

Missing super-injunction data

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In 2011 the Master of the Rolls convened a Committee to consider the use and prevalence of super-injunctions¹. The Committee was concerned to note a lacuna of data and, as such, recommended that, 'if feasible, data should be collected and published annually'. This would require the inclusion of a provision in the Civil Procedure Rules, or a Practice Direction, that would authorise 'the transmission of such data to the MoJ [Ministry of Justice] and subsequent publication of the collated information to the public notwithstanding any prohibition in any such orders'². The subsequent privacy injunction statistics form, governed by Practice Direction 40F, makes provision for the recording of super-injunctions. Indeed, paragraph 5(e) of Practice Direction 40F³ imposes a responsibility to report derogations from the open justice principle which includes, but is not limited to, 'an order prohibiting disclosure of the existence of the proceedings or the order' i.e. a super-injunction.

Following the revelation in July 2025 that the Government had been granted a super-injunction (relating to a serious personal data breach) for a little over 22 months, it is of little surprise that MPs have asked for more information. Most recently (at the time of writing), Rupert Lowe MP (Independent⁴) asked the 'Secretary of State for Justice, how many super-injunctions relating to the Government are in place'. Sarah Sackman (Labour; Minister of State for Courts and Legal Services) responded on 4 December 2025:

The Government does not publish or hold centralised data on the number of super-injunctions currently in place, due to the sensitive and often confidential nature of such orders.

Where such orders are made, they are typically issued by the High Court under strict judicial oversight and may include provisions that prevent disclosure of their very existence.⁵

This is almost certainly correct. The form contained in Practice Direction 40F makes no provision for the identification of the applicant, and so its completion would not represent centralised data as to the number of super-injunctions relating to the Government. While I do not propose to say anything further about it, there may

¹ MR (2011) Report of the Committee on Super-Injunctions: Super-Injunctions, Anonymised Injunctions and Open Justice

² Ibid. pvi.

³ Practice Direction 40F, Non-Disclosure Orders Information Scheme

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part40/practice-direction-40f-non-disclosure-injunctions-information-collection-scheme> [Last Access: 19.2.2026]

⁴ Rupert Lowe was an Independent MP at the time he asked the question. He is now leader of Restore Britain.

⁵ <https://questions-statements.parliament.uk/written-questions/detail/2025-11-19/92793> [Last Access: 9.2.2026]

nevertheless be an issue of some political concern if it indeed is true nobody across Government has any oversight of the number of super-injunctions (if any) that relate to the Government.

Before Rupert Lowe's question, James MacCleary (Liberal Democrat) asked a more general question of the Secretary of State for Justice: 'how many super-injunctions were in place on 15 August 2025'. The answer was almost identical⁶. Again, the answer is almost certainly true in that Practice Direction 40F does not make provision for the recording of the discharge of a super-injunction (and so the Government would not hold centralised data on the number of super-injunctions *currently* in place). The question therefore becomes what the published data *does* tell us.

This briefing document first gives a brief overview of the issue of super-injunctions. It then presents some tentative findings as to the reporting of super-injunctions before posing questions for further consideration.

Super-injunctions

An injunction is an order of a court that tells a person to do, or restrain from doing, something. A super-injunction, which is or ought to be interim⁷, constrains a person or person's ability to disclose the fact that the injunction exists. In *Ntuli v Donald*⁸, Lord Justice Maurice Kay described an application relating to a super-injunction as a 'clash of human rights'⁹. Indeed, super-injunctions engage ECHR Article 6(1), 8 and 10 rights. As the fallout from the Afghan data leak (returned to below) demonstrated, the Article 6 rights of claimants in adjacent proceedings are also at issue.

There is clearly a place for the use of interim super-injunctions (see, for example, the judgment of Sir James Munby in *Re M (Children)*¹⁰, in which a super-injunction was used to ensure the safe return to the jurisdiction of children who were thought to be at risk of serious harm). However, a stream of disclosures about super-injunctions in the late 2000s/early 2010s contributed to a public perception of them as a legal tool employed by the rich and powerful to prevent press reporting; for example, the *Trafigura* case and the *Terry*¹¹ case.

⁶ <https://questions-statements.parliament.uk/written-questions/detail/2025-08-29/72809> [Last Access: 9.2.2026]

⁷ MR (2011) p17 [2.3].

⁸ [2010] EWCA Civ 1276. Judgment of Lord Justice Maurice Kay, with whom Lord Justice Sedley and the Master of the Rolls (Lord Neuberger) agreed.

⁹ *Ibid* [9].

¹⁰ *Re M (Children)* [2015] EWHC 1433 (Fam).

¹¹ *Terry v Persons Unknown* [2010] EWHC 199 (QB).

This formed the backdrop for the Committee convened by the Master of the Rolls. As previously stated, the Committee were concerned by the lack of data, and saw no reason why data could not be collected and published. The report also noted that this,

absence of evidence has encouraged a view that an entirely secret process has developed in the civil courts [...] This view not only undermines public confidence in the proper administration of justice, but equally it undermines public confidence in a free press being able to report responsibly on matters of public importance. As such, it stands to undermine the rule of law and our open democracy¹².

Data on super-injunctions

By the very nature of a super-injunction, the public at large can become aware of them only once they are discharged. This ordinarily would make it difficult to assess whether the civil justice statistics accurately reflect the situation as to super-injunctions.

In July 2025, it was revealed that the government had been granted a super-injunction constraining the publication of any information that would disclose the fact of a data leak at the Ministry of Defence¹³. Covering what was colloquially referred to as the Afghan data leak, the super-injunction had been in effect since 2 September 2023, so some 22 months. The knowledge of when the super-injunction was in force facilitates a retrospective assessment of whether the civil justice statistics do record the existence of a super-injunction.

Do the civil justice statistics accurately capture applications for, and continuation of, a super-injunction?

The summary of the April to June 2024 statistics¹⁴ discloses the following:

In the first six months of 2024, there were six proceedings where the High Court considered an application for a new interim privacy injunction.

Four proceedings were considered at the High Court on whether to continue or amend an interim injunction and one proceeding was considered on whether to issue a final permanent injunction.

(emphasis in original)

¹² MR (2011) p54 [4.5].

¹³ *Ministry of Defence v Global Media and Entertainment Limited* [2025] EWHC 1806 (Admin). See also Clark et al. (2025) *A contra mundum super-injunction is discharged after almost two years* Access from: <https://courtobservers.org/2025/07/23/a-contra-mundum-super-injunction-is-discharged-after-almost-two-years/> [Last Access: 19.2.26].

¹⁴ <https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-april-to-june-2024/civil-justice-statistics-quarterly-april-to-june-2024#privacy-injunctions7> [Last Access: 9.2.2026].

The guide to these statistics state ‘the injunctions covered by these statistics will be termed “**privacy injunctions**” throughout this report. **They include, but do not exclusively relate to, super-injunctions**”¹⁵ However, the dataset does specify super-injunctions, and a review of the dataset itself reveals the following number of new super-injunction applications being granted¹⁶:

July-December 2023: 2

January-June 2024: 0

July-December 2024: 1

January-June 2025: 1

The data does not demonstrate how many applications were made and dismissed (or why). It can be inferred (though this is unverifiable) that, of the two super-injunctions granted in July-December 2023, one of them related to the data leak.

A separate table records how many proceedings dealt with the continuation or variation of privacy injunctions. With relation to super-injunctions in the above time period, it is recorded that there were no proceedings of this manner¹⁷. This makes the data incomplete, most likely due to a failure to complete the relevant form. Indeed, without the knowledge of the Afghan data leak super-injunction, one would assume that super-injunctions are discharged swiftly. However, we know that this is not true in at least one case.

It is unclear whether this is an anomaly or whether it is representative of a wider problem. However, it is worth noting that a discrepancy between the official statistics and ‘known’ cases has been observed before. In 2019, the Inforrm blog¹⁸ noted that, ‘once again, the statistics do not appear to be complete’. The problem, albeit a potentially isolated one, is not new.

¹⁵ <https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-april-to-june-2024/guide-to-civil-justice-statistics-quarterly> [Last Access: 9.2.2026]

¹⁶ <https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-april-to-june-2025> [Last Access: 27.2.26].

See ODS Tables, and then Table 3.1.

¹⁷ <https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-april-to-june-2025> [Last Access: 27.2.26].

See ODS Tables, and then Table 3.2.

¹⁸ Inforrm (2019) *News: Privacy Injunction Statistics for 2018, five applications recorded, substantial reduction from 2017*. Access from: <https://inforrm.org/2019/03/26/news-privacy-injunction-statistics-for-2018-five-applications-recorded-substantial-reduction-from-2017/> [Last Access: 9.6.26\]

Questions

This finding raises a number of questions.

- 1) Why is the information in relation to the continuation of super-injunctions incorrect?
- 2) Is it true that the Government is not aware of how many super-injunctions relating to it are in force?
- 3) How many applications for super-injunctions are made? What proportion are granted and dismissed? On what basis?
- 4) How long are these injunctions remaining in force?
- 5) What happens after super-injunctions are lifted? How does the media/public etc respond to having been kept 'in the dark' – which justifications are considered acceptable for this derogation from open justice and which are not?
- 6) How does the revelation of a super-injunction affect public perception of the courts?
- 7) Is there a mechanism for ensuring that the court remembers to lift a super-injunction?
- 8) How can the media or members of the public challenge the failure to review or lift a super-injunction?

Further questions will undoubtedly arise from the answers to the above.

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