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# Jack McCracken

Year of Call: 2012

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## Overview

Jack McCracken specialises in personal injury, industrial disease, and data protection, information and privacy cases.

He works in other practice areas which overlap with these core areas, dealing with issues such as fraud, technical issues connected to claims for indemnities and contributions under the Civil Liability (Contribution) Act 1978, employment law issues including TUPE transfers, and contractual matters including questions relating to insurance policy coverage.

Jack's advocacy experience includes multi-day trials, inquests, tribunal hearings, and appeals. He has experience of cross-examining expert witnesses who are often the leading experts in their fields.

He has acted in cases leading to precedent setting decisions:

- *YSL v Surrey and Borders Partnership NHS Foundation Trust* [2024] All ER (D) 171 (Feb) [2024] EWHC 391 (KB): Successfully represented the defendant NHS Trust in the High Court at the trial of a claim brought under data protection legislation and the Human Rights Act 1998. The decision approved NHSX's data retention policy and clarified the law on whether the accuracy principle applies to medical diagnoses.
- *Rollinson v Dudley Metropolitan Borough Council* [2016] RTR 315 [2016] PIQR P103 166 NLJ 7683 [2015] All ER (D) 72 (Dec) [2015] EWHC 3330 (QB): Successfully represented the defendant highway authority in an appeal which clarified the duty in Section 41 of the Highways Act 1980 does not extend to the removal of moss, algae, and lichen from the highway.

Jack is the co-author of the chapter dealing with the occupational condition Hand-arm vibration syndrome (HAVS) in the leading authority on employer's liability, *Munkman on Employer's Liability* (18<sup>th</sup> ed. 2025)

# Expertise

## Personal Injury

Jack has practised in all areas of personal injury work for over 10 years. His work has a broad span, covering casualty claims in the areas of employer's liability, public and product liability, and motor cases.

He increasingly focuses on claims which involve an element of complexity in respect of both liability and quantum issues.

He has experience of large loss claims, involving serious physical and psychiatric injuries, with extensive expert medical evidence across multiple specialisms. He acts in claims brought under the Fatal Accidents Act 1976, and appears at linked inquests.

His experience on liability issues includes:

- Workplace accidents with liability issues relating to the Enterprise and Regulatory Reform Act 2013.
- Employer and public liability claims relating to assaults by third parties such as prisoners, psychiatric patients, or children in SEND educational establishments.
- Highways Act 1980 cases, involving injuries to pedestrians, cyclists, and motor losses.
- Animals Act 1971 cases, involving claims relating to injuries caused by horses, dogs, and livestock.
- Claims relating to injuries in rented accommodation brought under the Defective Premises Act 1972 and for breach of repairing obligations.
- Product liability claims brought under the Consumer Protection Act 1987, in breach of contract and negligence.
- Allegations relating to fraud and fundamental dishonesty.

Jack has regularly worked on private international law claims, including holiday sickness claims with contested expert evidence in the field of Microbiology, Package Travel Regulations issues, and those involving serious accidents abroad.

His experience on medical causation issues and quantum includes traumatic brain injury cases (where there is evidence from Neurologists, Neuropsychologists, and Psychologists), complex orthopaedic issues including spinal injuries, and ophthalmological evidence. He regularly deals with claims for large future losses, such as care, earnings and pension losses.

## Disease

Jack has specialised in industrial disease work since joining Ropewalk in 2014. His pupillage involved a particular focus on this area.

Jack is the co-author of the chapter dealing with the occupational condition Hand-arm vibration syndrome (HAVS) in the leading authority on employer's liability, *Munkman on Employer's Liability* (18<sup>th</sup> ed. 2025)

He has experience representing individuals and insurance companies in claims for damages arising out of legacy historic and recent exposure to noise, hand-transmitted vibration, repetitive work causing upper limb and musculo-skeletal conditions, asbestos fibres, silica dust causing silicosis, fumes (causing asthma), and other hazardous and harmful substances.

Recently, Jack has advised on cases relating to Long Covid contracted as a result of exposure to Covid-19 at work. He is the co-author of several blogs relating to the legal principles involved in such claims ([insert link to blog](#)). He also has experience of claims for musculo-skeletal injuries relating to working from home as a result of display screen and workstation set-ups.

Industrial deafness work has formed a large part of his practice. He has conducted trials in the Fast Track and Multi-Track

dealing with issues of breach of duty, causation, and limitation.

He increasingly works on high value cases of HAVS, carpal tunnel syndrome (CTS), and other WRULDs.

He has worked in cases where claimants have suffered cancer connected to exposure to hazardous substances at work, such as asbestos, silica dust, nickel, carcinogenic solvents such as trichlorethylene (TCE), benzene, and metal dyes. These claims have included claims for provisional damages.

He is familiar with dealing with the expert liability and medical evidence which forms a central part of industrial and occupational disease litigation. He has extensive experience cross-examining medical experts at trial, including some of the leading medical experts in industrial deafness cases.

His recent work includes:

- Successfully resisting an application for summary judgment in a fatal mesothelioma case in the High Court KDB Asbestos list.
- Representing a claimant who had suffered injuries linked to nickel exposure.
- Advising a claimant in a claim where silica dust exposure was linked to oesophageal cancer.
- Representing a claimant in a six-figure military noise induced hearing loss claim arising out of exposure in the armed forces.
- Representing a claimant who had suffered from Non-Hodgkins Lymphoma connected to solvent exposure.
- Representing a claimant at an inquest where a conclusion of death resulting from an industrial disease was entered connected to exposure to ceramic fibres used in insulation said to have caused lung cancer.
- Representing an insurance company at a two-day trial of liability and quantum for CTS sustained from exposure to upper limb movements on a production line.
- Advising an insurer on a high value HAVS claim.

## Data Protection & Information

Jack has specialised in data protection claims for several years. He has experience representing individuals and data controllers in civil liability claims, where damages (for both psychiatric injury and distress) and injunctive relief are sought under data protection legislation and the Human Rights Act 1998.

He has particular experience in advising data controllers such as commercial organisations, local authorities, NHS Trusts and private healthcare organisations, police forces, and other public authorities in how to mitigate personal data breaches and minimise liability exposure. He regularly advises on the vicarious liability of data controllers for breaches committed by employees who have access to client records.

Jack successfully represented the defendant NHS Trust at the trial of a claim brought under data protection legislation and the Human Rights Act 1998 in *YSL v Surrey and Borders Partnership NHS Foundation Trust* [2024] All ER (D) 171 (Feb) [2024] EWHC 391 (KB). To read more, [click here](#).

Jack drafts pleadings in data protection claims on both sides. His advocacy experience in this area includes multi-day trials and appeals.

He increasingly advises on claims relating to cyber-attacks, where personal data has been compromised as a result of malicious activities from hacking, phishing and other forms of cyber-attacks. He has frequently dealt with claims that focus on the security principle and obligations in the Data Protection Act 1998, Data Protection Act 2018, and the EU and UK GDPR.

He has also represented claimants in claims for misuse of private information, where their private information has been broadcast on television, or published in online publications.

His recent work includes:

- Defending local authorities and NHS Trusts in relation to disclosures made for child safeguarding purposes.
- A claim for a personal data breach involving multiple instances of inappropriate access to medical records with no clinical justification.
- A claim for a personal data breach where a legal file was sent through the post with inadequate packaging.
- A claim for a personal data breach arising from the release of an address to a potentially dangerous third party.
- A claim for damages following the broadcast of private information on a Channel 5 television documentary.

## Inquests

Jack has represented Interested Persons at Inquests since joining Chambers.

This work has overlapped with his industrial disease work, where he represented the family at an inquest where a finding of death by industrial disease was returned due to exposure to ceramic fibres.

He has represented motor insurers in inquests following fatal road traffic accidents.

He has experience of representing interested persons where there has been a death following the escape of the deceased from a secure psychiatric hospital.

Jack is happy to discuss representation at an inquest on a conditional fee basis in the context of a potential civil claim.

## Employment

Jack regularly appears in the Employment Tribunal on the full range of employment matters, ranging from unfair and wrongful dismissal, discrimination and whistleblowing.

His recent experience involved appearing at a claim for whistleblowing arising from exposure to chemicals at work.

## Notable Cases

- ***YSL v Surrey and Borders Partnership NHS Foundation Trust* [2024] All ER (D) 171 (Feb) [2024] EWHC 391 (KB):** Successfully represented the defendant NHS Trust at the trial of a claim brought under data protection legislation and the Human Rights Act 1998. The decision approved NHSX's data retention policy and clarified the law on whether the accuracy principle applies to medical diagnoses.
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## Qualifications

- BA History (First Class), University of Durham
- Graduate LLB, Nottingham Trent University

# Ropewalk Chambers

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