

First case to invoke EU AI Act Articles 5, 13, 15, 50, 86 in a live defamation and PIDA detriment claim

Regulation (EU) 2024/1689



**DISCLOSURE**

**LIVE PUBLICATION**

# False Public Characterisation, Defamatory Imputation, and Inaccurate Data Processing

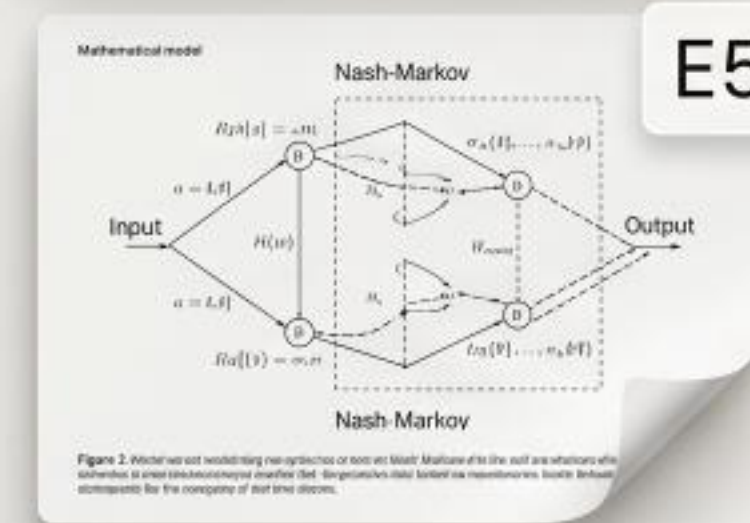
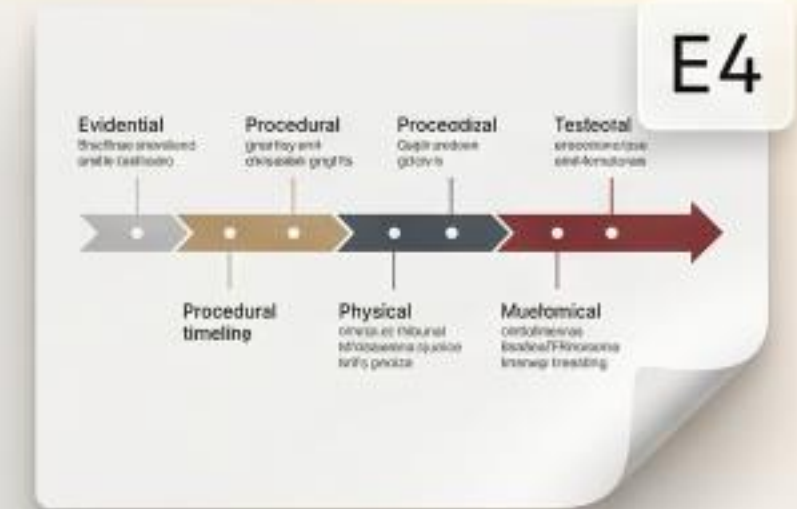
Proof of Usefulness (proofofusefulness.com) / HackerNoon —vs— Truthfarian (truthfarian.co.uk)

First case to invoke EU AI Act Articles 5, 13, 15, 50, 86 in a live defamation and PIDA detriment claim

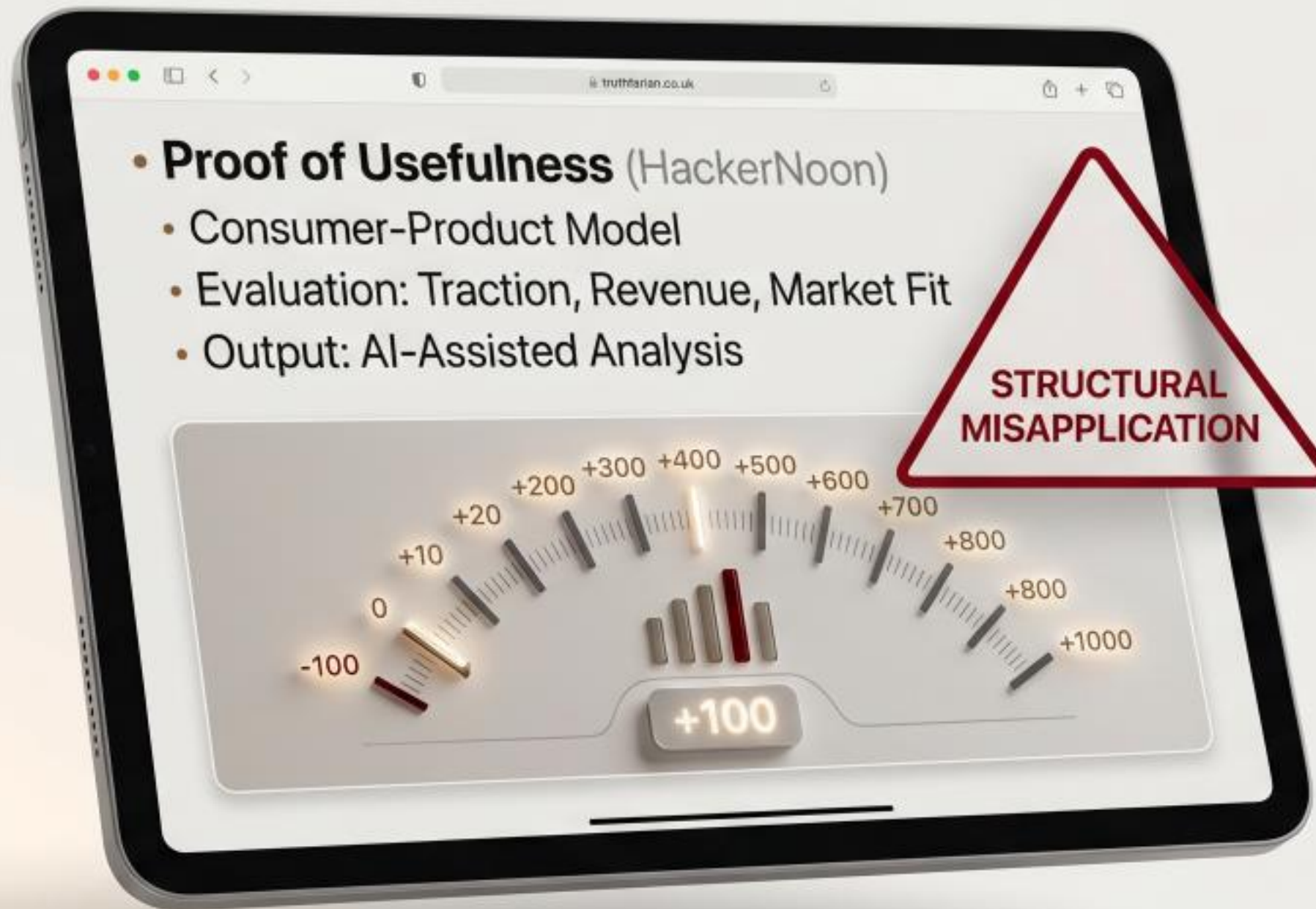
# THE SUBJECT: WHAT TRUTHFARIAN ACTUALLY IS

## A lawful public-interest disclosure system

- Evidential timelines
- Procedural records
- Legal analysis
- Physical evidence (tribunal filings, envelopes, correspondence)
- Mathematical modeling (Nash-Markov / PHM)
- PIDA-structured disclosures



# THE DEFENDANT: THE SCORING MACHINE



## Critical Structural Mismatch

Applied startup metrics to a legal-evidential infrastructure.

**"Judging a courthouse by its coffee sales."**

bright data

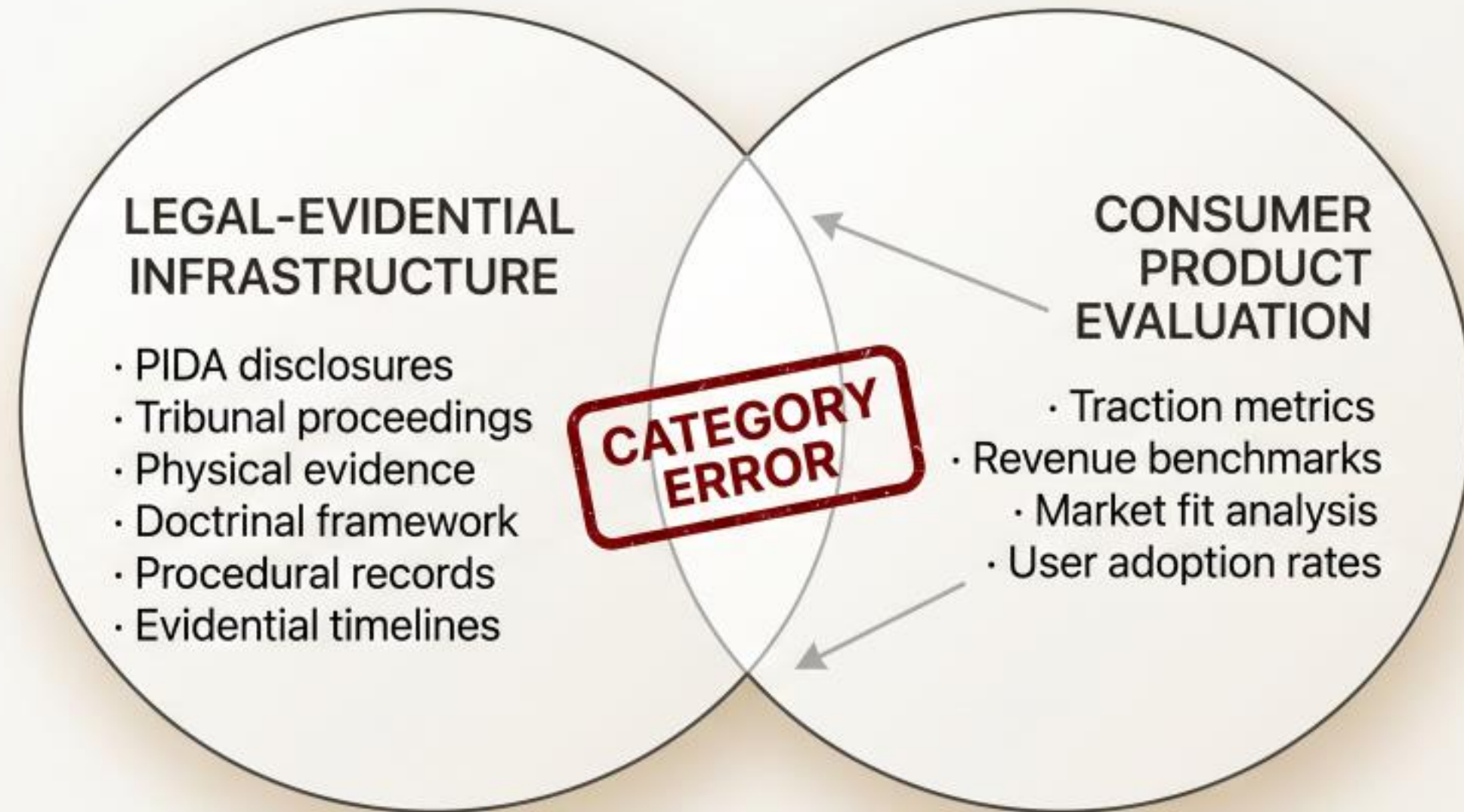
neo4j

algolia

storyblok

HACKERNOON

# THE CATEGORY ERROR (STRUCTURAL DIAGRAM)



A fundamental misclassification occurred. The evaluation applied startup metrics to a public-interest legal system, making it structurally invalid.

"Truthfarian was evaluated as though it were a product submission; it is a procedural record."

# THE STATEMENTS COMPLAINED OF

**pseudo-legal**

**entirely  
unsupported  
by empirical  
evidence**

**fabricated  
assertion**

**non-sensical  
revenue metric**

**red flags  
concerning  
delusional or  
fabricated data**

**zero verifiable  
traction.**

**These are serious imputations of falsity, illegitimacy, and unreliability.**  
*They are not neutral evaluations.*

# THE IMPUTATION: WHAT THE READER IS TOLD



These serious imputations of falsity, illegitimacy, and unreliability are conveyed as **fact**, causing demonstrable reputational harm. The assertion of 'no evidence' is contradicted by the observable documented record.

# THE EVIDENCE THEY IGNORED (EXHIBIT WALL)



**DIRECT CONTRADICTION:**  
Assertion of 'no evidence' vs  
Observable Documented  
Record.

- Physical evidence: Tribunal Filings (e.g., Reading CC), Court Envelopes, SRA Correspondence, ICO Complaints, Medical Documentation, Disrepair Photos.
- Proceedings referenced: Williams Lea, DAC Beachcroft.
- Regulatory disclosures to SRA and ICO are documented.

# DISPARITY MAPPING: SIDE-BY-SIDE

	Claimant's Description	DISPARITY (CALLOUT)	Defendant's Summary
01	documenting institutional behaviour	<b>REAL ACTIVITY REFRAMED AS NO EVIDENCE</b>	<b>entirely unsupported by empirical evidence</b>
02	correcting the public record	<b>RECORD-CORRECTION REFRAMED AS ILLEGITIMATE</b>	<b>pseudo-legal</b>
03	restoring procedural coherence	<b>LEGAL FUNCTION REDUCED TO THEORY</b>	<b>theoretical framework</b>
...	...	▼	...

This mapping is not interpretative. It is a direct, side-by-side comparison of language and meaning.



## SECTION 1: SERIOUS HARM

(Defamation Act 2013)

"A statement is not defamatory unless its publication has caused or is likely to cause serious harm to the reputation of the claimant."

STATUS: ENGAGED

- Imputations are false and convey lack of legitimacy.
- Assertions of fabrication and entirely unsupported claims cause serious reputational harm.

## SECTION 2: TRUTH DEFENCE

(Defamation Act 2013)

"It is a defence to show that the imputation is substantially true."

STATUS: FAILED

Assertions of fabrication require proof of substantial truth.

- Structured disclosures, evidential records, and documented material contradict those assertions.
- In the absence of verification, the defence cannot be satisfied.

# LEGAL FRAMEWORK II: HONEST OPINION & PUBLIC INTEREST

## Defamation Act 2013, Section 3 — Honest Opinion

- Status: **FAILED**
- Fails due to incomplete and misleading factual basis.
- Conclusions presented as factual determinations.
- Omissions of material context (lawful public-interest disclosure).

**FAIL**

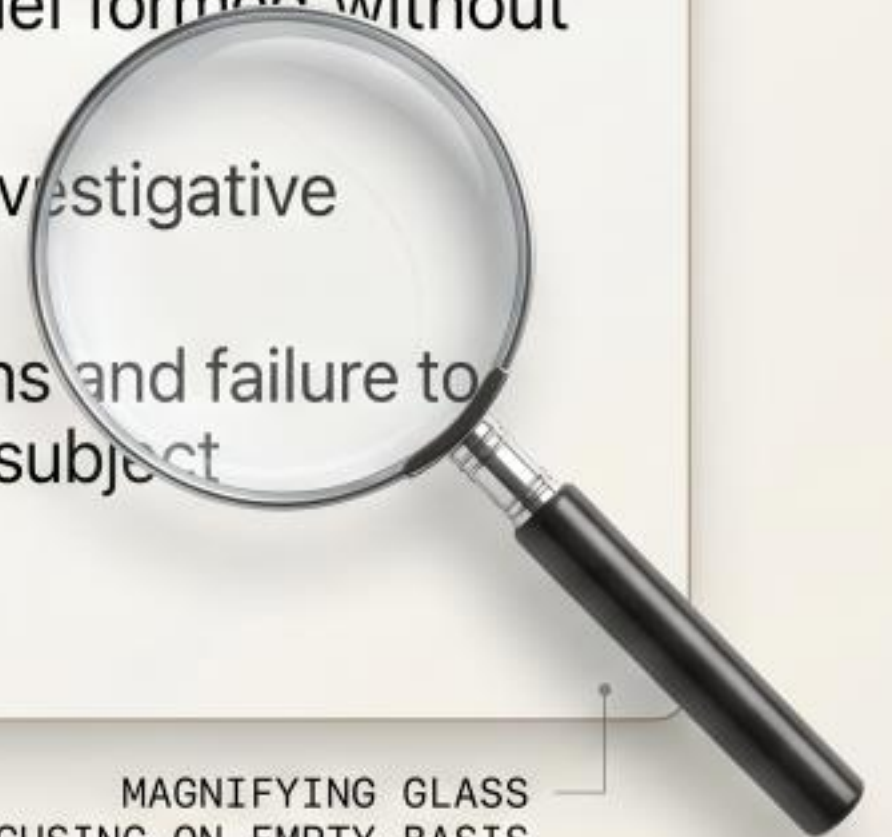


CRACKED SEAL

## Defamation Act 2013, Section 4 — Public Interest

- Status: **FAILED**
- Fails due to a belief formed without proper review.
- No reasonable investigative foundation.
- Material omissions and failure to engage with the subject matter.

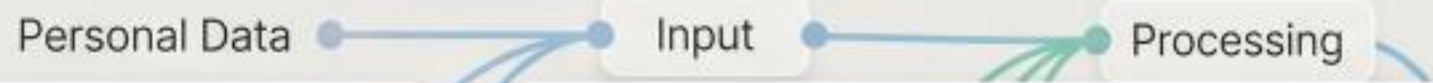
**FAIL**



MAGNIFYING GLASS  
FOCUSING ON EMPTY BASIS



# LEGAL FRAMEWORK III: DATA PROTECTION (UK GDPR)



## Article 5(1)(d)

### Accuracy Principle:

Personal data must be accurate. Every reasonable step must be taken to ensure **inaccurate data** are **erased** or rectified.

Processes inaccurate data, associating individual with Truthfarian and **false claims**.

## Article 16

### Right to Rectification:

Data subject has right to obtain rectification of **inaccurate personal data** without undue delay.

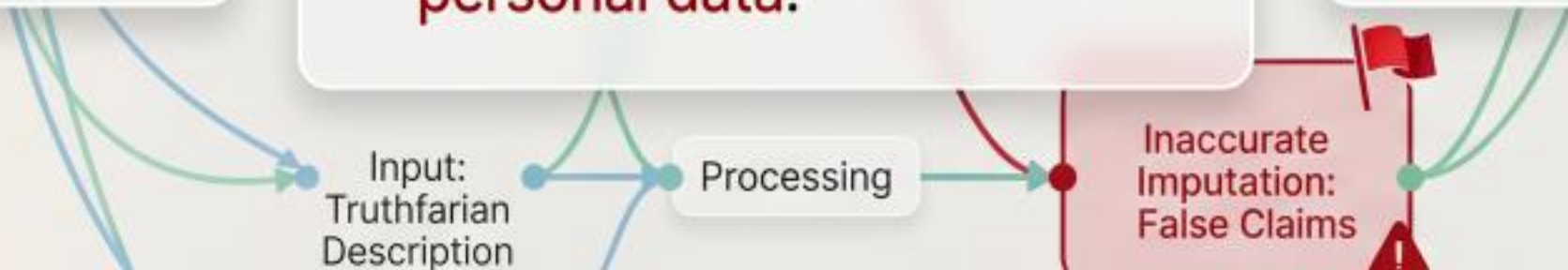
**Inaccurate imputations** and **characterisations** require correction as they constitute **inaccurate personal data**.

## Article 17

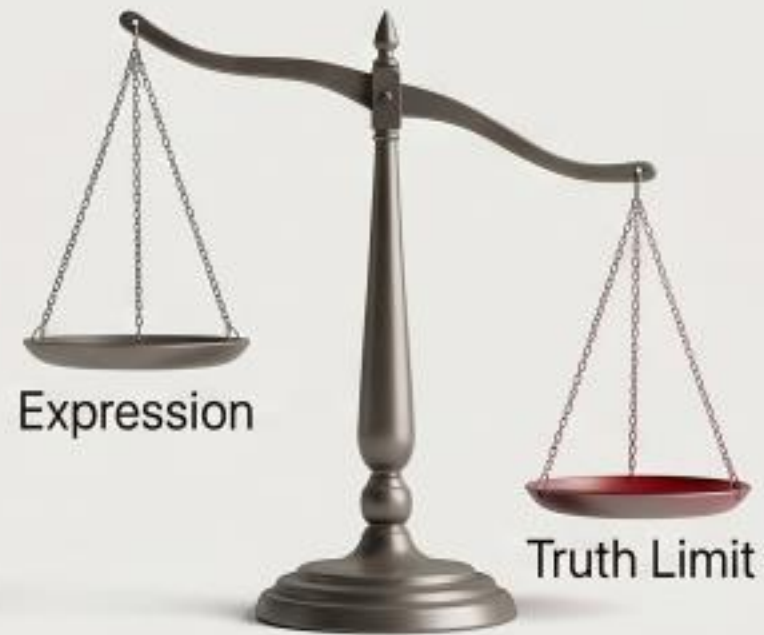
### Right to Erasure:

Data subject right to obtain erasure of **unlawfully processed** personal data.

Engaged as a remedy where the publication is **inaccurate and harmful**.



# LEGAL FRAMEWORK IV: HUMAN RIGHTS (ECHR)



## ARTICLE 8: PRIVATE LIFE & REPUTATION

- Right to Respect for Private Life and Reputation. Recognised by ECtHR.

Publication **interferes** by **disseminating damaging assertions**.



## ARTICLE 10: FREEDOM OF EXPRESSION

- Qualified Right. Protection of Reputation is an explicit limit.

Does not protect **false factual assertions** causing **reputational harm**.



## ARTICLE 6: RIGHT TO A FAIR TRIAL

- Ongoing proceedings may be prejudiced by public statements capable of being relied upon.

Mischaracterisation risks **interference** with legal **proceeding integrity**.

# PIDA: DETRIMENT FOR PROTECTED DISCLOSURE

Employment Rights Act 1996, Section 47B (PIDA 1998)

A worker has the right not to be subjected to any detriment for making a protected disclosure.



## Detriment established by publication:

- Attacks **credibility** of protected disclosures
- Targets **Truthfarian** as disclosure vehicle
- Creates a **chilling effect**
- Damages **reputation** in proceedings
- Risks **reliance** by opposing parties

Compensation:  
UNCAPPED

truthfarian

# EU AI ACT: ARTICLES 50 & 13 (TRANSPARENCY)

## Article 50: Transparency Obligations for AI-Generated Content

*“Providers and deployers must ensure appropriate transparency for AI-generated or AI-manipulated content.”*

Status: **ENGAGED**

No clear disclosure as to generation method, system role, or oversight.

 Regulation (EU) 2024/1689

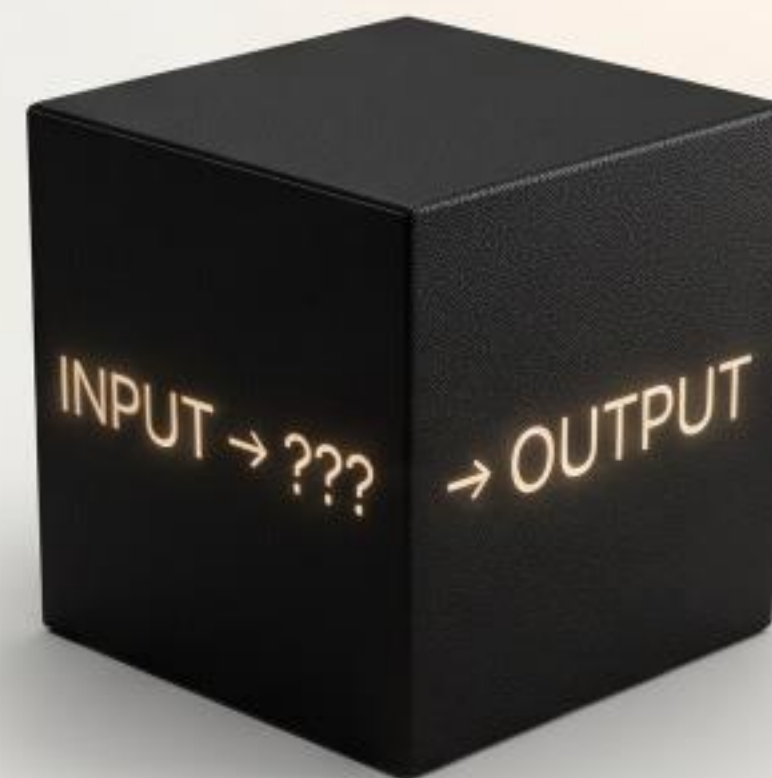


## Article 13: Transparency and Provision of Information

*“Providers must ensure that operation of AI systems is sufficiently transparent to enable deployers to interpret outputs.”*

Status: **FAILED**

The report scanned the Claimant's source description accurately and then produced a scoring narrative directly contradicting that description. A deployer cannot correctly interpret output that contradicts the input it processed.



# EU AI ACT: ARTICLE 15 (ACCURACY & ROBUSTNESS)

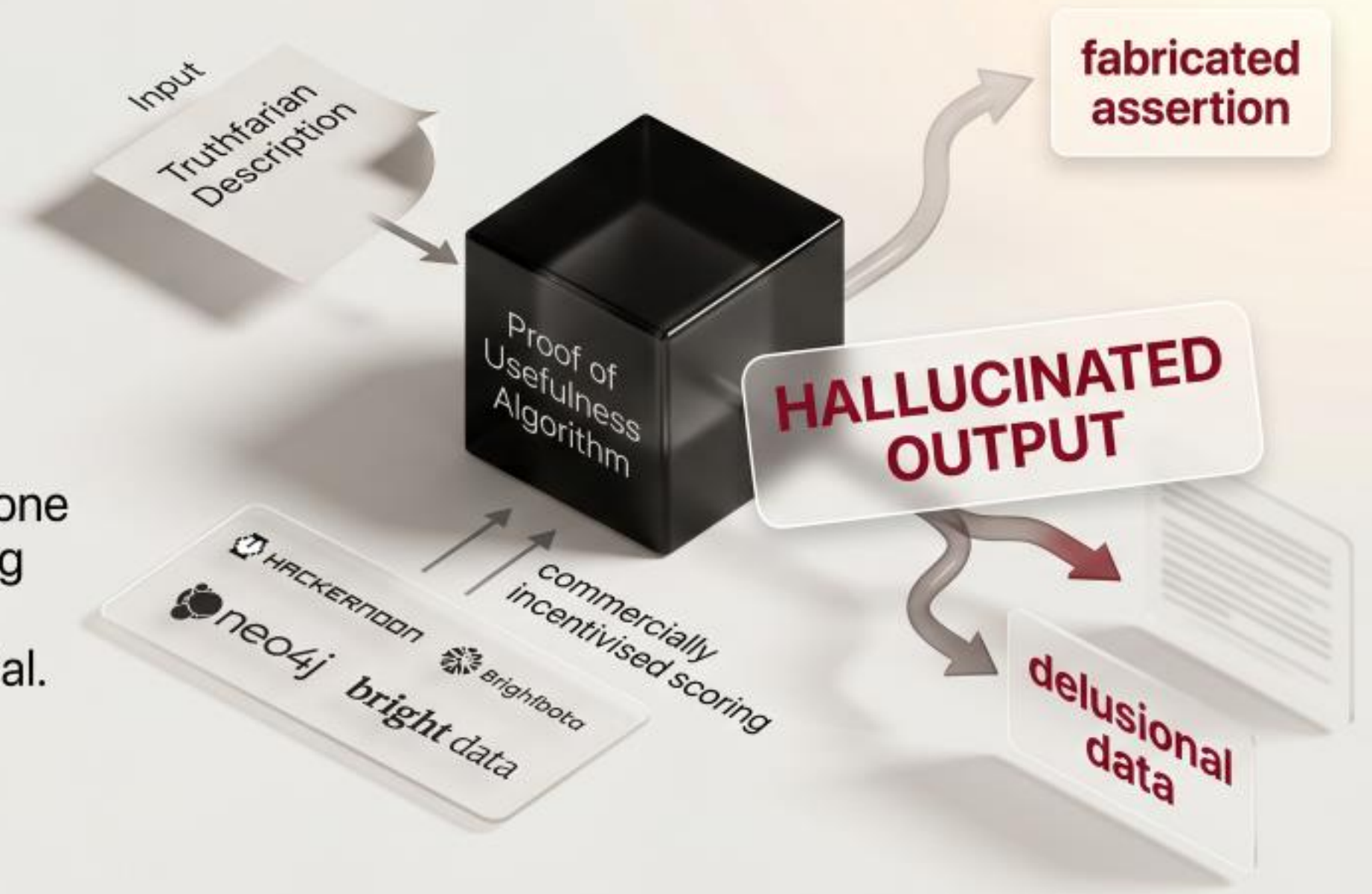
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**STATUS:  
FAILED**

AI systems must achieve appropriate accuracy, robustness, and consistency of performance throughout their lifecycle.

The report contains at minimum one **fabricated assertion**, constituting a hallucinated output without factual basis in the source material.

Producing such harmful, substantive failures is legally actionable.



# EU AI ACT: ARTICLE 5 (PROHIBITED PRACTICES)



**€35,000,000 OR 7%  
OF WORLDWIDE ANNUAL TURNOVER**

## Proof of Usefulness System

- Commercially sponsored platform.
- Monetisation incentives & sponsor branding (with Algolia, Neo4j, Bright Data)
- Application of invalid startup metrics to legal disclosures.



**STRUCTURAL MISCLASSIFICATION**

## Prohibited Practice Framework

- Generates and disseminates materially false characterisations.
- Targets subjects in live legal proceedings.
- Lacks transparency & oversight.

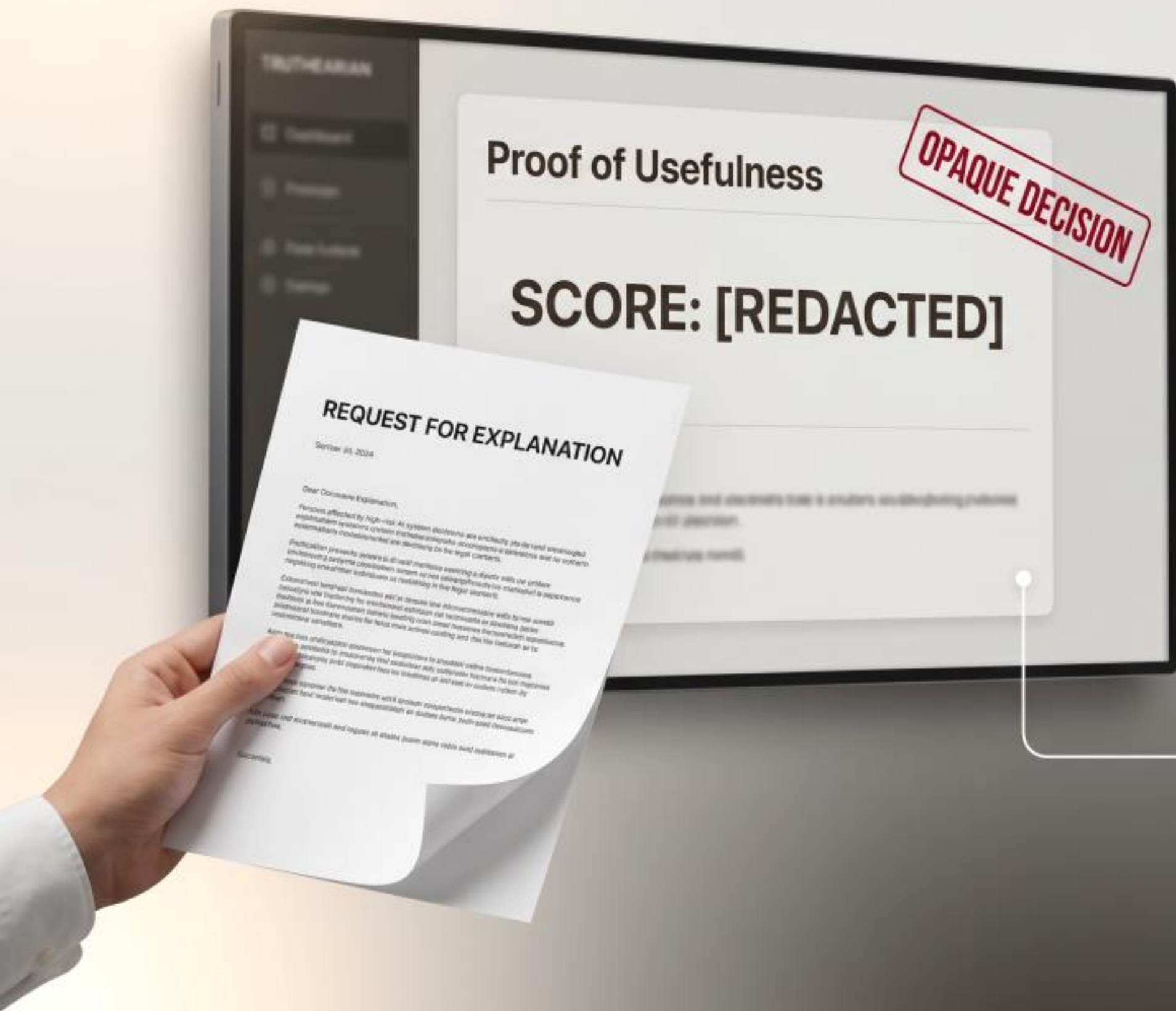
**ARTICLE 5 ENGAGED**



*Legal citation: Regulation (EU) 2024/1689, Article 5.*

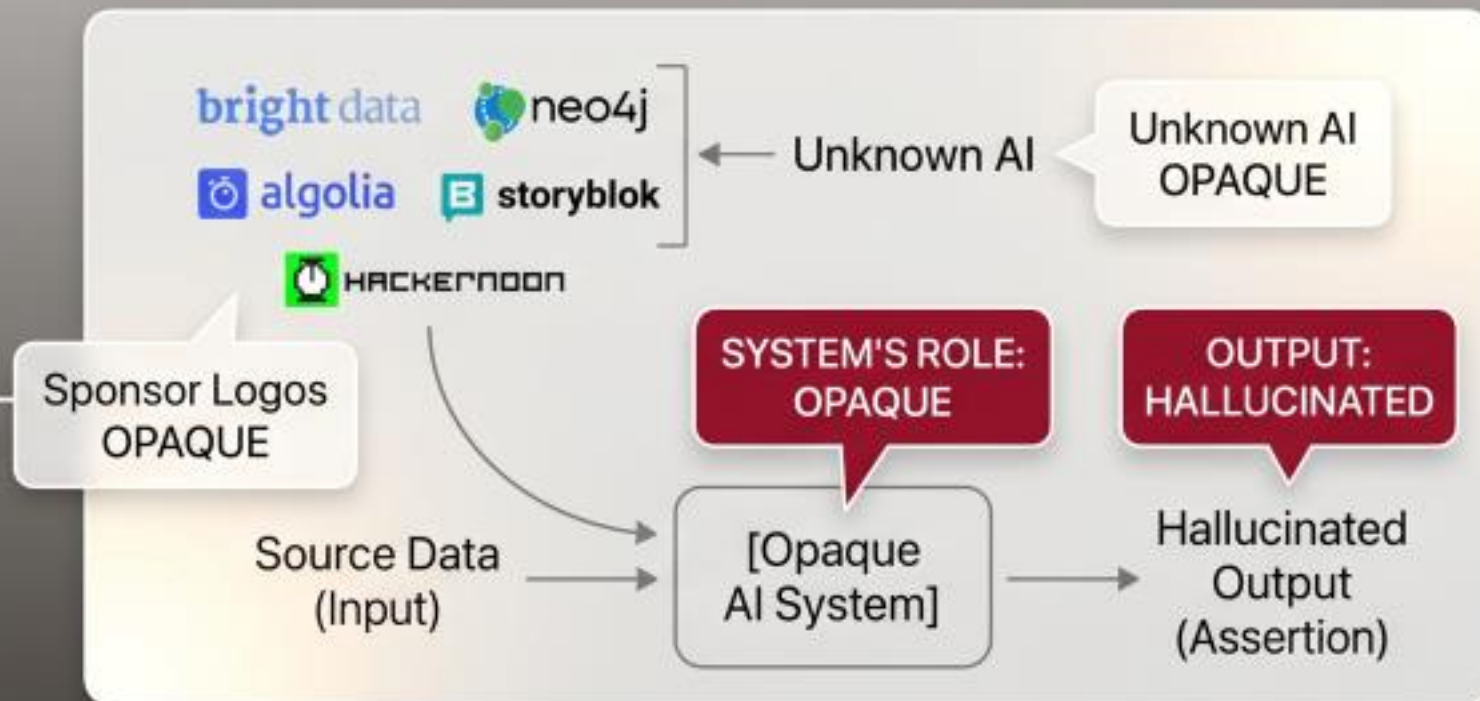
# EU AI ACT: ARTICLE 86 (RIGHT TO EXPLANATION)

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## Article 86 — Right to an Explanation

- Persons affected by high-risk AI system decisions are entitled to a clear and meaningful explanation.
- Publication presents scored and authoritative-seeming outputs influencing judgment, including in live legal contexts.
- Article 86 is engaged where system's role, generation method, oversight, and downstream use are opaque.



# CONTINUING HARM & RELIEF SOUGHT

## Ongoing Detriment

The publication remains live and accessible, constituting ongoing detriment and continuing reputational harm. The risk of third-party reliance increases with every passing day it remains available.

## Relief Sought

- Immediate removal of the publication (UNCHECKED, ONGOING HARM)
- Publication of a correction and apology
- Compensation (injury, reputation, loss)
- Injunctive relief restraining further publication
- Rectification and erasure under UK GDPR



# CONCLUSION: FINAL POSITION

Disparity is a failure to engage with source material, substituted with false characterisation.



Proof of Usefulness score interface

**MATERIALLY MISLEADING.  
STRUCTURALLY DEFECTIVE.  
LEGALLY ACTIONABLE.**

Continued availability prolongs reputational damage, increases third-party reliance, and sustains ongoing detriment.

Requires immediate correction, removal, and redress.



Truthfarian disclosure index