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# Family Law



Despite the fact that our family courts recognise that a marriage may be a 'partnership of equals', there are some areas and documents which remain private. Article 8 of the European Convention confers the right to respect for privacy.

## Confidentiality in a marriage

In all matters involving the resolution of finances between divorcing couples, it is essential that there is full and frank disclosure by husband and wife of all their financial information to enable negotiations to take place.

Sometimes husbands and wives will be suspicious of one another and believe that information is being deliberately concealed.

## Imerman Case 2010

Until the case of Imerman was decided in 2010, it was accepted under the "Hildebrand rules" that the family courts would not punish someone for taking and copying documents belonging to their spouse. However, this was under the provision that the original documents were returned at the earliest opportunity and no force or interception was used to obtain the documents in the first place.

In the case of Imerman the court said that it would be a breach of confidence for one party to examine, make, retain or supply copies of a document that is confidential to the other party. The result of doing this could give rise to a trespass in goods and could be a breach of criminal law. The court said it could not approve of self help even on the basis that the other party would have tried to conceal information and documents.

The conclusion from the Imerman case is that you should not access your husband or wife's confidential documents.

## What do I do if my partner is concealing financial information?

If you have strong reason to believe your partner is not fully disclosing financial information, you should speak to your solicitor immediately to discuss the options available to you.