

Arrangement for sharing Magistrates' Court information with the Caerphilly Observer

Background

HMCTS has been in discussion with the Caerphilly Observer about undertaking a pilot project to facilitate open justice by encouraging and assisting media reporting of proceedings in Magistrates' Courts in England and Wales.

The pilot will explore and validate the following points:

1. How the information in Magistrates' Courts lists and registers can be used to generate a centralised national digital news feed of content for use by the news media, e.g. assessing technical challenges arising from the format of the data as currently published
2. How a national digital news feed of listings and registers can improve coverage of the courts by the news media, e.g. by assessing the volume of courts and cases reported on by the press
3. How data from the Magistrates' Courts can be used to incentivise attendance at, and coverage of, the courts by members of the press
4. What regulatory and data protection issues may arise with regard to use of Magistrates' Courts lists and registers in this manner

Status

This arrangement provides for HMCTS sharing certain specific information about Magistrates' Court proceedings with the Caerphilly Observer for the duration of the Pilot.

This arrangement has been agreed by HMCTS and the Caerphilly Observer, and is approved by the Lord Chancellor for the purposes of Criminal Procedure Rule 5.8. It accords with all legal obligations including General Data Protection Regulation and the Data Protection Act 2018.

This arrangement comes into effect on 3 August 2020. The arrangement expires on 3 February 2021, subject to extension by mutual agreement, with a maximum extension of three months. During any mutually agreed extension period, the terms of this arrangement will continue to apply.

HMCTS will:

- Provide copies of court registers and court lists by e-mail marked *"Note this email contains Special Category Data as defined by Data Protection Act 2018, formally known as Sensitive Personal Data, and should be handled appropriately."* in the body of the email
- Ensure the email contains the following disclaimer:
"This email contains information intended to assist the accurate reporting of court proceedings. It is vital you ensure that you safeguard the Special Category Data included and abide by reporting restrictions (for example on victims and children). HMCTS will stop sending the data if there is concern about how it will be used."

- Not charge for copies of court registers or court lists
- Ensure that court registers contain details of any reporting restrictions when they are first made
- Ensure that Magistrates' Court lists, which are supplied or made available to the Caerphilly Observer, contain each defendant's name, date of birth (when provided), age, alleged offence and address
- Engage with the Caerphilly Observer to conduct and complete a review of the Pilot findings to establish best practice for ongoing information sharing in the interests of open justice

HMCTS reserves the right to refuse to disclose data if there is a concern about how that information will be used.

Any dispute should be referred to HMCTS press office to resolve.

The Caerphilly Observer will:

- Only use the information in accordance with the Pilot's purpose
- Not pass the raw information contained in court lists, registers and documents, to third parties other than their lawyers for the purposes of obtaining legal advice
- Provide a bona-fide and secure e-mail address to receive the information from HMCTS
- Safeguard the information that is passed to it, so far as is appropriate and reasonable and in line with its responsibilities under the GDPR and the Data Protection Act 2018
- Destroy the information supplied (including both electronic and printed copies), and any data product produced from that information, within six months
- Only provide their data product to accredited media organisations/journalists and to HMCTS, and in accordance with the Pilot's purpose
- Not charge third parties for provision of any data product produced from the HMCTS information supplied under this arrangement, for the duration of the Pilot
- Comply with reporting restrictions and any other legal restrictions on the use of information
- Provide to HMCTS:
 - access to the data product;
 - a list or register of all accredited media organisations/journalists provided with the data product; and
 - information about the results of the Pilot, including technical and regulatory assessments.
- Continue to engage in dialogue with HMCTS about the Pilot and its findings

Contacts

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