

BETWEEN:

PROFESSOR CATRINE JARMAN

Claimant

- and -

LADY KAREN SPENCER

Defendant

STATEMENT IN OPEN COURT

Claimant's counsel

1. My [Lady/Lord], in this action for misuse of private information, I appear on behalf of the Claimant, Professor Catrine Jarman.
2. The Claimant is an award-winning academic in the field of bioarchaeology and was, until recently, the editor of the British Archaeology magazine. She is a visiting researcher at the University of Oslo, an Honorary Professor at the Royal Agricultural University in Cirencester, and a fellow of the Society of Antiquaries of London. She has been published widely academically and has written two best-selling books on archaeology. She is a podcaster and broadcaster and a winner of the prestigious Dan David Prize for 2024, which awards outstanding achievements in the study of the past. She was given the "Nordic Person of the Year" award for 2024. She is also an active field archaeologist. The Claimant is the partner of Charles Spencer, the 9th Earl Spencer ("Earl Spencer").

3. The Defendant is a social entrepreneur, who has responsibilities and leadership roles across the charity and humanitarian sectors. She is the founder and current Chair of Whole Child International, and co-founder and co-Chair of “Catalyst Now”. She is Earl Spencer’s former wife following their divorce on 30 December 2025.
4. In late April 2024, during a private conversation with the Claimant’s husband (from whom the Claimant was separated), the Defendant was told highly sensitive medical information about the Claimant, namely her diagnosis of Multiple Sclerosis. The Claimant had made a deliberate personal choice to keep her diagnosis private and had disclosed it only to a very small group of people within her circle, understanding that medical privacy, once lost, can never be reclaimed.
5. The Claimant believes that medical information is among the most intimate aspects of our private lives. The right to control when, how, and to whom such sensitive health data is disclosed is fundamental to human dignity and autonomy. Privacy is not a privilege, it is a universal human right that belongs to everyone, regardless of their circumstances.
6. The Defendant proceeded to disclose the Claimant’s private medical information, while passing her own commentary upon it to a number of individuals (not all of whom have been identified by the Defendant). Once she became aware of the Defendant’s actions, in mid-May 2024, the Claimant was extremely distressed and was anxious (a) to identify as soon as possible who had been told by the Defendant that the Claimant had MS; and (b) to ensure that the Defendant would not tell further people that the Claimant had MS. In the letter of claim, sent by her solicitors to the Defendant on 16 May 2024, the Claimant therefore asked (amongst other things) to be provided with a comprehensive list of the people that the Defendant had informed of the Claimant’s medical condition. This would have allowed the Claimant to regain some control over her own medical information and ensure any individuals she was concerned about knew the true picture of how her condition affects her. The Claimant was very disappointed that the Defendant did not provide a complete list of the people she had told.
7. Moreover, when the Claimant's lawyers asked in correspondence on 16 May 2024 that the Defendant give a written undertaking to stop the dissemination of the Claimant’s

private information, the Defendant refused to give the undertaking sought, stating that she did not intend to disseminate any confidential information about the Claimant 'save to a limited group of people with a proper interest in receiving such information'. The Defendant's position caused the Claimant enormous strain and anxiety, not least because this 'group' was not defined by the Defendant and therefore the Claimant could not be certain whether the Defendant would tell further people. The Defendant maintains in her Defence that she did not make any disclosures after 16 May 2024.

8. In letters sent on behalf of the Defendant in June 2024 and in her original Defence (dated 29 November 2024) the Defendant admitted that she had told a few people who were her immediate family, or close friends and associates that the Claimant had MS. The Defendant also stated that she was unable to recall with certainty which of her immediate family or other close friends she had also told. The Claimant is aware of other individuals the Defendant has informed who are not her family or close friends.
9. The Claimant believes, based on the Defendant's position adopted in pre-action correspondence, that the Defendant also told, inter alia, (a) members of the Defendant's family; (b) those involved in the 'care, education or upbringing' of the Defendant's daughter, which the Claimant was concerned would have included various teachers and parents at the school with whom she had professional contact; and (c) the Defendant's 'advisers'.
10. The Claimant's case is that these disclosures were wholly unjustified interferences with her right to private life. The Defendant has asserted – and continues to assert – that it was entirely justified and legitimate for her to tell everyone she did that the Claimant had MS in the context of discussing the breakdown of her marriage, and that it was not reasonable for the Claimant to expect that the Defendant would not do so. The Claimant considers that it was neither necessary nor reasonable for the Defendant to tell the people she did that the Claimant had MS. The Claimant considers that disclosure by the Defendant of the Claimant's diagnosis to her professional colleagues went beyond, and was unrelated to, any discussion of the Defendant's marital breakdown. The position adopted by the Defendant has caused the Claimant further distress and anxiety.
11. The Claimant had valid reasons for maintaining her privacy. Multiple Sclerosis is a complex and highly individual condition that affects everyone differently. She feared

discrimination and that uninformed assumptions about her health would damage her professional standing and livelihood.

12. The Claimant's decision to keep her diagnosis private and to maintain autonomy and control over her private medical information was not only reasonable: it was herright. She had shared this information only with a very small and trusted circle of people, understanding the deeply personal nature of medical information. That decision reflected not only personal preference, but a legitimate expectation that such information would remain confidential unless and until the Claimant chose otherwise. This was a deliberate choice of the Claimant out of concern for her career and fear of discrimination based on false assumptions about the impact of her diagnosis on her ability to do her job.

13. The Defendant's original Defence was served in late November 2024. That Defence contained – in the open part of the pleading – what the Claimant considers are irrelevant and salacious details of the Defendant's marital breakdown. The Claimant was very concerned about imminent press reporting of the inflammatory allegations made in the Defendant's Defence, and the public speculation which had occurred as a result of the claim, which the Claimant had felt compelled to bring as a result of the Defendant's actions. The Claimant felt she had lost autonomy and control over her medical information. The Claimant was contacted by numerous media organisations asking for her to explain her side of the dispute. This put her under enormous pressure. The Claimant, therefore, felt compelled publicly to disclose the fact she had MS, together with certain information about the nature of the condition. In an attempt to regain some control over her own medical information and to bring to an end the public speculation about her, the Claimant gave an interview to a journalist from the Mail Online in early December 2024, which resulted in an article published on 4 December 2024. The Claimant attempted to settle these proceedings after giving the interview but the Defendant did not respond to the Claimant's offer.

14. Separately to these proceedings, the Defendant was engaged in divorce proceedings with her estranged husband, Earl Spencer. As part of the divorce proceedings, the Defendant and Earl Spencer took part in arbitration. The Claimant was not a party to nor was she privy to those proceedings which were confidential. The arbitration was entirely separate from these proceedings and the Claimant was not represented at it. The

Arbitrator's findings did not, and could not, determine the merits of this claim against the Defendant. However, as part of the Arbitrator's findings which have, to a limited extent, been made public, the Defendant was encouraged to bring the proceedings with the Claimant to an end, and to accept the Claimant's Part 36 Offer dated 24 February 2025, thereby staying the proceedings with no admission of liability. Earl Spencer was ordered by the Arbitrator to pay the sum required to meet the terms of the Part 36 Offer as at 1 August 2025. The Arbitrator stated that the litigation needed to come to an end and that he expected the Defendant to accept the Claimant's Part 36 offer and if she did not she would bear the costs of that decision. The Arbitrator financially incentivised the Defendant to accept the Claimant's Part 36 offer by effectively requiring Earl Spencer to indemnify the Defendant in relation to her incurred costs, the extent of which is yet to be determined and hotly disputed. The Claimant acknowledges that Earl Spencer made a contribution towards her legal costs by way of a formal loan. The Defendant says that as a result of the Arbitrator's findings, and his order that Earl Spencer indemnify her acceptance of the offer and her costs of the claim, she has chosen to settle it. The Defendant accepted the Claimant's Part 36 Offer on 1 August 2025. She does not, however, accept that this entails any admission of liability or wrongdoing, nor has she apologised to the Claimant.

15. The Claimant is relieved that these proceedings are at an end and welcomes the opportunity to put forward this statement on a unilateral basis. She remains profoundly distressed by the disclosure of her medical information by the Defendant and is disappointed that she continues to deny any liability or wrongdoing. She has brought these proceedings in order to vindicate her right to medical privacy and to secure recognition of the wrong she considers has been done to her. The Claimant wishes to draw a line under this matter and move on with her life. Whilst the Claimant had not wanted the fact she has MS to be widely disclosed because of her fear of discrimination, she has sought to deal with the situation as positively as possible by using her public profile to promote awareness of the condition. She is, jointly with Earl Spencer, working with the MS Society towards that aim.

Counsel for the Claimant