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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 has a diverse practice across Chambers' areas of expertise, including in commercial disputes, data protection and information rights, employment law, public law, and competition law. Aislinn has particular expertise in the regulation of AI and automated decision-making.

Recent highlights include the following:

- 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 representative proceedings brought on behalf of millions of passengers; McLaren v Palou & ors, acting for the Defendants in a multi-million dollar claim brought by McLaren (one of The Lawyer's top 20 cases for 2025).
- Competition: Umbrella Interchange Proceedings, acting for Visa; Stasi v Microsoft, acting for Microsoft.
- Data protection and information rights: a range of advisory and contentious matters for clients including the Information Commissioner's Office and the BBC.
- Public and regulatory: 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 (one of The Lawyer's top 20 cases for 2025).
- Employment: regular appearances in the Employment Tribunal in relation to statutory employment claims.

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 part of an academic team at the University of Oxford where her work focused on the regulation of AI. 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.

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EXPERIENCE

Commercial

Aislinn accepts instructions in all areas of commercial law, including civil fraud. She is equally comfortable working unled or as part of a team in major litigation. Aislinn taught the Law of Obligations at the LSE before coming to the Bar.

Cases

McLaren v Palou and ors

Acting in a multi-million dollar Commercial Court case brought by McLaren against the racing driver Alex Palou (with Nick De Marco KC and Hollie Higgins).

Ancestry v Information Commissioner and National Records of Scotland

[2025] UKFTT 1088 (GRC)

Acting for Ancestry in relation to a request to re-use information held by the National Records of Scotland for its genealogical research service (led by Tom de la Mare KC). The case raised novel questions of interpretation of the Re-use of Public Sector Information Regulations 2015, and the EU Directive to which they give effect.

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).

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.

Breach of contract dispute

Aislinn acted for a prospective claimant in relation to a breach of contract dispute. Settlement was achieved following preparation of a Request for Arbitration under the Rules of the International Chamber of Commerce.

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Advice on limitation

Advised on a complex case raising issues relating to the application of statutory limitation periods to claims which accrued pre-1980.

Consumer contract dispute

Aislinn appeared for the defendant operator of a sports governing body in relation to a consumer contract dispute, and was successful in obtaining strike out of the claim.

Application for an 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 for the respondent in a significant commercial debt claim in relation to a contract for the provision of services. The dispute settled following service of the particulars of claim.

Sports regulatory dispute

Aislinn acted for a netball club challenging a regulatory decision by a league. The claim settled following the hearing of an application for an interim injunction by the club.

A v B

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

The Duke of Sussex and Others v MGN limited

[2023] EWHC 3217 (Ch)

Aislinn worked on the Mirror Group phone hacking litigation (during pupillage, 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).

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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

Acted for the Claimant in a claim for deceit and unjust enrichment. The claim settled following correspondence in light of the draft particulars of claim.

Data Protection, Freedom of Information & Privacy

Aislinn has particular expertise in data protection law and information rights, and regularly appears before the tribunals and the civil courts in data protection matters.

Aislinn was previously seconded to the Information Commissioner's Office (ICO), 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.

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Cases

Blown v Information Commissioner

UA-2025-000031-GIA

Appeared unled before the Upper Tribunal in relation to an application for permission to appeal. The Appellants sought an order for the Information Commissioner to progress a complaint under section 166 of the Data Protection Act 2018. The application for permission to appeal was successfully resisted following a contested hearing.

Ancestry v Information Commissioner and National Records of Scotland

[2025] UKFTT 1088 (GRC)

Acting for Ancestry in relation to a request to re-use information held by the National Records of Scotland for its genealogical research service (led by Tom de la Mare KC). The case raised novel questions of interpretation of the Re-use of Public Sector Information Regulations 2015, and the EU Directive to which they give effect.

High Court claim against the ICO

Aislinn acted for the Information Commissioner in relation to a data protection claim brought against the Commissioner and various other public bodies. The claim against the Commissioner was withdrawn shortly before the hearing, following exchange of skeleton arguments.

BBC

Aislinn regularly advises and acts for the BBC on information rights issues, including in First-tier Tribunal proceedings.

Assessing legal principles for AdTech compliance

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

Advising on data breach

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

The Duke of Sussex and Others v MGN limited

[2023] EWHC 3217 (Ch)

Aislinn worked on the Mirror Group phone hacking litigation (during pupillage, 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.

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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. The claim was withdrawn by consent following exchange of skeleton arguments.

Data protection and misuse of private information claims

Represented the ICO in relation to civil proceedings for alleged misuse of private information and data protection law infringements. The claim was struck out following a hearing.

Advice on potential data protection infringements

Provided advice on the data protection obligations applicable to liquidators.

Competition

Aislinn acts for both claimants and defendants in competition proceedings. Her recent experience includes acting for Visa in the Interchange Litigation and for Microsoft in the Stasi proceedings.

Cases

Merchant Interchange Fee Umbrella Proceedings

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

Aislinn is acting for Visa in the Merchant Interchange Fee Umbrella Proceedings. She most recently acted as part of Visa's team in a lengthy hearing on pass-on (with Danny Jowell KC, Jess Boyd KC, Isabel Buchanan and Ava Mayer). Her work has also included attendance at various significant procedural hearings (with Laurence Rabinowitz KC, Daniel Piccinin KC, and Emily Neill), as well as appearing unled at various CMCs.

Stasi v Microsoft Corporation and ors

Case no. 1696/7/7/24

Aislinn is acting for Microsoft in proceedings relating to its licensing of the "Windows Server" software in the context of cloud computing (with Brian Kennelly KC, Jess Boyd KC, and Natasha Simonsen). The Proposed Class Representative seeks to recover an aggregate award of damages currently estimated as worth between c. £1.7 billion and £2.1 billion.

Advice on potential abuse of dominance claim

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

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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).

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 coming to the Bar included 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 (in a team led by Phillippa Kaufmann KC, Raza Husain KC, and Blinne Ní Ghrálaigh KC).

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).

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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).

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Employment

Aislinn accepts instructions in all areas of employment law, and regularly appears unled before the Employment Tribunal. Aislinn's experience prior to pupillage also includes acting as a trade union representative, in which capacity she secured multiple settlement agreements at the early conciliation stage.

Cases

Claim for unfair dismissal

June 2025

Aislinn acted for the employer in an unfair dismissal claim. The claim was struck out on limitation grounds following a preliminary hearing.

Advice on alleged unlawful deductions from wages

April 2025

Aislinn advised on an allegation of unlawful deductions from wages. The claim settled following correspondence in light of the advice.

Augustine v Data Cars Limited

Aislinn is acting for the Claimant in a case concerning the meaning of "less favourable treatment" and the correct approach to causation in establishing discrimination on grounds of part-time status for the purposes of the Part-Time Workers Regulations. (Led by Tristan Jones KC, currently under appeal to the Supreme Court.)

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).

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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

March 2024

Aislinn acted (unled) for the claimant in a claim for unfair dismissal and unlawful deductions from wages. The claim settled following 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 (in a team led by Phillippa Kaufmann KC, Raza Husain KC, and Blinne Ní Ghrálaigh 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).

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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).

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Advice on social housing allocation
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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).

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".

The Duke of Sussex and Others v MGN limited
[2023] EWHC 3217 (Ch)

Aislinn worked on the Mirror Group phone hacking litigation (during pupillage, 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).

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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

McLaren v Palou and ors

Acting in a multi-million dollar Commercial Court case brought by McLaren against the racing driver Alex Palou (with Nick De Marco KC and Hollie Higgins).

Sports regulatory dispute

Aislinn acted for a netball club challenging a regulatory decision by a league. The claim settled following the hearing of an application for an interim injunction by the club.

Consumer contract dispute

Aislinn appeared for the defendant operator of a sports governing body in relation to a consumer contract dispute, and was successful in obtaining strike out of the claim.

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.

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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)

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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

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Barristers regulated by the Bar Standards Board