

Client Alert: A clean (supermarket) sweep – English Court of Appeal finds against Morrisons on all points in payroll leak claim

Publications

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The English Court of Appeal has dismissed an appeal in *Various Claimants v. Wm Morrison Supermarkets PLC*, agreeing with the English High Court's first instance decision that the supermarket chain was vicariously liable for a deliberate and malicious data breach by an employee.

Facts

Morrisons, a UK-based supermarket chain, had instructed S, a senior IT auditor employed by Morrisons, to transfer 99,998 employees' payroll information to the company's external auditor, KPMG. S had previously been subject to a formal warning in respect of his misuse of company postal facilities, leaving S with a "grudge" against the company. S duly transferred the payroll data to KPMG via an encrypted USB stick but also copied the data onto another USB stick for his own use.

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