

## Employer not responsible for former employee's data breach

The long-awaited Supreme Court decision has been published in the case of WM Morrison Supermarkets Plc v Various Claimants.

02 April 2020

The long-awaited Supreme Court decision has been published in the case of WM Morrison Supermarkets Plc v Various Claimants.

In 2018, the Court of Appeal found the company vicariously liable for its employee's actions. An IT Internal Auditor, aggrieved at receiving a disciplinary sanction, copied payroll data of almost 100,000 employees and posted it on a file sharing website. This led to a class action by more than 5,000 employees.

The Supreme Court has now found that the company was not liable for the employee's actions. His wrongful disclosure was not sufficiently closely connected with his ordinary duties that it could be regarded as being done while the employee was acting in the ordinary course of his employment. His employment simply gave him the opportunity to commit the act, in order to pursue a personal vendetta. This did not mean that the employer should be responsible for it.

The Court of Appeal decision in 2018 attracted a great deal of interest, as it meant that there was little that employers could do to protect themselves. Whilst employers still can be found vicariously liable when an employee is engaged in furthering his or her employer's business when an act takes place, they will not be found liable where an employee was "on a frolic of their own". Employers will breathe a sigh of relief as a result.

## Contact



**Rachel Billen**  
Senior Associate

[rachel.billen@brownejacobson.com](mailto:rachel.billen@brownejacobson.com)

+44 (0)330 045 2803

---

## Related expertise

### Services

Employment

