

TechLaw Chat – Episode 11

Episode 11 of [Matthew Lavy](#) and [Iain Munro](#)'s podcast series, TechLaw Chat, is now available.

This episode, 'Data protection representative actions: door slammed shut or door ajar?' is a discussion of the ramifications of the Supreme Court's decision in the *Lloyd v Google* litigation.

The long-anticipated Supreme Court decision in [Lloyd v Google \[2021\] UKSC 50](#) was handed down on 10 November 2021. Reversing the decision of the Court of Appeal and reinstating the first instance decision of Warby J, the Supreme Court held that Richard Lloyd could not pursue a damages claim as representative of the class of individuals affected by Google's alleged breach of the Data Protection Act 1998 in relation to the so-called "safari workaround". The reasoning is involved, and the Judgment bears reading in full. In essence, however, the court held that establishing a right to damages for breach of the Data Protection Act 1998, and quantifying those damages, involved a claimant-by-claimant analysis that, in each case, must identify the breach affecting that claimant, the loss suffered by that claimant, and the causal connection between breach and loss. The claims were accordingly unsuitable in principle for a representative action. The Judgment also addressed in some detail the nature of damages for breach of data protection legislation, and the nature and scope of representative actions under CPR 19.6.

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