

Contact: Data Breach Team  
Tel: 0151 318 7188  
Email: [databreach@spglaw.co.uk](mailto:databreach@spglaw.co.uk)

18 October 2019

Dear Client

### **Re: The British Airways Data Breach Litigation – Client Update**

We write by way of update following recent advancement in the litigation.

#### **Proposed fine by ICO**

You may have read that the Information Commissioners Office has issued a notice of intention to fine BA in the sum of £183 million. The fact that ICO has issued a notice of intention to fine is a good indication that they consider that BA breached data regulations and the decision may support the claim moving forward. The civil group action is currently the only avenue that affected customers can go down to recover damages for distress and inconvenience from BA.

BA has filed an appeal to the notice of intention to fine and we await the outcome. We have recently been made aware that ICO has asked further questions of BA so the appeal process is ongoing. We will of course keep you updated with the latest developments.

#### **The group litigation order hearing**

On Friday 4<sup>th</sup> October 2019, we attended the hearing of BA's application for a group litigation order (GLO) at the Royal Courts of Justice (RCJ). At the hearing, Mr Justice Warby granted a GLO which has paved the way for affected customers to pursue BA as reported in the media over the weekend.

5 Chancery Lane, London, WC2A 1LG | t: +44 (0) 345 257 6377 | f: +44 (0) 207 000 1269

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## **The group litigation order (GLO)**

A GLO is an order of a Court which permits a number of claims with common or related issues of fact or law (known as GLO issues) to be managed collectively. It is similar to what is termed a 'class' or 'collective action' in other legal jurisdictions.

SPG Law have been appointed Lead Solicitors under this Order and together with a Steering Committee (comprised of other firms instructed by potential Claimants) shall be responsible for the conduct of the GLO.

## **Next steps**

Over the next few months we will be working on establishing a Group Register (GR) and finalising the Group Particulars of Claim (GPOC). The GR is essentially a list of every claimant in this action and the claims that they are making. The GPOC will contain general allegations in relation to all claims and a schedule containing entries relating to each individual claim specifying which of the general allegations are relied upon and any relevant specific facts.

## **Client Information required**

The Judge ordered that claimants must provide certain pieces of information that we had not accounted for in our survey. We argued against the more onerous requests made by BA and the Judge struck a balance by stating that a claimant should provide the information if able to do so after a reasonable search. A further short survey will be sent out to obtain this information from claimants.

The information requested is the booking reference number, the last 4 digits of the card used to make the booking and the billing address used at the time of the booking. We will send out information concerning what is required by a 'reasonable' search.

If you have any concerns or further queries, please do not hesitate to contact our team.

Thank-you.

Yours faithfully,

A handwritten signature in black ink that reads "SPG Law". The letters are cursive and slightly slanted to the right.

**SPG Law**