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VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

"Privacy in Public Places"

(2006) 65 *Cambridge Law Journal* 606

Victoria University of Wellington Legal Research Paper No. 111/2015

N. A. MOREHAM, Victoria University of Wellington - Faculty of Law

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This article challenges the orthodox view that there can be no right to privacy in a public place. It explains why it is theoretically sound to regard things which happen in public as private. It then presents a fresh analysis of English case law demonstrating first, that the courts are well-placed to protect public privacy interests (as required by the ECtHR) and secondly, that many of the criteria for ascertaining a reasonable expectation of privacy have already been articulated in the common law. It concludes that, as a minimum, individual privacy should be protected if a person experiences a traumatic or humiliating event in a public place or retreats to a secluded place.

"Privacy in the Common Law: A Doctrinal and Theoretical Analysis"

(2005) 121 *Law Quarterly Review* 628

Victoria University of Wellington Legal Research Paper No. 112/2015

N. A. MOREHAM, Victoria University of Wellington - Faculty of Law

This article examines the new English privacy action from a theoretical and doctrinal perspective. It begins by arguing that three different tests emerge from the post-Human Rights Act privacy cases. It then uses an original theoretical definition of privacy to examine the effectiveness of each of these tests and to suggest how the information-based privacy action should develop. The discussion then extends to the non-informational privacy cases and explains, firstly, why the theoretical definition of privacy must include physical privacy interests and secondly, how the English action could be extended to cover them.

"Why Is Privacy Important? Privacy, Dignity and Development of the New Zealand Breach of Privacy Tort"

Law Liberty, Legislation: Essays in Honour of Joh Burrows QC, J. Finn and S. Todd (eds) (LexisNexis, Wellington, 2008) pp. 231-247

Victoria University of Wellington Legal Research Paper No. 113/2015

N. A. MOREHAM, Victoria University of Wellington - Faculty of Law

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This chapter explains why privacy is important and how the answer to that question should inform the development of the New Zealand law of privacy. The chapter challenges the oft-held view that in order to establish a breach of privacy, a plaintiff must show that the publicity given to the information would be highly offensive to a reasonable person. It begins by examining why privacy is important on a theoretical level, showing that privacy is an integral aspect of human dignity. It then demonstrates how this conclusion should inform legal doctrine, arguing that actions protecting dignitary interests should be actionable per se and that it is inappropriate to require proof of 'offence' or of tangible harm.

"Privacy and Horizontality: Relegating the Common Law"

(2007) 123 Law Quarterly Review 373

Victoria University of Wellington Legal Research Paper No. 114/2015

N. A. MOREHAM, Victoria University of Wellington - Faculty of Law

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This piece analyses of the English Court of Appeal decision of *McKennitt v Ash* [2006] EWCA Civ 1714. It considers the Court's approach to the horizontal effect of the Human Rights Act 1998, arguing that it allowed the Act and the jurisprudence of the European Court of Human Rights to exert too great an influence on the development of the common law. The article also highlights several aspects of the decision which impact on the development of the English privacy action including the Court's rejection of the argument that a person who has revealed some information from a particular 'zone' of their lives will have a reduced expectation of privacy in relation to any other information that falls within that zone.

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The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As

Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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