EMPLOYMENT TRIBUNALS

Claimant: **Sylvanus Wright**

Respondent: **HCT Group**

Heard at: **East London Hearing Centre (by telephone)**

On: **26 November 2021**

Before: **Employment Judge Housego**

Representation

Claimant: In person

Respondent: Edward Nuttman, Solicitor, of Ward Hadaway LLP

JUDGMENT

The claim is struck out.

REASONS

1. Mr Wright is a London bus driver. He left the employment of the Respondent to work for another bus company. He has to have a London bus driver's licence or permit. It is held by the employer and is transferred from employer to employer.

2. There was correspondence between the Respondent and the new employer about Mr Wright. The substance is not relevant to this judgment, although important to Mr Wright. Mr Wright says that what the Respondent said to his new employer caused him embarrassment and difficulty, and that it was a breach of data protection obligations. He says it predated his resignation, but agrees that it did not cause the resignation, because he had already agreed to go to the new employer (which is why they contacted the Respondent about the London permit/licence in the first place). Mr Wright brings this claim to complain to this Tribunal about that correspondence.

3.   I explained to Mr Wright that Employment Tribunals are creatures of statute. This means that they can only decide the things that Parliament has given them power to do, by passing Acts of Parliament – statutes. These give the Tribunal the power to make judgments about whatever rights the Act gives people.

4.   I explained that while there were data protection laws, the Employment Tribunals had not been given any power to deal with any breaches of data protection laws.

5.   I explained that if there was a data protection breach and someone resigned because of it, that might be a good reason to leave and claim unfair constructive dismissal. Employment Tribunals can deal with unfair dismissal claims because of the Employment Rights Act 1996. That is different to a stand-alone claim that there has been a data protection breach.

6.   Therefore, I explained that I had to strike out the claim for want of jurisdiction (which means I don't have the authority to deal with it).

7.   Mr Wright asked me how he could bring a claim about a data protection breach, but I had to tell him that judges decide things, but aren't allowed to give advice to people who appear before them, as judges don't take sides.

Employment Judge Housego
Date: 29 November 2021