

High Court orders destruction of confidential information on ex-employee's computer

- ▶ Claim alleging that ex-employee of Claimant had misused confidential information in his new position at a competitor
- ▶ Claimant sought interim mandatory injunction requiring deletion of information held on electronic devices
- ▶ Interim injunction granted, subject to certain safeguards

What's it about?

Mr Skriptchenko worked for Arthur J. Gallagher Services (UK) Limited (the **Claimant**), an insurance broker. After his employment was terminated, he started working for a competitor company, Portsoken Limited (the **New Employer**), taking a list of the Applicant's clients with him.

Prior to this hearing, the Claimant had already successfully applied for a mandatory interim injunction against Mr Skriptchenko requiring him to deliver up his electronic devices for inspection, and against the New Employer, requiring it to allow the Claimant's IT experts to inspect its computer systems. As a result, 4,000 documents were found which showed that the New Employer was using the Claimant's confidential information.

This hearing concerned an application by the Claimant for an additional interim mandatory injunction which would require the New Employer to delete all of the Claimant's confidential information found on the New Employer's computers.

The interim injunction was granted, subject to a number of assurances from the Applicant including that copies of any imaging would be preserved.

Why does it matter?

It is thought that there was no previous authority for the grant of an interim injunction requiring deletion of confidential information from electronic equipment. In *Warm Zones v Thurley and another* [2014] IRIL 791, the High Court made an order on behalf of an employer for imaging and inspection of computers belonging to its ex-employees. Whilst the Claimant acknowledged that this order did not contain an order for destruction of any confidential information, it argued that that an order of this type would not be uncommon. In this case, the fact that the defendants were aware that they were breaching confidentiality obligations showed that they could not be trusted with deleting any confidential information themselves.

Now what?

Those who have suffered due to the misuse of their confidential information now have some welcome certainty as to whether they are able to successfully pursue an interim injunction requiring the information in question to be deleted from electronic devices.

Arthur J. Gallagher (UK) Ltd and others v Skriptchenko and others [2016] EWHC 603 (QB)

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