

Introduction

The world is currently in the grip of a technological revolution. This revolution began many years ago with the invention of the computer and worldwide web,¹ and progress towards a digital society shows no signs of stopping. In January 2025, UK Prime Minister Keir Starmer announced plans to integrate artificial intelligence (AI) into daily lives with a widespread program that will likely take many years, much new technology and a significant amount of personal data to achieve.² In the same month, the owners of social media giants Meta and X could be seen firmly seated at the front of Donald Trump's inauguration as the 47th President of the United States,³ the US being UK's strongest international ally. Using the web to upload personal information about oneself or another is now commonplace. Facebook has 3,049 billion active users worldwide,⁴ and

¹ The creation of the internet is widely considered to be 1 January 1983. For more information, see Jonathan Hogenback, 'Who invented the internet?', *Encyclopaedia Britannica* (13 June 2025) www.britannica.com/story/who-invented-the-internet and Ben Tarnoff, 'How the internet was invented' *The Guardian* (15 July 2016) www.theguardian.com/technology/2016/jul/15/how-the-internet-was-invented-1976-arpa-kahn-cerf accessed 29 January 2025.

² See 'PM speech on AI Opportunities Action Plan: 13 January 2025' (GOV.UK, 13 January 2025) www.gov.uk/government/speeches/pm-speech-on-ai-opportunities-action-plan-13-january-2025 accessed 29 January 2025.

³ See 'Trump's inauguration: In pictures' (*BBC*, 21 January 2025) www.bbc.co.uk/news/resources/idt-e9bb4f21-518d-4242-a1b1-71250990e639 accessed 29 January 2025.

⁴ Adam Connell, '22 leading social media platforms for 2025 (ranked by monthly active users)' (1 January 2025) <https://adamconnell.me/social-media-platforms/> accessed 29 January 2025.

statisticians have estimated that 500 million posts per day are added to X (formerly Twitter).⁵ The currency of social media – what makes it desirable, interesting and useable – is personal information. Particularly personal information that is in some way noteworthy, perhaps surprising or even salacious. Information can be easily repeated at the click of a button, being disseminated more widely and to new audiences, gathering yet more attention, engagement and clicks. Circa 2025, the technological horizon is rapidly changing – and has changed even in the last three years. Recent advancements in AI and machine learning have resulted in a plethora of AI- powered programs coming to the open market, many of which are free to use and even build.⁶ Tools such as ChatGPT 4 – ‘OpenAI’s most advanced system’ yet⁷ – allowing a user to post question prompts to which they will receive answers.

Set against this backdrop, and perhaps because of it, more defamatory statements are now posted online than ever before. It is easy, free and instantaneous to upload a potentially defamatory post about another person online, reaching unfathomably large audiences such as X’s 650 million users.⁸ The potential such a post has to injure the reputation of those concerned is significant: the internet is the new medium of communication, with people now regularly consuming their

⁵ Sarah Perez, ‘Actually, “X sees 500M posts per day – not 100M–200M as Musk recently said”’ (*TechCrunch*, 4 October 2024) <https://techcrunch.com/2023/10/04/actually-x-sees-500m-posts-per-day-not-100m-200m-as-musk-recently-said/> accessed 29 January 2025.

⁶ See, for example, Open AI: <https://openai.com/> accessed 29 January 2025.

⁷ Open AI, ‘GPT-4 is OpenAI’s most advanced system, producing safer and more useful responses’ <https://openai.com/index/gpt-4/> accessed 29 January 2025.

⁸ See ‘How many users on X? Statistics and facts (2025)’ (*SEO.AI*, 21 January 2025) <https://seo.ai/blog/how-many-users-on-x#:~:text=As%20of%20early%202025%2C%20X,reach%20up%20to%20300%20million> accessed 29 January 2025.

news media using the web over more traditional sources such as televisions, books or papers.⁹ If someone has been defamed on the web, word travels fast. Such a post could even ‘go viral’, when a seemingly innocuous post is distributed widely online in a short amount of time, attracting millions of viewers and wide engagement. Increasingly, politicians, public figures and world leaders are using the internet as a means of disseminating important information¹⁰ – as such, defamatory posts online are no longer greeted with the scepticism they perhaps once were. The web is now seen as a place of perennial relevance and public debate. Consequently, many high-profile cases in English defamation law have been actioned pertaining to defamatory statements distributed on social media, such as *Vardy v Rooney*, *Blake v Fox* and *Riley v Murray*.¹¹

Given the rise and seemingly unlimited potential for reputational devastation by defamation online, one would be forgiven for thinking that English law has taken robust steps to tackle this problem. Unfortunately for potential claimants, this is not the case. Quite the contrary, just over a decade ago the Defamation Act 2013 was passed, which has made bringing actions in defamation law more challenging in a number of ways. This reform was a result of pressure groups arguing that libel law had a ‘chilling effect’ on freedom of expression, resulting in a swing towards Article 10 European Convention

⁹ Ishbel Macleod, ‘Social media: The new era of news consumption’ (*PA Media*, 16 October 2024) [https://pa.media/blogs/editorial-data/social-media-the-new-era-of-news-consumption/#:~:text=More%20people%20use%20social%20media%20than%20BBC%20One%20to%20find%20news&text=The%20latest%20Ofcom%20news%20consumption,%25\)%20noting%20declines%20from%202023](https://pa.media/blogs/editorial-data/social-media-the-new-era-of-news-consumption/#:~:text=More%20people%20use%20social%20media%20than%20BBC%20One%20to%20find%20news&text=The%20latest%20Ofcom%20news%20consumption,%25)%20noting%20declines%20from%202023) accessed 21 January 2025.

¹⁰ See, for example, the UK Prime Minister’s X account, ‘UK Prime Minister @10downingstreet’: https://x.com/10DowningStreet?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor accessed 29 January 2025.

¹¹ [2021] EWHC 1888; [2023] EWCA Civ 1000; [2022] EWCA Civ 1146.

on Human Rights (ECHR) interests as a result.¹² The central line of argument in this book is that more must be done in order to protect reputation, *ergo*, personal dignity, with respect to defamatory content posted to the web. This book will firstly consider the precise technological advancements which have prompted a crisis in online defamation. It will then move to evaluate what interest defamation law is actually protecting, using legal and philosophical theory in order to meaningfully articulate such an interest. Thirdly, it considers the status quo of English defamation law and notes barriers to redress for those defamed online, suggesting improvements to the law. In [Chapter 4](#), this book argues that a remedy available under the UK (and EU) General Data Protection Regulation (GDPR) provides a better route to redress for those defamed online – the ‘*right to be forgotten*’.¹³

¹² Convention for the Protection of Human Rights and Fundamental Freedoms (4 November 1950, 3 September 1953) 005 CETS (ECHR). Alastair Mullis and Andrew Scott, ‘The swing of the pendulum: Reputation, expression and the recentering of English libel law’ (2012) 61(3) *Northern Ireland Legal Quarterly* 27.

¹³ (UK) GDPR, Article 17.