

Public Matters - November 2021

Updates include data breach claims, contract law, procurement & bids, Environmental Protection Act, historical abuse & negligence.

29 November 2021

Welcome to our Public Matters Newsletter.

This month we have:

Stemming the tide of data breach claims: good news for data controllers

Ros Foster and Matthew Alderton summarise recent cases, which give considerable comfort to data controllers seeking to defend themselves against claims that relate to breaches arising as a result of a failure rather than a direct act and/or are based on assertions of damage or distress that are exaggerated, unsubstantiated or bear little relation to the breach itself.

[Read more >](#)

Onerous terms: the devil is in the detail!

Ruairi O'Grady sets out the legal position on the incorporation of both standard and onerous T&Cs into a contract before exploring HHJ Davies' conclusion that the claimant's onerous T&Cs had not been successfully incorporated.

[Read more >](#)

Amendments to public procurement thresholds

It is critical that contracting authorities are aware of this biennial review and the amended threshold figures.

Peter Ware takes us through the changes.

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Managing consortium bids

Anja Beriro looks at the three key pinch points that need to be properly managed: the selection qualification stage, award criteria evaluation and contract finalisation.

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Environmental Protection Act 1990 claims - the next big thing for claimant solicitors?

Traditionally Environmental Protection Act (EPA) claims in respect of statutory nuisance were made by local authorities against occupiers, however claimant solicitors are increasingly pursuing this avenue on behalf of tenants by suggesting that the condition of their home constitutes a statutory nuisance.

Victoria Curran outlines what to do if you receive an EPA notice.

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Local authorities: recoveries from abusers for the benefit of the public purse

It is an unfortunate reality that many local authorities face historical abuse claims, and often held vicariously liable for abuse by their former employees.

Ryan Wise sets out an overview of recoveries law and insight into successes we have had in recouping money for local authorities.

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Settled law on failure to remove negligence claims: does section 20 of the Children Act 1989 create a lasting duty of care?

Louise Fisher explains why the judgment in *YXA v Wolverhampton City Council* [2021] is significant for several reasons.

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