



Privacy notice for the Help with Fees form

Purpose

This privacy notice sets out the standards that you can expect from the Ministry of Justice (MoJ) and HM Courts and Tribunals Service (HMCTS) when we process personal information ('personal data') about you in the context of Help with Fees applications; how you can get access to a copy of your personal data; and what you can do if you think the standards are not being met.

HMCTS is an Executive Agency of MoJ. MoJ is the data controller for the personal data held, although it may act jointly with HMCTS. HMCTS also collects and processes personal data for the exercise of its own and associated public functions and legal obligations.

This privacy notice does not apply to the processing of personal data which is collected and controlled by the court/tribunal and their judges when they are acting in their judicial capacity. The judiciary are independent from MoJ and HMCTS and data protection law applies differently to them as a result. For more information, see www.judiciary.uk/data-privacy-notice/data-privacy.

About personal data

Personal data is information that relates to a living individual who can be identified from the data.

It does not include information relating to dead people, groups or communities of people, organisations or businesses. It can be your name, address or telephone number. It can also include information about your gender, your financial circumstances, your cultural background or your social status.

We know how important it is to protect the privacy of all individuals involved in court and tribunal proceedings and to comply with data protection laws. We will safeguard your personal data and will only disclose it where it is lawful to do so, or with your consent.

Types of personal data we process

We only process personal data that is relevant for meeting our legal obligations and for the administration of justice. The types of data collected in the forms may include: your name, address, contact details, your economic circumstances, ethnicity, religious beliefs and the details of any other persons, including children.

The personal data will usually be obtained directly from you or from another person who has included your data in an application which they have completed.

Purpose of processing and the legal basis for the processing

We necessarily process personal data for the purposes of the administration of justice and supporting the independent judiciary in upholding the rule of law and in delivering justice impartially, speedily and efficiently. Processing is also necessary for the establishment, exercise or defence of legal claims.

Personal data required for this purpose is collected and held in court and tribunal forms. It is also uploaded onto a database supporting the administration of justice in proceedings, which is used by court and tribunal staff for case management and to collect quality information about the progression of a case or application.

The court and tribunal forms are available here:

www.gov.uk/government/collections/court-and-tribunal-forms

The forms are generally used to initiate proceedings or to determine action within existing proceedings and the information provided enables the court or tribunal to deliver justice and make important decisions. As explained above, data protection laws apply differently to the court or tribunal when personal data is collected and used during the proceedings.

We also process personal data obtained in tribunal cases for statistical purposes. The personal data is anonymised and is used to produce quarterly statistics on the activity of tribunals in England, Wales and Scotland. Sometimes HMCTS uses contact information to ask court and tribunal users if they would like to complete a customer service survey to measure the satisfaction of users and inform areas for improvement.

When we ask you for personal data we:

- promise to inform you why we need your personal data;
- will ask only for the personal data we need and not collect information that is irrelevant or excessive;
- will protect it and make sure no unauthorised person has access to it;
- may share it with other organisations but only where necessary and permitted by the law (see below);
- will make sure we don't keep it longer than is necessary.

You can:

- request access to your personal data or ask for it to be corrected;
- object to our processing of your personal data or ask for the processing to be restricted;
- lodge a complaint with the Information Commissioner (see below).

Who the information may be shared with

Where we share personal data, we will comply with all aspects of data protection laws. The categories of organisations with whom we may share your personal data obtained in Help with Fees forms may include agencies contracted by HMCTS (e.g. interpreters, intermediaries, transcription or translation agencies), other Government departments, tribunals or courts and public authorities within or outside the EU.

Details of transfers to third countries

It may sometimes be necessary to transfer personal data overseas for the establishment, exercise or defence of legal claims. The reasons for the transfer and the recipient third country will always depend on the circumstances of the case but any such transfers will be made in full compliance with all aspects of the law (“third country” means a country outside the EU).

To find out more information, you can contact us by emailing: privacy@justice.gov.uk

Retention period for information collected

Government departments, agencies, and all other public-sector bodies are instructed to retain any and all documentation; correspondence; notes; e-mails and all other information (however held) which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care. The word “children” relates to any person under the age of 18.

Different retention periods apply based on the type of proceedings you are involved in. To find out the retention periods and other information which may be useful to you, please see:

www.gov.uk/government/publications/record-retention-and-disposition-schedules

Access to personal information

You can find out if we hold any personal data about you by making a 'subject access request'. You can make a subject access request by writing to:

Disclosure team
Post point 10.24
102 petty France
London
SW1H 9AJ

Or emailing: data.access@Justice.gov.uk

You can get more details on:

- Agreements we have with other organisations for sharing personal data;
- Circumstances where we can pass on personal data without telling you, for example, to help with the prevention or detection of crime or to produce anonymised statistics;
- Our instructions to staff on how to collect, use or delete your personal data;
- How we check that the personal data we hold is accurate and up-to-date;
- How to make a complaint.

For more information about the above issues or for any other queries, please contact our Data Protection Officer at:

The Data Protection Officer
Ministry of Justice
3rd Floor, Post Point 3.20
10 South Colonnades
Canary Wharf
London
E14 4PU

Email: DPO@justice.gov.uk

Complaints

When we ask you for information, we will keep to the law. If you consider that your information has been handled incorrectly by MoJ or HMCTS, you can contact the Information Commissioner for independent advice about data protection. You can contact the Information Commissioner here:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
www.ico.org.uk