Court order allows imaging and inspection of ex-employees' computers

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Court order allows imaging and inspection of ex-employees' computers

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The High Court granted an order allowing an employer to appoint a computer expert to inspect and take images of the

computers of two former employees after information came to light in the course of tribunal proceedings that, in breach of their employment contracts, the employees had misused confidential information belonging to their employer during their employment.

Ms Turley and Mr Buckley were employees of Warm Zones, a not for profit company who delivered energy advice to households. During their employment, they had access to Warm Zone's database which contained information about householders. Their employment at Warm Zones ended and they joined a competitor of Warm Zones, UK SS Renewal Energy Services Limited (UK RES).

Ms Turley had brought employment tribunal proceedings against Warm Zones following her dismissal. During the course of these proceedings, Warm Zones discovered documents which suggested that Ms Turley and Mr Buckley had details of their database information and that they had or were prepared to disclose this to UK RES whilst they were employees of Warm Zones.

Warm Zones applied for an interim injunction to inspect and image the computers of Ms Turley and Mr Buckley. Despite claims from Ms Turley and Mr Buckley that they were talking up the data in their possession, the High Court granted the injunction holding that there was commercial value in the database and that damages would have been an inadequate remedy. The fact that the searches were undertaken at Warm Zone's expense is likely to have influenced the court's decision to give the injunction.

Warm Zones v (1) Sophie Turley (2) Alex Buckley [2014] EWHC 988 (QB)

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