

Lloyd (Respondent) v Google LLC (Appellant)

Case ID: UKSC 2019/0213

Case summary

Issue

Whether the respondent should have been refused permission to serve his representative claim against the appellant out of the jurisdiction (i) because members of the class had not suffered ‘damage’ within the meaning of section 13 of the Data Protection Act 1998 (‘DPA’); and/or (ii) the respondent was not entitled to bring a representative claim because other members of the class did not have the ‘same interest’ in the claim and were not identifiable; and/or (iii) because the court should exercise its discretion to direct that the respondent should not act as a representative.

Facts

The respondent has issued a claim alleging that the appellant (‘Google’) has breached its duties as a data controller under the DPA to over 4m Apple iPhone users during a period of some months in 2011- 2012, when Google was able to collect and use their browser generated information. The respondent sued on his own behalf and on behalf of a class of other residents in England and Wales whose data was collected in this way. He applied for permission to serve the claim out of the jurisdiction. Google opposed the application on the grounds that (i) the pleaded facts did not disclose any basis for claiming compensation under the DPA and (ii) the court should not in any event permit the claim to continue as a representative action.

Judgment appealed

[\[2019\] EWCA Civ 1599](#)

Parties

Appellant(s)

Google LLC

Respondent(s)

Richard Lloyd

Appeal

Justices

Lord Reed, Lady Arden, Lord Sales, Lord Leggatt, Lord Burrows

Hearing start date

28 Apr 2021

Hearing finish date

29 Apr 2021

Watch hearing

28 Apr 2021 [Morning session](#) [Afternoon Session](#)

29 Apr 2021 [Morning session](#) [Afternoon Session](#)

Judgment details**Judgment date**

10 November 2021

Neutral citation

[2021] UKSC 50