



Article written by [Steve Innes](#) and [Helen Evans](#) of [4 New Square](#) on Monday 30th April 2018.

Forthcoming series: what litigators need to know about GDPR, by 4 New Square

Over the next couple of weeks, 4 New Square will present a series of articles from specialist contributors on different areas of litigation and professional practice where GDPR is likely to have a significant impact. The articles will be posted on LinkedIn and 4 New Square's website every couple of days.

The GDPR comes into force on 25 May 2018. A great deal has been written about the need for compliance with the Regulations, and no one can have failed to notice the number of experts advertising their services in assisting organisations in complying with their obligations. But less attention has been paid to what happens when things go wrong. What claims can be brought, by and against whom, and in what forum? Is the Information Commissioner the only body policing GDPR compliance or will the courts and professional regulators also play a part? How can litigants use the GDPR as a weapon?

Some of the dangers of GDPR are well known. They are long and complex regulations, introducing some novel concepts and providing substantial scope for disagreement and debate about their scope and meaning. Fines for non-compliance may turn out to be very substantial. But equally there are risks of criminal sanctions, claims for civil compensation (including group litigation), disciplinary action by other regulators, and major reputational damage. Last year's well-publicised protection case of *Various Claimants v WM Morrison* [2017] EWHC 3113 (QB) suggests that large organisations may find themselves liable for deliberate data breaches by rogue employees. There have been several high profile hacking scandals in recent times. The GDPR also hand significant new opportunities to customers and clients to tie organisations up in bureaucratic knots (or expose them to claims) with information requests.

The forthcoming series of articles will look at different fields in which we predict the GDPR will make their presence strongly felt. The articles will cover the following:

- Professionals, their regulators and personal data breaches: who is in charge of policing the GDPR? (By Paul Mitchell QC, Stephen Innes and Helen Evans);

- The use and abuse of Subject Access Requests against solicitors. (By Ben Elkington QC and Charles Phipps);
- What civil claims can be brought for GDPR breaches? (By Paul Mitchell QC, Stephen Innes and Helen Evans);
- What insurance coverage issues arise? (By Alison Padfield QC, Clare Dixon and Peter Morcos);
- What professional negligence claims may arise against out of defective GDPR compliance advice? (By Neil Hext QC, Stephen Innes and Helen Evans);
- How will the GDPR give rise to group actions? (By Ben Williams QC, Shail Patel and George McDonald).

We hope that you will find the articles interesting and informative. If you want to find out more, please look out for:

- Ben Elkington QC and Charles Phipps speaking on “*The use and abuse of Subject Access Requests against solicitors*” at 4 New Square’s Regulatory Enforcement Day on 13 June 2018: more details of that event and how to book your place can be found [here](#);
- a forthcoming 4 New Square event on data protection planned for 2 July 2018: further details will be publicised shortly.

Disclaimer: this article (and the other articles in the series) are not to be relied on as legal advice. The circumstances of each case differ and legal advice specific to the individual case should always be sought.

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