

The Telegraph

Twitter reveals secrets: Details of British users handed over in landmark case that could help Ryan Giggs

Twitter has handed over the confidential details of British users in a landmark legal case.



The individuals who brought the legal action were councillors and officials at a local authority, South Tyneside Photo: ALAMY



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For the first time, the American social networking site has bowed to a court action brought by a British group complaining that they were libelled in messages.

The individuals who brought the legal action were councillors and officials at a local authority, South Tyneside.

They launched the case in an attempt to unmask an anonymous whistle-blower who calls himself Mr Monkey.

The action is believed to have cost council tax payers hundreds of thousands of pounds.

The unprecedented ruling has prompted a row over freedom of speech, with experts warning that it may lead to a flood of actions by lawyers in other cases seeking to obtain personal information about people who breach super-

injunctions or post libellous messages on Twitter.

[Archbishop defends injunctions \(http://www.telegraph.co.uk/culture/hay-festival/8543198/Archbishop-public-needs-protection-from-miasma-of-gossip.html\)](http://www.telegraph.co.uk/culture/hay-festival/8543198/Archbishop-public-needs-protection-from-miasma-of-gossip.html)

[Rob Lowe: internet shouldn't be immune to super-injunction laws \(http://www.telegraph.co.uk/culture/hay-festival/8544242/Rob-Lowe-at-Hay-Festival-internet-shouldnt-be-immune-to-super-injunction-laws.html\)](http://www.telegraph.co.uk/culture/hay-festival/8544242/Rob-Lowe-at-Hay-Festival-internet-shouldnt-be-immune-to-super-injunction-laws.html)

[Why identifying superinjunction tweeters may not be easy \(http://www.telegraph.co.uk/technology/twitter/8532683/Why-identifying-superinjunction-tweeters-may-not-be-easy.html\)](http://www.telegraph.co.uk/technology/twitter/8532683/Why-identifying-superinjunction-tweeters-may-not-be-easy.html)

[Ryan Giggs profile: from golden boy to tarnished idol \(http://www.telegraph.co.uk/technology/twitter/8532042/Ryan-Giggs-from-golden-boy-to-tarnished-idol.html\)](http://www.telegraph.co.uk/technology/twitter/8532042/Ryan-Giggs-from-golden-boy-to-tarnished-idol.html)

[Tweets about super-injunction footballer hit 30,000 \(http://www.telegraph.co.uk/technology/twitter/8528823/Tweets-about-super-injunction-footballer-spike-after-attempts-to-gag-Twitter.html\)](http://www.telegraph.co.uk/technology/twitter/8528823/Tweets-about-super-injunction-footballer-spike-after-attempts-to-gag-Twitter.html)

[Timeline: Giggs privacy injunction row \(http://www.telegraph.co.uk/technology/twitter/8531560/Timeline-of-events-leading-to-naming-of-Ryan-Giggs-as-footballer-at-centre-of-privacy-injunction-row.html\)](http://www.telegraph.co.uk/technology/twitter/8531560/Timeline-of-events-leading-to-naming-of-Ryan-Giggs-as-footballer-at-centre-of-privacy-injunction-row.html)

It comes as lawyers for Ryan Giggs, the Manchester United footballer, attempt to obtain details of individuals who named him on Twitter as the holder of an injunction to protect details of his personal life.

Until now, Twitter has resisted releasing information about its users, although its privacy policy says it will do so to “comply with a law, regulation or legal request”.

Tony Wang, the company’s head of European operations, warned last week that it would not seek to protect users’ confidential information when legally required to hand it over.

He said the most the company could do was to inform users before it released their details, to give them a chance to challenge the rulings in court.

In their attempt to unmask Mr Monkey, the South Tyneside councillors and officials went to court in California,

where Twitter is based.

They obtained a ruling ordering the company to release contact details, location information and computer addresses of the individuals behind four accounts on the website. The court granted the order after it was told, by lawyers for the council, that messages posted on the accounts had been libellous.

Lawyers for Giggs went to the High Court in London to obtain a search order against Twitter on May 20, calling on the company to release account details of those involved in breaking the injunction. The order has no legal status in the US and the deadline passed on Friday, apparently without Twitter complying.

Charles Glasser, global medial counsel for Bloomberg News in the US, said South Tyneside's victory "puts Twitter and social media users on notice that they may be held accountable for what they publish".

Amber Melville-Brown, a media law specialist counsel at London-based law firm Withers LLP, said: "This case concerning serious allegations about South Tyneside councillors could have significant repercussions across the blogosphere.

"With Twitter quietly assisting in the process, the case could have an equally significant impact on future applications by those seeking to protect their privacy and reputation anywhere in the world, as a result of activity on Twitter."

Mark Stephens, a leading media lawyer who has represented WikiLeaks' founder Julian Assange after the US government sought to obtain his Twitter account details, said: "I think it is inappropriate for a local authority to spend money on this kind of exercise. Local authorities cannot sue for libel and, if individual councillors have been defamed, they should take proceedings at their own cost."

Since 2008 Mr Monkey has levelled allegations against councillors ranging from ballot-rigging, drug-taking and fiddling expenses to a claim that one successfully ordered a public bus to turn around and pick him up from a pub late at night.

Since 2009 criticisms of the council have been made on Twitter, which the targets believe are linked to the earlier blogs.

The legal action to unmask the culprit was brought by three councillors and one senior official: Ian Malcolm, the council's Labour leader, David Potts, former Conservative group leader who is now an independent, Anne Walsh, a Labour councillor, and Rick O'Farrell, head of enterprise and regeneration.

They hired a US law firm, McDermott Will & Emery, and filed a complaint in the Superior Court of California in the San Mateo County against "persons unknown".

In court documents, they alleged: “The defendant unlawfully posted false and defamatory statements about the plaintiffs on several weblogs, more commonly called blogs.” As part of the action they were able to obtain a subpoena ordering Twitter to release the name, address, email address, telephone number and geographical location of the users behind five accounts: @fatcouncillor, @cllrdavidpotts, @councillorahmedkhan, @councillorkhan and @ahmedkhan01.

Ahmed Khan, an independent councillor, admits to being the owner of one of the accounts. Mr Khan is suspected by the councillors bringing the legal action of being Mr Monkey, although he denies the allegation. He was given the opportunity by Twitter of hiring a lawyer to oppose the disclosure order, but decided not to.

He said: “If a council can take this kind of action against one of its own councillors simply because they don’t like what I say, what hope is there for freedom of speech or privacy?”

A council spokesman said: “The council has a duty of care to protect its employees and as this blog contains damaging claims about council officers, legal action is being taken to identify those responsible.”

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