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Data breach class actions

Handy Client Guide to Class Actions in England and Wales

Issue 3: December 2018

Claims in relation to data breaches seem set to increase, particularly in light of the heightened focus on data protection rights following the introduction of the General Data Protection Regulation (GDPR) from 25 May 2018 and what appears to be the ever-increasing proliferation of data breaches.

Data breaches tend to affect large numbers of potential claimants, and are therefore fertile ground for class or group claims. We have already seen high profile actions in this area and more are believed to be in the pipeline.

Many issues remain unclear, however, including the all-important question of how damages will be calculated where a breach has been established.

For more information see these links:

[Data protection obligations](#)

[Group actions to date](#)

[Some points to consider](#)

“There have been many instances reported in the media in recent years of data breaches on a massive scale caused by either corporate system failures or negligence by individuals acting in the course of their employment. These might, depending on the facts, lead to a large number of claims against the relevant company for potentially ruinous amounts....”

WM Morrison Supermarkets PLC v Various Claimants
[2018] EWCA Civ 2339

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Class Actions in England and Wales

For an in-depth discussion of how class actions are litigated in the English courts, see our new textbook ***Class Actions in England and Wales***, written by leading lawyers from Herbert Smith Freehills and published by Sweet & Maxwell in June 2018.

