
Re: Fw: Pre-Action Protocol Notice – Unlawful Publication on “Bourne Free Live”

From: "RICCARDO GRESTA" [REDACTED]
To: "peter lindsey" <petelindsey30@hotmail.com>
Date: Jan 26, 2026 12:42:10 PM

 Automatic Reply to Media/Outlets

**Subject: Ongoing Proceeding
WITHOUT PREJUDICE**

Dear Sir/Madam,

This is an automatic reply. Your email has been recorded. Any further email you send will be immediately forwarded to the investigating authority.

Please be informed that, due to the current legal situation, you were not authorised to contact me directly, as stated in the restriction notice contained in the Pre-Action Protocol correspondence. This prohibition remains in force until the conclusion of the ongoing investigations and the subsequent determination of the Italian Judicial Authorities.

On 12 December 2025, a *denuncia querela* was filed with the *Procura della Repubblica presso il Tribunale di Pavia*. From that date, the matter entered the judicial domain. The competent authorities hold exclusive prerogative to prosecute *ex officio* the offences configured under:

- Art. 595 Italian Penal Code
- Art. 13 Law 47/1948
- Art. 167 Italian Privacy Code in conjunction with Regulation (EU) 2016/679 (GDPR)

The continued visibility and accessibility of the articles outside the United Kingdom, including within the European Union, has activated the jurisdiction of the Italian Judicial Authorities pursuant to Article 3 GDPR.

It is recorded that the publications do not appear to meet the standards set out in the IPSO Editors’ Code of

Practice.

The proceedings are not subject to my discretion or control. I am not permitted to halt, withdraw, or modify the action. Any further communication must be directed exclusively to the competent judicial authority.

You are advised to review the previous Pre-Action Protocol correspondence and, if necessary, to seek advice from a professional with expertise in Italian criminal law.

EPIT-ALFIO AI: TheRecordSpeaks.it is currently operating in offline mode for the purpose of depositing relevant documentation with the investigating authority.

Yours faithfully,
Riccardo Gresta

Sent: Monday, January 26, 2026 at 12:09 PM
From: "peter lindsey" <petelindsey30@hotmail.com>
To: [REDACTED]
Subject: FW: Re: Pre-Action Protocol Notice – Unlawful Publication on “Bourne Free Live”

Good Morning, and I acknowledge receipt of your email.

I can confirm that everything we published was sourced from a public body - East Sussex County Council.

The story remains here on the ESCC website [December | 2022 | The Newsroom](#)

as well as other news websites.

Thank You
Peter Lindsey
Bournefree

From: gail@bournefreemag.co.uk <gail@bournefreemag.co.uk>
Sent: 19 January 2026 17:16
To: Andy <andy@custard-design.co.uk>
Cc: Petelindsey30 <petelindsey30@hotmail.com>
Subject: Fwd: Re: Pre-Action Protocol Notice – Unlawful Publication on “Bourne Free Live”

fyi

----- Original Message -----

Subject: Re: Pre-Action Protocol Notice – Unlawful Publication on “Bourne Free Live”
Date: 19-01-2026 17:03
From: [REDACTED]
To: gail@bournefreemag.co.uk

EMAIL VERSION – PRE-ACTION PROTOCOL COMMUNICATION

Subject: Pre-Action Protocol Notice – Unlawful Publication on "What's On In Brighton"

Dear Sir or Madam,

This email is issued pursuant to the Pre-Action Protocol for Media and Communications Claims under the Civil Procedure Rules of England and Wales.

Your platform, What's On In Brighton, does not provide a publicly registered postal address or corporate identification. Accordingly, service is effected through the official contact channels available on your website, which constitute the only verifiable means of correspondence. This communication therefore serves as formal notice under the Protocol.

1. Publication Identified

The following article published on your platform is the subject of this notice:

"Eastbourne man wrote fake NHS letter to gain Blue Badge"

<https://bournefreelive.co.uk/eastbourne-man-wrote-fake-nhs-letter-to-gain-blue-budge/>

The publication contains inaccurate statements and unlawfully processed personal data.

2. Background

On **23 December 2025**, East Sussex County Council (ESCC) removed the original press release from its Newsroom **following the formal complaint lodged in Italy concerning the unlawful disclosure and cross-border dissemination of the material**.

The removal of the primary source confirms that the information lacked a lawful basis for continued publication.

The ESCC release had originally been issued on **23 December 2022**, one day after the judgment and **before the judgment had been served**. In fact, the judgment has **never** been formally notified to this day. The disclosure therefore occurred at a time when the information had not reached procedural finality, and no opportunity existed to verify, contest, or appeal the material.

Under the applicable UK framework governing accuracy and fairness in reporting non-final proceedings — including the **Defamation Act 2013**, the **Data Protection Act 2018 (UK GDPR)**, the **Contempt of Court Act 1981**, and the **Rehabilitation of Offenders Act 1974** — the publication was **unlawful from the moment it appeared online**.

Despite the removal, the action taken by ESCC was not technically complete. Indexed snippets, cached previews, and metadata remained accessible through search engines, indicating that the removal did not follow standard IT workflows and did not achieve full de-indexing.

As a result:

- your article has remained publicly accessible for an extended period,
- the content continues to be indexed by search engines,
- previews, metadata, and cached fragments remain available,

- the publication continues to disseminate personal data relating to a spent conviction.

Documentary verification indicates that the publication was likely not lawfully grounded from the date of its release, as the underlying judgment had not been served and the information had not reached procedural finality.

Should any purported act of service be produced at this stage, it will be challenged through all available procedural means on the basis of its clear and demonstrable lack of authenticity.

3. Legal Grounds

Your continued publication engages liability under the following:

Defamation

The article contains statements that are inaccurate, misleading, and capable of causing reputational harm.

Data Protection

The processing of my personal data is in breach of:

- UK GDPR (Articles 5(1)(c), 5(1)(d), 5(1)(e), 6)
- Data Protection Act 2018
- Rehabilitation of Offenders Act 1974, given that the conviction became "spent" on 21 December 2024 and is therefore protected from disclosure, processing, or continued publication.
- Relevant case law, including *Google Spain* (C-131/12)
- **It is reiterated that the judgment has never been formally served to this day, and therefore has never acquired procedural finality.**

The publication also appears inconsistent with the IPSO Editors' Code of Practice, particularly regarding accuracy and verification.

The disclosure extended more than one year beyond the date on which the conviction

became spent (21 December 2024), rendering the publication unlawful under the Rehabilitation of Offenders Act 1974.

4. Impact

The publication continues to result in:

- reputational prejudice,
- dissemination of inaccurate and spent conviction data,
- indexing and re-indexing by search engines,
- continued accessibility through third-party platforms.

Multiple requests submitted in 2023–2024 did not result in verification, rectification, or review.

5. Documentation

Relevant documentation is available at:

- **The Record Speaks** — <https://therecordspeaks.it>
- <https://therecordspeaks.it/unverified-media-reposts.html>

The chronology of procedural anomalies — including premature disclosure, misclassification of correspondence, and delayed removal — is documented and will be provided in the Schedule of Issues.

6. Information Governance

The documentation is maintained within an independent platform structured as a progressive web application (PWA), equipped with continuous monitoring, automated indexing, and controlled replication across multiple channels. This ensures full traceability of all developments, including the persistence of third-party publications.

7. Required Actions

You are requested to:

- remove the article and all associated content, including cached versions, previews, metadata, tags, categories, archives, and any element enabling indexing or retrieval;
- erase all personal data relating to me processed in connection with the publication;
- confirm in writing the actions taken within 14 days of this email;
- provide information regarding:
 - the source of the material,
 - the editorial process followed,
 - any third-party dissemination.

This request is made strictly within the scope of the Pre-Action Protocol.

8. Procedural Documentation

The Schedule of Issues and the Schedule of Harm are currently being prepared and will be provided in accordance with the Protocol, including the assessment of compensation from the date of publication. For the avoidance of doubt, it is reiterated that the judgment has never been formally served to this day. In the absence of service, the decision has never attained procedural finality and could not lawfully be reported, processed, or disseminated as a concluded matter.

9. Language

This email is issued in English as the operative version for the jurisdiction of England and Wales.

10. Restriction on Direct Contact

Due to ongoing criminal proceedings in Italy, and in view of the extraterritorial applicability of the GDPR under Article 3, you must not contact me directly. All communication must be made exclusively through the formal channels specified in this notice. You may wish to seek advice from legal counsel experienced in Italian criminal law.

Kind regards,

Riccardo Gresta



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