with a notice.

Schedule 2 – Conditions for processing of *"personal data"* under DPP1

Para.1 – The data subject has *"given his consent"*.

Para.3 – Processing is *"necessary for compliance with any legal obligation"*.

Para.4 – Processing is required to "*protect the vital interests of a data subject"*.

Para.5 – Processing is *"necessary"* (a) for the *"administration of justice"*; (b) *"the exercise of functions conferred by enactment"*; (c) *"by a government department"*; (d) "*in the public interest"*.

Para.6 – Processing is *"necessary"* in the *"pursuance of legitimate interests"* by the data controller or by any third party/ies – *"except where it is unwarranted by reason of prejudice to the rights and freedoms or legitimate interests of the data subject"*.

Schedule 3 – Conditions for processing *"sensitive personal data"* under DPP1

Para.1 – The data subject has *"given his explicit consent"*.

Para.3 – Processing is *"necessary"* (a)*"to protect the vital interests of the data subject or another person"*, in a case where consent cannot be given by or on behalf of the data subject, or the data controller cannot reasonably be expected to obtain consent; (b) to protect the vital interest of another person.

Para.5 – The *"data has been made public by the data subject"*.

Para.6 – The processing is *"necessary for the purpose of"* (a) *"or in connection with, any legal proceedings (including prospective legal proceedings)"*; (b) *"obtaining legal advice"*; (c) *"establishing, exercising or defending legal rights"*.

Para.7 – The processing is *"necessary"* for (a) the *"administration of justice"*; (b) *"exercise of functions conferred by enactment*"; (c) *"by a government department"*.

2 Data Protection Directive 95/46/EC of the European Parliament

The foundation of the DPA, its Recital 28 states that *"…any processing of personal data must be lawful and fair to the individuals concerned"*.

Directive 14 states that a data subject must be granted the right to *"object at any time on compelling legitimate grounds relating to his particular situation to the processing of personal data relating to him… Where there is justified objection, the processing instigated by the controller may no longer involve those data"*.

Under Article 22, that member states must provide for *"the right of every person to a judicial remedy for any breach of the rights guaranteed him by the national law applicable to the processing in question, subject only to limited grounds of exemption"*.

3 European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (as set out in Sch.1 to the Human Rights Act 1998)

Article 2 - (1) *"Everyone's right to life shall be protected by law."*

Article 3 – *"No one shall be subjected to… degrading treatment or punishment."*

Article 6 - (1) *"In the determination of any criminal charge against him, everyone is entitled to a fair and public hearing."* (2) *"Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law."*

Article 8 – (1) *"Everyone has the right to respect for his private… life..."* (2) *"There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."*

Article 14 - *"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."*

4 Malicious Communications Act 1998

S.1 – *"Any person who sends to another person- (a) a[n] electronic communication which conveys (iii) information which is false and known or believed to be false by the sender is guilty of an offence if his purpose, or one of his purposes, in sending it is that it should cause distress or anxiety to the recipient or to any other person to whom he intends that it or its contents or nature should be communicated"*. (3) *"References to sending include references to transmitting and to causing to be sent, delivered or transmitted and "sender" shall be construed accordingly."*

5 Protection from Harassment Act 1997

S.1(1) – *"A person must not pursue a course of conduct which amounts to harassment of another, and which he knows or ought to know amounts to harassment of the other."*

S.7(2) – *"Harassing a person includes alarming the person or causing the person distress."*

S.7(3A) – *"If a person's conduct is aided, abetted, counselled or procured by another, that conduct shall additionally be taken to be the conduct of the other."*

Appeal Centre
Royal Courts of Justice
Strand
London WC2A 2LL

Ms Klosterkotter-Dit-Rawé
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(Delivery by hand on 17th October 2011)

Case No: HQ11X01471 – Klosterkotter-Dit-Rawé v Commissioner of Police for the Metropolis

Appeal Application **Ref: QB/2011/0483**

17th October 2011

Dear Madam / Sir,

Request for Oral Hearing of Appeal Application

Further to the 6th October 2011 Order from The Honourable Mrs Justice Lang DBE, please find herewith attached my 17th October 2011 Request for an Oral hearing.

I will be posting this request to the Respondent, by 'Next Day - Special Delivery' today.

Thank you in anticipation of your taking the necessary steps.

Yours faithfully,

Klosterkotter-Dit-Rawé

cc. Metropolitan Police Service, Directorate of Legal Services, New Scotland Yard

HM Courts & Tribunals Service

HM Courts and Tribunals Service,
Royal Courts of Justice Group
Appeals Office
Room WG08
Royal Courts of Justice
Strand
London
WC2A 2LL

DX 44450 STRAND

T 020 7947 7354
F 020 7947 6724

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Ms N Klosterkotte-Dit-Rawe

Our ref: QB/2011/0483

Your ref:

17 October 2011

Dear Sir/Madam

Re: KLOSTERKOTTER-DIT-RAWE (APP) v COMMISSIONER OF POLICE FOR THE METROPOLIS (RES)

Take notice the Appellant's renewed application for permission to appeal will be listed on 24th October 2011.

The attendance of the Appellant is required.
The Respondent(s) may attend or submit written representations before the hearing but will not usually be awarded the costs of doing so.
If a Respondent submits written representations or other written material it must be served on the Appellant (or his/her solicitor if any) at least two clear days before the hearing.

Special arrangements can be made to provide access to the Royal Courts of Justice for those with a disability. If you anticipate any difficulty in attending any hearing please let the Listing Office know as soon as possible

Yours faithfully

Queen's Bench Appeals Office

Metropolitan Police Service
Directorate of Legal Services
New Scotland Yard
Broadway
London SW1H 0BG

Ms Klosterkotter-Dit-Rawé
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(By '*Special Delivery*')

Case No: HQ11X01471 – Klosterkotter-Dit-Rawé v Commissioner of Police for the Metropolis

Appeal Application **Ref: QB/2011/0483**

17th October 2011

To whom it may concern

Dear Madam / Sir,

Request for Oral Hearing of Appeal Application

Further to the 6th October 2011 Order from The Honourable Mrs Justice Lang DBE, please find herewith enclosed copy of my 17th October 2011 Request for an Oral hearing.

Yours faithfully,

Klosterkotter-Dit-Rawé

cc. Appeal Centre, Royal Courts of Justice

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