



Jennifer Thelen

Year of call: 2007

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"Jennifer provides excellent advice on complex matters. She is approachable and very practical in her advice which is always appreciated by clients." Chambers and Partners, 2023.

Jennifer has a broad legal background, having practised both corporate and regulatory law before being called to the Bar. That breadth is reflected in her practice. Jennifer is a member of the Attorney General's A Panel of Junior Counsel to the Crown. Jennifer has an active public law practice. She frequently represents central and local government and is experienced in national security, education, immigration prisons, tax, local government law and regulatory law. She has a growing information rights practice and frequently advises on and appears in data protection and freedom of information claims. She continues to advise public authorities on discrimination and employment claims.

Areas of expertise

Administrative and Public

Information and Media

Education

Information and Media

Jennifer has a strong information rights and data protection practice. Jennifer has been instructed in leading FOIA cases, including on the interpretation of the national security exemptions to FOIA. She regularly appears before the First-tier and Upper Tribunal in FOIA cases. She has been instructed twice in challenges regarding algorithms and artificial intelligence, as well as a challenge to an Enforcement Notice issued by the Information Commissioner. She regularly advises public authorities on data protection and information rights, including regulators and local government.

Cases of note:

- **HM Attorney General v BBC** - Jennifer represented the Attorney General (as junior counsel) in this claim brought to restrain publication, by the BBC, of allegations that an individual was an agent, or covert human intelligence source, for the Security Service, and that X was a dangerous extremist and misogynist who abused two female partners. The case considered both the appropriate approach to human rights balancing where national security concerns are engaged, as well as open

justice issues.

Judgment

- ***Foreign Commonwealth and Development Office v Information Commissioner and Williams*** - Jennifer represented the Foreign Commonwealth and Development Office, initially as junior counsel and then as sole counsel, in this challenge which concerned the appropriate approach to sections 23 and 24 of FOIA. The Upper Tribunal held that it was appropriate to refer to sections 23 and 24 of FOIA.

Judgment

- ***Ofgem v Information Commissioner*** - Jennifer represented the Office of the Gas and Electricity Markets in this challenge to Ofgem's decision to treat a requestor who sought emails from senior Ofgem officials over a number of days as a "fishing expedition" and therefore vexatious. The First-tier Tribunal rejected this approach, finding that the public interest in disclosure outweighed the burden on Ofgem.

Judgment

- ***Dr Emma Briant v Ministry of Defence*** - Jennifer represented the Ministry of Defence in this challenge to an refusal to either confirm or deny that a report regarding research and communication campaigns was held, within the meaning of FOIA, on the basis of defence and national security.

Judgment

- ***Ofgem v Information Commissioner and Scottish Power*** - Jennifer is representing the Office of the Gas and Electricity Markets in this challenge to a decision to withhold information regarding an ongoing enforcement process, in reliance on internal communications and course of justice exemptions to the Environmental Information Regulations 2004.

- ***R (Hendy) v Information Commissioner and the Animal and Plant Health Agency*** - Jennifer represented the Animal and Plant Health Agency in this challenge in the Upper Tribunal to a First-tier Tribunal decision which found that the Appellant was a vexatious litigant.

Judgment

Recommendations

- *"...Jennifer is very pragmatic."* Chambers and Partners (2023)
- *"...Jennifer has extensive experience in acting in public law cases for both central government departments and local authorities. She has a huge capacity for hard work and her turnaround rate is quick and superb."* The Legal 500 (2022)
- *"...She has an encyclopaedic knowledge of education law and is exceptionally skilled cross-examiner."* The Legal 500 (2022)

Qualifications

- 2006-2008: BPP Law School, Graduate Diploma in Law.
- 1993-1996: Harvard Law School, Juris Doctor, cum laude.
- 1989-1993: Miami University, B.Phil, magna cum laude.

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