



Legal Aid
Agency

CIVAPP1ECF (Covid 19)

Application for Exceptional Case Funding - Coronavirus - **CIVAPP1ECF (Covid 19)**

Urgent Application? Yes ☐ No ☐

Please explain what the urgency is: _____

For an exceptional case determination, the overarching question to consider is *whether the withholding of legal aid would mean that the applicant is unable to present their case effectively and without obvious unfairness.*

Applications for exceptional case funding can be submitted by email to:

LegalAidCovid19Appeals@justice.gov.uk

For any assistance on applying for exceptional case funding you can call **0300 200 2020**

APPLICANT DETAILS

Title:

Initials:

Surname:

First name:

Surname at birth (If different):

Date of birth:

____ / ____ / ____

Contact details

Phone Number: Correspondence
address:
(if different)

____ Postcode: ____

Client Security Password

(to enable us to discuss matters and verify who
you are on the phone)

Please provide a password and a prompt to
help you remember it.

Password (in Block Capitals)

Prompt (a word that will help you remember your password)



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PROVIDER DETAILS (not needed for direct applicants)

Name of Provider:	
Account Number (if appropriate):	
Solicitors Roll number (where applicable):	
Address:	
Town:	
County:	
Post Code:	
DX (with exchange):	
Telephone number:	
Your Case reference:	
Contact name for enquires:	
Email details:	



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1. PREVIOUS LEGAL AID

- a. Describe any legal help already provided in this matter
- b. Has the applicant tried to resolve the dispute by negotiation? Please provide copies of any correspondence
- c. Why are you applying for legal representation at this point? What work needs to be done?



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2. THE PROPOSED GROUNDS OF APPEAL

- Please provide a brief summary.

3. THE PROSPECTS OF SUCCESS

- Please provide an assessment of the prospects of success of the case and the reasons for this assessment.



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4. DESIRED OUTCOME AND ESTIMATED COST

- Please outline the outcome that the client is seeking to achieve and at what cost.

5. NEED FOR LEGAL REPRESENTATION

- Please provide a brief explanation of why legal representation is required in this case.



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6. OTHER SOURCES OF FUNDING

- Please outline whether there is any potential source of funding for this work other than exceptional case funding.

7. OTHERS WHO WOULD BENEFIT FROM THE APPEAL

- Please outline whether any other persons would benefit from this appeal being funded.



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8. EXCEPTION CASE FUNDING TEST

- Please outline how this application satisfies the exceptional case funding test:

- ▶ Is this appeal virtual?
- ▶ How important is the case for the applicant?
- ▶ What is the complexity of the case?
- ▶ What is the capability of the applicant to present the case effectively?

LEGAL AID AGENCY

PRIVACY NOTICE

Purpose

This privacy notice sets out the standards that you can expect from the Legal Aid Agency when we request or hold personal information ('personal data') about you; 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.

The Legal Aid Agency is an Executive Agency of the Ministry of Justice (MoJ). The MoJ is the data controller for the personal information we hold. The Legal Aid Agency collects and processes personal data for the exercise of its own and associated public functions. Our public function is to provide legal aid.

About personal information

Personal data is information about you as an individual. It can be your name, address or telephone number. It can also include the information that you have provided in a legal aid application such as your financial circumstances and information relating to any current or previous legal proceedings concerning you.

We know how important it is to protect customers' privacy 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 the services we are providing to you. The personal data which you have provided in your legal aid application will only be used for the purposes set out below.

Purpose of processing and the lawful basis for the process

The purpose of the Legal Aid Agency collecting and processing the personal data which you have provided in a legal aid application is for the purposes of providing legal aid. Our lawful basis is 'the performance of a task carried out in the public interest or in the exercise of official authority' as set out in Article 6(1)(e) of UK GDPR. The tasks are those set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Specifically, we will use this personal data in the following ways:

- In deciding whether you are eligible for legal aid, whether you are required to make a contribution towards the costs of this legal aid and to assist the Legal Aid Agency in collecting those contributions, if appropriate.
- In assessing claims from your legal aid Provider(s) for payment from the legal aid fund for the work that they have conducted on your behalf.
- In conducting periodic assurance audits on legal aid files to ensure that decisions have been made correctly and accurately.
- In producing statistics and information on our processes to enable us to improve our processes and to assist us in carrying out our functions.

Were the Legal Aid Agency unable to collect this personal information, we would not be able to conduct the activities above, which would prevent us from providing legal aid.

We collect 'special categories of personal data'. This data is collected where necessary for the purposes set out above. The condition under which we process this data is Article 9(g) of UK GDPR – Reasons of substantial public interest. Our associated Schedule 1 condition is Statutory and Government purposes. We also collect this data for the purposes of monitoring equality, this is a legal requirement for public authorities under the Equality Act 2010. Special categories of personal data will be treated with the strictest confidence and any information published under the Equality Act will not identify you or anyone else associated with your legal aid application.

We collect 'personal data relating to criminal convictions and offences or related security measures'. This data is collected where relevant for the purposes set out above. The Legal Aid Agency is an Executive Agency of the MoJ, an Official Authority for the purposes of Article 10 of UK GDPR.

Who the information may be shared with

We sometimes need to share the personal information we process with other organisations. When this is necessary, we will comply with all aspects of the relevant data protection laws. The organisations we may share your personal information include:

- Your instructed legal aid Provider(s), including any advocate instructed by a legal aid solicitor;
- Public authorities such as: HM Courts and Tribunals Service (HMCTS), HM Revenue and Customs (HMRC), Department of Work and Pensions (DWP), Home Office and HM Land Registry;
- Non-public authorities such as: Credit reference agencies Equifax and TransUnion and our debt collection partners Marston Holdings
- If false or inaccurate information is provided or fraud identified, the Legal Aid Agency can lawfully share your personal information with fraud prevention agencies to detect and to prevent fraud and money laundering. We may specifically share data with HMRC and DWP for fraud prevention, investigation and prosecution purposes; and
- Where a debt is owed to the Legal Aid Agency, we may share your data with public authorities such as HMRC and DWP and with debt collection partners such as Marston Holdings for the purposes of tracing, debt collection and enforcement.

You can contact our Data Protection Officer for further information on the organisations we may share your personal information with.

Data Processors

We may contract with third party data processors to provide email, system administration, document management and IT storage services. Any personal data shared with a data processor for this purpose will be governed by model contract clauses under data protection law.

We contract with Marston Holdings as a data processor for the collection and enforcement of criminal legal aid contributions. Any personal data shared with the data processor for this purpose is governed by model contract clauses under data protection law.

Automated decision making

We do not use solely automated decision making within the definition of Article 22(1) of UK GDPR. The overall decision on an application for legal aid or a claim for costs in a legal aid case will always be made by a human decision maker. This could be a member of our staff, or a staff member of a legal aid Provider acting under delegated authority from the Legal Aid Agency.

Details of transfers to third country and safeguards

Personal data may be transferred to locations in the European Economic Area (EEA) where required by our data processors for hosting, storage and secure backup of our IT services. Such transfers are made on the basis of Adequacy decisions between the UK and EEA in accordance with Article 45 of UK GDPR.

In limited and exceptional circumstances, where required for the provision of technical support, personal data stored in our call centre software may be accessed by support staff located in USA, Romania, Philippines, Singapore or Australia. Where transfers for this purpose are made to locations without Adequacy decisions the transfer is made on the basis of exceptions under Article 49 of UK GDPR and is required for the legitimate interests of the Ministry of Justice. The software provider maintains the same standards of IT and personnel security for its services overseas as it does for services in the UK.

Retention period for information collected

Your personal information will not be retained for any longer than is necessary for the lawful purposes for which it has been collected and processed. This is to ensure that your personal information does not become inaccurate, out of date or irrelevant. The Legal Aid Agency have set retention periods for the personal information that we collect, this can be accessed via our website:

<https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

You can also contact our Data Protection Officer for a copy of our retention policies.

While we retain your personal data, we will ensure that it is kept securely and protected from loss, misuse or unauthorised access and disclosure. Once the retention period has been reached, your personal data will be permanently and securely deleted and destroyed.

Access to personal information

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

Disclosure Team - Post point 10.25
Ministry of Justice
102 Petty France
London
SW1H 9AJ

Data.access@justice.gov.uk

When we ask you for personal data

We promise to inform you why we need your personal data and ask only for the personal data we need and not collect information that is irrelevant or excessive.

When we collect your personal data, we have responsibilities, and you have rights, these include:

- That you can withdraw consent at any time, where relevant;
- That you can lodge a complaint with the supervisory authority;
- That we will protect and ensure that no unauthorised person has access to it;
- That your personal data is shared with other organisations only for legitimate purposes;
- That we don't keep it longer than is necessary;
- That we will not make your personal data available for commercial use without your consent; and
- That we will consider your request to correct, stop processing or erase your personal data.

You can get more details on:

- Agreements we have with other organisations for sharing information;
- Circumstances where we can pass on personal information 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 information;
- How we check that the information we hold is accurate and up-to-date; and
- How to make a complaint.

For more information about the above issues, please contact the;

The Data Protection Officer
Ministry of Justice
102 Petty France
London
SW1H 9AJ

dataprotection@justice.gov.uk

Complaints

When we ask you for information, we will comply with the law. If you consider that your information has been handled incorrectly, you can contact the Information Commissioner for independent advice about data protection. You can contact the Information Commissioner at:

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



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Equal Opportunities Monitoring

Please tick the boxes which your client would describe themselves as being:

Ethnicity

White

- ☐ (a) British
☐ (b) Irish
☐ (c) White Other

Mixed

- ☐ (a) White and Black Caribbean
☐ (b) White and Black African
☐ (c) White and Asian
☐ (d) Mixed Other

Asian or Asian British

- ☐ (a) Indian
☐ (b) Pakistani
☐ (c) Bangladeshi
☐ (d) Asian Other

Black or Black British

- ☐ (a) Black Caribbean
☐ (b) Black African
☐ (c) Black Other

☐ Chinese

☐ Gypsy/Traveller

☐ Other

☐ Prefer not to say

Disability

The Equality Act 2010 defines disability as: a physical or mental impairment which has a substantial and long-term adverse effect on a persons ability to carry out normal day-to-day activities.

Not Considered Disabled ☐

If a client considers himself or herself to have a disability please select the most appropriate definition.

Definitions:

- | | | | |
|--------------------------------|--------------------------|--|--------------------------|
| Mental health condition | <input type="checkbox"/> | Blind | <input type="checkbox"/> |
| Learning disability/difficulty | <input type="checkbox"/> | Long-standing physical illness or health condition | <input type="checkbox"/> |
| Mobility impairment | <input type="checkbox"/> | Other | <input type="checkbox"/> |
| Deaf | <input type="checkbox"/> | Unknown | <input type="checkbox"/> |
| Hearing impaired | <input type="checkbox"/> | Prefer not to say | <input type="checkbox"/> |
| Visually impaired | <input type="checkbox"/> | | |

► Completion of this section is voluntary. This will be treated in the strictest confidence and will be used purely for statistical monitoring and research.



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Declaration to be signed by the applicant

My solicitors have given me to keep:

- ▶ The Legal Aid Agency's leaflet 'Paying for your Legal Aid'.

My solicitors have explained the legal aid statutory charge to me. **In particular, my solicitors have advised whether there is a risk that at the end of my case, I will have to accept an interest - bearing charge on my home.**

As far as I know, all the information I have given is true and I have not withheld any information. I understand that if I give false information or withhold relevant information the services provided to me may be cancelled at which point I will become liable to pay all the costs that have been incurred and I may be prosecuted.

The LAA has issued guidance on the use of digital signatures and what action to take if it not possible for a client to sign an application form because of COVID19. This can be found here:

<https://www.gov.uk/guidance/coronavirus-covid-19-legal-aid-agency-contingency-response>

Signed: _____

Date: ____ / ____ / ____

This declaration must be signed by the applicant

Certification

I certify that:

- ▶ I have explained to the client their obligations and the meaning of their declaration.
- ▶ I have given to the client to keep the LAA's leaflet referred to in their declaration and have explained the statutory charge to them.
- ▶ I have provided as accurately as possible all the information requested on this form.
- ▶ My offices CLA Contract authorises Licensed Work in the proceedings to which this application relates, or a Standard Crime Contract and the application relates to Civil Work, or this is an application for exceptional case funding under a single contract.

Signed: _____ Date: ____ / ____ / ____
(Authorised litigator)

Name: _____