

Arrangement between HMCTS and Eaglelegal Limited (trading as Courtsdesk)

Background

1. HMCTS has been in discussion with Courtsdesk about undertaking a project initially under a grant-funded Nesta Future of News Fund pilot proposal. HMCTS wishes to explore how best to facilitate open justice through encouraging and assisting media reporting of proceedings in Magistrates' Courts in England and Wales.
2. HMCTS and Courtsdesk entered into a pilot agreement on 8 June 2020 ('the Arrangement').
3. This agreement constitutes the Arrangement and its extension by a further twelve months to 11 March 2022.
4. The Arrangement will enable Courtsdesk and HMCTS to explore and validate the following points which constitute a minimum viable Pilot Evaluation:
 - a. 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;
 - b. 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;
 - c. How data from the Magistrates' Courts can be used to incentivise attendance at, and coverage of, the courts by members of the press;
 - d. What insight if any Courtsdesk obtains into potential regulatory and data protection issues that may arise with regard to the use of Magistrates' Courts lists and registers in this manner.
5. The parties will agree the form and reporting of the Pilot Evaluation by 15 September 2021.

Status

6. This Arrangement provides for HMCTS sharing of certain specific information about Magistrates' and Crown Court proceedings with Courtsdesk for the duration of the Arrangement. The information to be shared with Courtsdesk will be used by it to provide services to the accredited news media, as defined in the HMCTS Protocol on sharing court lists, registers and documents with the media, in a manner that will enable Courtsdesk to fulfil the conditions of the Pilot Evaluation as defined above.
7. This Arrangement has been agreed by HMCTS and Courtsdesk, and the purpose approved by the Lord Chancellor for the fulfilment of the aims of Criminal Procedure Rule 5.8. It accords with all legal obligations including the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. The sufficiency of this Arrangement will be reviewed as is necessary and HMCTS reserves the right to vary, or add, any such terms as it deems fit.
8. The Arrangement came into effect on Monday 8 June 2020. It was extended to 12 March 2021 and as a result of extension by mutual agreement on 12 March 2021, this Arrangements now expires on 11 March 2022.
9. Through the period of the Arrangement 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 Courtsdesk, contain each defendant’s name, date of birth (when provided), age, alleged offence and address;
 - Engage with Courtsdesk to conduct and complete a review of the Pilot Evaluation findings to establish best practice for ongoing information sharing in the interests of open justice.
10. HMCTS reserves the right to refuse to disclose data if there is a concern about how that information will be used. The assessment of this right to refuse shall rest wholly with HMCTS.
11. Any dispute should be referred in the first instance to the HMCTS Head of Data Access to resolve.
12. Through the period of the Arrangement Courtsdesk will:
- Only use the information in accordance with the terms of the Arrangement and for the purpose of providing services to the accredited news media in a manner that will enable Courtsdesk to fulfil the conditions of the Pilot Evaluation;
 - 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 unless authorised otherwise by HMCTS or required by law;
 - Only provide the services covered by this Arrangement to accredited media organisations/journalists (‘the Customers’) and to HMCTS, and in accordance with the Arrangement’s terms, unless authorised otherwise by HMCTS; this may include the payment of a fee by the Customers to Courtsdesk for services provided;
 - Not charge for copies of court registers or court lists;
 - Comply with reporting restrictions and any other legal restrictions on the use of information;
 - Periodically provide to HMCTS:
 - access to the service as provided to the Customers, for the purposes of evaluation of, or compliance with, this Arrangement;

- a list or register of all accredited media organisations/journalists provided with the service; and
- its contribution to the Pilot Evaluation, including technical and regulatory assessments they have made on a regular basis and in a form to be mutually agreed by HMCTS and Courtsdesk;
- Continue to engage in dialogue with HMCTS about the Pilot Evaluation and its findings.

Contacts

For HMCTS



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Done on 09/07/2021 on behalf of the Senior Information Risk Officer, HMCTS