

Aislinn Kelly-Lyth

Year of call: 2022
Degree: BA Law (Cambridge, top of year), LLM (Harvard, Kennedy Scholar),
Bar Vocational Studies (City, Distinction, Middle Temple Queen's Scholar)



Aislinn practises across Chambers' areas of expertise, including in commercial disputes, matters relating to data protection and information rights, employment law, public law and human rights, and competition law.

Current and recent highlights include assistance on the following matters:

- Commercial: IMG Data Limited v Perform Content Services Limited, acting for the Claimant in relation to claims for induced breach of contract and unlawful means conspiracy; Smyth v BA and easyJet, acting for the Respondent in proceedings brought on behalf of millions of passengers using the representative procedure under CPR 19.8.
- Competition: Umbrella Interchange Proceedings, acting for Visa; Microsoft Corporation v Competition and Markets Authority and Activision Blizzard, Inc.
- Data protection and privacy: Various Claimants v Mirror Group Newspapers (phone hacking litigation); and a range of matters while on secondment to the litigation and enforcement teams within the Information Commissioner's Office.
- Public and regulatory: ClientEarth v FCA, in relation to the FCA's decision to approve the prospectus of Ithaca plc, an oil and gas company; Al-Haq v Secretary of State for Business and Trade, in relation to the granting of licences for the export of military equipment to Israel.
- Employment: acting for the Respondent in a complex employment tribunal claim alleging various forms of discrimination; acting for the Claimant in a claim for unfair dismissal and unauthorised deduction from wages.

Aislinn studied Law at the University of Cambridge, graduating with the highest mark in her year and a University-wide prize for academic achievement. She was a Kennedy Scholar at Harvard Law School and was the recipient of Middle Temple's top scholarship for the Bar Course.

Before coming to the Bar, Aislinn was a researcher at the University of Oxford, where her work focused on algorithmic discrimination and the regulation of automated decision-making systems in the workplace. Her previous experience also includes working on international human rights litigation with the Global Legal Action Network (GLAN) and on domestic human rights issues with JUSTICE.

EXPERIENCE

Commercial

Aislinn accepts instructions in all areas of commercial law, including civil fraud. She regularly acts both unled and as part of a team. Aislinn taught the Law of Obligations at LSE prior to commencing pupillage.

Cases

IMG Data Limited v Perform Content Services Limited

[2023] EWHC 3244 (Ch)

Acted for the respondent in successfully resisting a strike out / summary judgment application following claims brought in relation to data collection at sports events (with Kieron Beal KC and Celia Rooney). The judgment addressed the scope of the torts of inducing a breach of contract and unlawful means conspiracy.

Smyth v British Airways and easyJet

[2024] EWHC 2173 (KB)

Acted for British Airways in major class proceedings in which the Claimant sought to claim flight delay compensation payments from BA and easyJet on behalf of millions of passengers using the representative procedure under CPR 19.8 (with Brian Kennelly KC and Tom Coates).

Application for order for sale

Successfully acted for the Claimants in obtaining an order for sale of land in order to release funds to satisfy a secured debt.

Commercial contract dispute

Acted (unled) for the respondent in a significant commercial debt claim in relation to a contract for the provision of services.

A v B

Assisted in drafting a defence and counterclaim in response to claims of fraud and negligence (with Harry Adamson).

Various Claimants v Mirror Group Newspapers

Aislinn worked on the Mirror Group phone hacking litigation (with Andrew Green KC and Harry Adamson). The case raised a number of complex issues, including the application of limitation periods in cases of partial concealment and the measure of damages for unlawful information-gathering.

C v D

Assisted in acting for the claimant company in an application for a worldwide freezing order and a discrete debt claim (with Harry Adamson).

Seiler, Whitestone and Raitzin v FCA

[2023] UKUT 00133 (TCC)

Assisted in acting for the FCA in a challenge to its decision to prohibit the Applicants from engaging in regulated activities on the basis that they had acted without integrity (with Andrew George KC, Celia Rooney, and Ava Mayer).

Corporate restructuring advice

Worked on sanctions compliance advice in the context of a proposed major corporate restructuring (with Brian Kennelly KC and Jason Pobjoy). The client was a corporate group including UK, EU and Russian entities.

Sanctions advice on payment of outstanding debt

Worked on advice regarding the payment of an outstanding debt in compliance with EU and UK sanctions law (with Brian Kennelly KC and Jason Pobjoy).

Advising on an asset sale in the music industry

Advising on aspects of a proposed transfer of intellectual property rights in the music industry (unled).

Fraud claim

Acting (unled) in a claim for deceit and unjust enrichment, including drafting particulars of claim.

Data Protection, Freedom of Information & Privacy

Aislinn has a particular interest in data protection law and has written extensively on the regulation of data and technology.

She was seconded to the Information Commissioner's Office (ICO) between October 2023 and January 2024, where she worked across matters in the ICO enforcement and litigation directorates. Her work covered issues such as data sharing within the advertising technology (AdTech) context, the lawfulness of international transfers of personal data, the appropriate technical and organisational measures required for ensuring data security in high-risk contexts, the minimum standards for data protection impact assessments (DPIAs), and the application of the personal data exemption under the Freedom of Information Act 2000. Aislinn also assisted the ICO in various legal challenges to its complaints handling processes.

Aislinn regularly provides advice on information rights issues and is currently instructed in information rights proceedings before both the First-tier Tribunal and the civil courts.

Cases

Assessing legal principles for AdTech compliance

Worked with the ICO to establish the requirements of data protection law in the advertising technology (AdTech) context.

BBC

Advising and acting for the BBC on information rights issues, including First-tier Tribunal proceedings (with Jason Pobjoy).

Advising on data breach

Advising private clients on causes of action in relation to a data breach (with Ravi Mehta).

Various Claimants v Mirror Group Newspapers

Aislinn worked on the Mirror Group phone hacking litigation (with Andrew Green KC and Harry Adamson). The case raised a number of complex issues, including the application of limitation periods in cases of partial concealment and the measure of damages for unlawful information-gathering.

Defending application for data disclosure

Acted for the ICO in relation to an application brought by a data subject for disclosure of data processed by the Information Commissioner for enforcement purposes.

Data protection and misuse of private information claims

Acting (unled) for the ICO in relation to proceedings for alleged misuse of private information and data protection law infringements.

Advice on potential data protection infringements

Aislinn advised on the data protection obligations applicable to liquidators.

Competition

Aislinn has a growing competition law practice, and is currently acting for Visa in the Interchange Litigation.

Cases

Interchange Fees

Case no. 1517/11/7/22 (UM)

Aislinn is acting for Visa in the interchange umbrella proceedings.

Microsoft Corporation v Competition and Markets Authority and Activision Blizzard, Inc.

Case no. 1590/4/12/23

Worked on the challenge to the CMA's decision to block the merger of Microsoft and Activision (with Lord Pannick KC, Brian Kennelly KC, and Jason Pobjoy).

Advice on potential abuse of dominance claim

Advised on a potential claim for abuse of dominance (with Tristan Jones KC and Flora Robertson).

Public & Regulatory

Aislinn accepts instructions in all areas of public & regulatory law and regularly acts for both public bodies and claimants. Aislinn's experience prior to pupillage includes working with JUSTICE on its submission for the Independent Review of the Human Rights Act.

Cases

R (Al-Haq) v Secretary of State for Business and Trade

Aislinn is acting for the Claimant in a judicial review challenge to the Government's decision to maintain licences for the sale of arms to Israel in the context of developments since October 2023 (with Rayan Fakhoury).

R (ClientEarth) v FCA

Aislinn worked on a judicial review brought by ClientEarth in relation to the Financial Conduct Authority's decision to approve the prospectus of Ithaca plc (an oil and gas company) as a precondition to its admission to the official list and the offer of its securities to the public (with Andrew George KC, Harry Adamson, and Rayan Fakhoury). The claim raises significant issues of law of wider public importance concerning the disclosure of information relating to an issuer's exposure to climate-related financial risks.

Advising a regulator on its enforcement powers

Advised a regulator on the lawfulness of proposed enforcement action (with Andrew George KC).

Prisoner rights dispute

Worked on a dispute relating to communication restrictions and other matters in respect of a high-profile prisoner (with Jason Pobjoy).

Microsoft Corporation v Competition and Markets Authority and Activision Blizzard, Inc.

Case no. 1590/4/12/23

Worked on the challenge to the CMA's decision to block the merger of Microsoft and Activision (with Lord Pannick KC, Brian Kennelly KC, and Jason Pobjoy).

Sanctions advice for OFSI

Assisted in advising the Office of Financial Sanctions Implementation (OFSI) on matters arising under the Sanctions and Money Laundering Act 2018 (with Harry Adamson).

Dispute on disqualification of charity trustees

Worked on submissions to the Charity Commission on the proposed disqualification of trustees for alleged mismanagement of a charity (with Jason Pobjoy, case ongoing).

Advice on terrorism legislation

Worked on advice for the Home Office on the interpretation of the Terrorism Act 2000, including in light of principles of public international and international humanitarian law (with Celia Rooney).

Advice on human rights in prison

Assisted in advising the Ministry of Justice on human rights compliance with respect to prisoners (with Jason Pobjoy).

Advice on social housing allocation

Worked on advice in relation to proposed statutory changes to the allocation of social housing (with Jason Pobjoy).

Agents v The FA: FIFA Regulation of Intermediaries

Worked on advice for the FA in relation to football agents' payments (with Adam Lewis KC and Jason Pobjoy).

Rule L arbitration for the Premier League

Assisted Celia Rooney in acting for the Premier League in an arbitration relating to a club's breaches of Rule L of the Premier League Rules.

Advice on ECtHR costs litigation

Assisted in advising on the consequences of the ECtHR's decision in *Coventry v United Kingdom* on costs orders requiring payment of success fees and after the event insurance premiums to successful claimants (with Jason Pobjoy).

Employment

Aislinn accepts instructions in all areas of employment law, and has appeared unled before the Employment Tribunal. Aislinn's experience prior to pupillage includes acting as a trade union representative, in which capacity she secured multiple settlement agreements at the early conciliation stage. Before coming to the Bar, Aislinn worked on a project at the University of Oxford on the regulation of technology in the employment context.

Cases

McWilliams v Angelo Gordon Europe LLP and others

Case Number: 2202194/2022

Assisted Craig Rajgopaul in acting for a large financial institution resisting claims including alleged disability discrimination. Following a preliminary hearing, the (professionally represented) claimant was found not to be disabled by reason of either asthma or oral allergy syndrome. Aislinn worked on the disability issue as well as various complex jurisdictional and vicarious liability points.

Consultancy Firm v L

Worked on an expedited arbitration in relation to a team move (with Craig Rajgopaul). Aislinn's work covered issues such as the scope of the arbitration clause and the arbitral tribunal's powers to grant an interim injunction.

Discrimination advice

Aislinn assisted in advising a major sports body on whether the conduct of a person regulated by it constituted a breach of that body's equality rules (with Craig Rajgopaul).

X v Law Firm

Assisted in drafting the Grounds of Resistance for a respondent law firm defending claims of inter alia whistleblowing detriment, automatically unfair dismissal, indirect discrimination, failure to make reasonable adjustments, harassment, unauthorised deduction from wages, and breach of the Working Time Regulations 1998 (with Craig Rajgopaul).

Unfair dismissal and wage deductions claim

Aislinn acted (unled) for the claimant in a claim for unfair dismissal and unlawful deductions from wages, including representation at a preliminary hearing.

Civil Liberties & Human Rights

Aislinn accepts instructions in all areas of civil liberties and human rights, and has experience with human rights litigation both in domestic proceedings and at the ECtHR level.

Prior to pupillage, Aislinn's worked with with JUSTICE on its submission for the Independent Review of the Human Rights Act. She also worked on human rights litigation with the Global Legal Action Network (GLAN), where her work included drafting a complaint in relation to breaches of the OECD Guidelines for Multinational Enterprises (accepted by multiple OECD National Contact Points); and drafting a submission to the UN Committee on the Rights of the Child on Irish tax policy (which resulted in a recommendation on tax policy being made in the Committee's periodic review of Ireland).

Cases

R (Al-Haq) v Secretary of State for Business and Trade

Aislinn is acting for the Claimant in a judicial review challenge to the Government's decision to maintain licences for the sale of arms to Israel in the context of developments since October 2023 (with Rayan Fakhoury).

Prisoner rights dispute

Worked on a dispute relating to communication restrictions and other matters in respect of a high-profile prisoner (with Jason Pobjoy).

Advice on terrorism legislation

Worked on advice for the Home Office on the interpretation of the Terrorism Act 2000, including in light of principles of public international and international humanitarian law (with Celia Rooney).

Advice on social housing allocation

Worked on advice in relation to proposed statutory changes to the allocation of social housing (with Jason Pobjoy).

Advice on human rights in prison

Assisted in advising the Ministry of Justice on human rights compliance with respect to prisoners (with Jason Pobjoy).

Sanctions advice for OFSI

Assisted in advising the Office of Financial Sanctions Implementation (OFSI) on matters arising under the Sanctions and Money Laundering Act 2018 (with Harry Adamson).

Advice on ECtHR costs litigation

Assisted in advising on the consequences of the ECtHR's decision in *Coventry v United Kingdom* on costs orders requiring payment of success fees and after the event insurance premiums to successful claimants (with Jason Pobjoy).

Sanctions

Aislinn accepts instructions in all areas of UK and EU sanctions law.

Cases

Sanctions advice for OFSI

Assisted in advising the Office of Financial Sanctions Implementation (OFSI) on matters arising under the Sanctions and Money Laundering Act 2018 (with Harry Adamson).

Corporate restructuring advice

Worked on sanctions compliance advice in the context of a proposed major corporate restructuring (with Brian Kennelly KC and Jason Pobjoy). The client was a corporate group including UK, EU and Russian entities.

Sanctions advice on payment of outstanding debt

Worked on advice regarding the payment of an outstanding debt in compliance with EU and UK sanctions law (with Brian Kennelly KC and Jason Pobjoy).

Media & Entertainment

Aislinn accepts instructions in all areas of media & entertainment law.

Cases

Declan Colgan Music Ltd v UMG Recordings Inc

Assisted Celia Rooney in a copyright dispute relating to Kanye West's song "Power".

Various Claimants v Mirror Group Newspapers

Aislinn worked on the Mirror Group phone hacking litigation (with Andrew Green KC and Harry Adamson). The case raised a number of complex issues, including the application of limitation periods in cases of partial concealment and the measure of damages for unlawful information-gathering.

Music copyright claim

Drafted particulars of claim in relation to a copyright dispute regarding a song performed by an opera singer (with Celia Rooney).

Advising on an asset sale in the music industry

Advising on aspects of a proposed transfer of intellectual property rights in the music industry (unled).

Sport

Aislinn accepts instructions in all areas of sport law.

Cases

Agents v The FA: FIFA Regulation of Intermediaries

Worked on advice for the FA in relation to football agents' payments (with Adam Lewis KC and Jason Pobjoy).

Rule L arbitration for the Premier League

Assisted Celia Rooney in acting for the Premier League in an arbitration relating to a club's breaches of Rule L of the Premier League Rules.

Ice skating disciplinary hearing

Assisted Celia Rooney in a week-long disciplinary hearing in relation to charges brought under the British Ice Skating rules.

ACHIEVEMENTS

Education

- BA (Hons) Law (Cambridge, First, top of year)
- LLM (Harvard, Kennedy Scholar)
- Bar Vocational Studies (Distinction, Middle Temple Queen's Scholar)

Publications

- 'Unlawful Proxy Discrimination: A Framework for Challenging Inherently Discriminatory Algorithms' in Proceedings of the 2024 ACM Conference on Fairness, Accountability, and Transparency (FAccT '24) at 1850, with Hilde Weerts, Reuben Binns, and Jeremias Adams-Prassl
- 'Legal Taxonomies of Machine Bias: Revisiting Direct Discrimination' in Proceedings of the 2023 ACM Conference on Fairness, Accountability, and Transparency (FAccT '23) at 1850, with Jeremias Adams-Prassl and Reuben Binns
- 'Regulating Algorithmic Management: A Blueprint' (2023) 14(2) ELLJ 124, with Jeremias Adams-Prassl, Halefom Abraha, and Michael ('Six') Silberman
- 'Algorithmic Management: Assessing the Impacts of AI at Work' (2023) 14(2) ELLJ 230, with Anna Thomas
- 'Algorithmic Discrimination at Work' (2023) 14(2) ELLJ 152
- 'Directly Discriminatory Algorithms' (2023) 86(1) MLR 144, with Jeremias Adams-Prassl and Reuben Binns
- 'From "Code" to "Guidance": Revising the Instrument on Data and Employment' (2022) 51(3) ILJ 744, with Jeremias Adams-Prassl and Halefom Abraha
- Review of Data-driven Personalisation in Markets, Politics and the Law, edited by Uta Kohl and Jacob Eisler (2022) 81(2) CLJ 436
- 'The AI Act and Algorithmic Management' (2021) Comparative Labor Law & Policy Journal (Dispatch No. 39)
- 'Challenging Biased Hiring Algorithms' (2021) 41(4) OJLS 899

Scholarships, Awards, Prizes

- Sir John and Lady Sophie Laws Scholarship (Bar European Group)
- Rosamund Smith Mooting Prize / Ede & Ravenscroft Prize (Middle Temple, for best team and best individual mooter)
- The Queen's Scholarship (Middle Temple, awarded to the single best candidate who demonstrates exceptional promise)
- Kennedy Scholarship (for study at Harvard)
- Cambridge Exchange Scholarship (for study at Harvard)
- Winifred Georgina Holgate Pollard Memorial Prize (University of Cambridge, for outstanding results across all undergraduates at the University)
- Slaughter and May Prize for Best Overall Performance (Cambridge Law Faculty)
- Littleton Chambers Prize for Labour Law (Cambridge)
- Greene Medal: Honoris Causa (Clare College, for outstanding performance across graduates in all disciplines)
- William Senior Prize for Law (Clare College)

Memberships

- UK Association for European Law (UKAEL)
- Bar European Group (BEG)
- JUSTICE
- Howard League for Penal Reform
- London Irish Lawyers Association (LILA)

Professional Experience

- 2020–22 Researcher on Algorithmic Management, University of Oxford
- 2020–22 Trade Union Representative, Cleaners and Allied Independent Workers Union (CAIWU)
- 2020–21 Researcher, Global Legal Action Network (GLAN)
- 2020 Teacher (Law of Obligations), London School of Economics (LSE)
- 2019 and 2020 Legal Researcher, JUSTICE

VAT registration number: 451627790

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