



Legal Aid
Agency

Early Legal Advice Pilot Scheme

Guidance for Pilot Providers

This guidance is for use from the 20th January 2023

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1. Overview

The Early Legal Advice Pilot (ELAP) Scheme will pilot the funding of in person or remote advice services for certain housing, debt and welfare benefit matters.

1.1 The Pilot

The pilot scheme was introduced by The Early Legal Advice Pilot Scheme Order 2022 ('Order'), which modified Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ("LASPO") to bring civil legal services for certain housing, debt, and welfare benefits issues "in scope" of legal aid for the purposes of the pilot scheme. The Order also modifies secondary legislation to make work delivered as part of the pilot scheme non-means and non-merits tested and introduces a new fee to remunerate providers delivering work in the pilot scheme.

The pilot enables participants to receive up to three hours of legal advice and assistance. Representation cannot be provided under the pilot. Only those living or habitually residing in Manchester and Middlesbrough City Council areas, who meet the pilot eligibility rules and who have issues relating to housing, debt and welfare benefit matters can be assisted through the pilot.

1.2 Evaluation of the Pilot

The pilot scheme launched as an initial five-month testing phase. It will gather key data about the target population, their legal problems and the amount of support they require. The testing phase will be evaluated to understand how pilot scheme delivery is working and to capture the reflections and challenges of providers participating in the pilot. It will seek to measure how far outcomes improve for individuals seen under the pilot – such as whether this results in financial security, reduced distress and improved legal capability. Information from the testing phase will be used to help shape the pilot scheme going forward.

The evaluation will be undertaken by an Independent Evaluator appointed by the Ministry of Justice. This is a consortium led by the National Centre for Social Research ('NatGen') that is comprised of experts from WPI Economics, The Centre for Homelessness Impact and the Legal Education Foundation.

1.3 Pilot Providers

Providers who hold a 2018 Standard Civil Contract in the Housing and Debt legal aid categories and have an office in either the Manchester or Middlesbrough Housing and Debt procurement areas have been invited to participate in the pilot.

All work undertaken through the pilot will be governed by the 2018 Standard Civil Contract which has been amended to include Section 16 Early Legal Advice Pilot Specification: Category Specific Rules and Early Legal Advice Pilot (ELAP) - Exclusive Office Schedule. This document can be found at www.gov.uk/government/publications/standard-civil-contract-2018.

For the purposes of this document the term 'provider' will mean an organisation who has been invited to and accepted the offer to participate in the pilot, and who holds an Exclusive

Schedule under the terms of a 2018 Standard Civil Contract to provide Early Legal Advice Pilot services.

Providers must, for the duration of the pilot scheme (the Exclusive Schedule period), hold a 2018 Standard Civil Contract in the Housing and Debt categories. If a provider withdraws from, or loses, their main Housing and Debt contract then their Exclusive Schedule to operate the pilot scheme will be terminated.

At all times the provider is delivering services under the pilot they must have a Housing and Debt Supervisor who will oversee pilot scheme work.

This provider guidance, plus additional documents to support the delivery and reporting of ELAP work can be found at www.gov.uk/guidance/early-legal-advice-pilot. We may periodically update this provider guidance and the additional documents to address any issues raised by providers in the running of the pilot.

The Lord Chancellor's Guidance for ELAP which explains how participants are selected for the pilot can be found at www.gov.uk/guidance/early-legal-advice-pilot.

Please note that the Lord Chancellor's Guidance was updated in January 2023.

2. Scope and Delivery of the pilot

2.1 How the Pilot Scheme will operate

Pilot scheme participants will be selected by a survey designed by NatCen, which uses criteria contained in the Lord Chancellor's guidance to determine eligibility. Providers will not select pilot scheme participants but can refer people to the survey. See 2.2 for further details of eligibility for the pilot.

For those deemed eligible to receive advice through the pilot scheme, NatCen's survey will provide the pilot scheme participant with the contact details of the pilot providers in the relevant council area. The pilot scheme participant may then contact a pilot provider if they wish to seek advice through the pilot scheme. Providers must check that the individual is eligible for advice under the pilot before offering advice – ensuring they have come into the pilot in the correct way (via NatCen's survey, with a 'client access code') and they have a legal problem that falls within the scope of the pilot. See the Order and paragraphs 16.26 to 16.28 of the 2018 Standard Civil Contract ELAP Specification: Category Specific Rules for further details on the work that is within the scope of the pilot. See 2.2 for further details of eligibility for the pilot.

Once eligibility has been confirmed the pilot scheme participant can be given up to 3 hours of legal advice and assistance (not representation) within the categories of housing, debt and welfare benefits. Advice can be split across a number of sessions but must be no more than 3 hours in total. Advice may be delivered in person or remotely in accordance with the pilot scheme participants preferences.

Where necessary, providers may appoint third party agents to assist in the delivery of the scheme. For example, where the provider does not have the relevant expertise or capacity.

Providers must keep a record of the pilot scheme participant details, evidence of eligibility for the pilot scheme (i.e. the 'client access code') and details of the advice given and outcome, including any follow up communication. This information must be retained on file and will be included within the providers' LAA file review process.

A pilot scheme participant report form (see Annex 1) has been provided to assist in the collection of key data for each pilot scheme participant. This can also be found at www.gov.uk/guidance/early-legal-advice-pilot. Further detail on possible outcomes (see Annex 2) has been provided to assist in the completion of the pilot scheme participant report form. The pilot scheme participant report form should be used to complete the ELAP Contract Report Form which must be sent to the LAA on a monthly basis in order that payments can be made to providers for pilot work. See Section 3 for further details on reporting and payments.

All data received by the LAA on the ELAP Contract Report Form Spreadsheet will be shared with the Ministry of Justice and NatCen for the purposes of facilitating evaluation of the effectiveness of the pilot. NatCen will use this information alongside further data collected directly from pilot scheme participants, and providers participating in the pilot. See 2.6 for further details on the evaluation.

2.2 Eligibility for the pilot

The Order sets out that an individual is a pilot scheme participant if that individual lives, or is habitually resident, in the area of Manchester City Council or the area of Middlesbrough Council, and has been selected for participation in the pilot scheme by reference to criteria contained in the Lord Chancellor's guidance. Please note that the guidance was updated in January 2023 to include additional referral routes to the pilot.

Over the pilot period the two local councils will send information on the pilot scheme to individuals with council tax arrears. In the Manchester City Council area information on the pilot scheme will accompany council first reminder letters on council tax arrears. In the Middlesbrough Council area information on the pilot scheme will be sent by letter to those with a council tax arrears liability order. In these correspondences, individuals will be invited to fill in a survey, online or via telephone, which confirms they are a resident of one of the two council areas and whether they have any relevant legal needs.

As of January 2023, participants can additionally be considered for selection for the pilot through direct referrals from ELAP legal aid providers, other local legal aid providers and local service providers. If identified as potentially eligible, an advice seeker who approaches one of these services can be referred to the pilot by being provided information and invited to complete a survey, online or via telephone.

Based on the answers provided, the survey will immediately let individuals know if they are eligible to participate in the pilot scheme. Once those eligible have completed the survey, they will be invited to contact the pilot providers in the appropriate council area to receive advice through the pilot. **(As of January 2023, all those eligible will be invited to take up ELAP advice services, rather than some being directed to other local services (as per the original pilot arrangements)).** NatCen will also send eligible participants a letter or email confirming this information, where these contact details are held.

Those individuals invited to participate in the pilot scheme will be provided with a 'client access code', which will be in an alphanumeric format (e.g. AAaaNNaa). This code will be the evidence that providers must obtain and cross-check with NatCen before determining the individual's problem is in scope and offering advice under the pilot scheme. Providers must cross-check the 'client access code' on an online portal hosted by NatCen. This portal will confirm if the code is valid and if the participant already has an appointment booked with another provider. The online portal and an individual provider login link with instructions will be emailed to providers ahead of pilot commencement.

As the pilot falls outside of the normal legal aid financial eligibility rules and is a non-means tested service, no financial means assessment is required. Additionally, no merits assessment is required.

Pilot scheme participants may only be assisted by the provider under the pilot once per invite (i.e. under a single 'client access code'). Clause 16.36 of the 2018 Standard Civil Contract ELAP Specification: Category Specific Rules states '*An individual may be selected to participate in the Pilot Scheme on more than one occasion and on each occasion a pilot scheme participant is selected and provides evidence of eligibility a separate Matter Start may be commenced pursuant to Paragraph 16.14 and further Pilot Fees are payable.*'. This intends to capture the very unlikely scenario that a second invite (with a second 'client access code') was sent to the same individual. This is unlikely given the short term timeframe of the testing phase of the pilot and the mechanism by which individuals are selected. However, should this unlikely scenario occur the provider may advise the pilot scheme participant.

2.3 The service a pilot scheme participant can expect to receive

A provider will be expected to deliver advice or assistance, in person or remotely, to pilot scheme participants, to help them improve their circumstances. Advice should be delivered to as many pilot scheme participants as is reasonably practical and there are no limits on the number of pilot scheme participants that may be assisted.

It is not expected that the provider will be able to resolve all the pilot scheme participants issues within the maximum three-hour limit if this is not feasible to do so. Providers may:

- conduct an initial diagnosis of the pilot scheme participants problems
- provide information about the pilot scheme participants rights
- signpost to appropriate local services and agencies
- support in the completion of necessary documentation
- develop a plan for the pilot scheme participant going forward.

Outcomes that might be expected, depending on the nature of the case, include pilot scheme participants having a better understanding of their problem, some action being taken with or on behalf of pilot scheme participants, or enabling pilot scheme participants to implement a strategy to deal with their problems. Even if only one of these suggestions has been possible to achieve in the timeframe, this is still considered valid delivery for the purposes of this pilot scheme.

Providers must provide the pilot scheme participant with a copy of the LAA ELAP Privacy Notice when advice is commenced so that they have an understanding of how their data that will be collected and held. A copy of the LAA ELAP Privacy Notice can be found at Annex 3 and at www.gov.uk/guidance/early-legal-advice-pilot.

2.4 Dealing with ineligible individuals

Pilot scheme participants are selected by invitation only, due to the specific aims and scale of the pilot scheme. If an individual claims to be a part of the pilot scheme, but they do not have a valid 'client access code', or presents a valid 'client access code' but has already received advice under the pilot from another provider, they will not be taken on under the pilot. The provider will determine this, and if it is the case, such individuals will be informed.

Although not suitable for assistance under the pilot scheme, providers may consider taking such individuals on under their 2018 Standard Civil Contract, where appropriate, or signpost the individual to other organisations. (See 2.5 for further detail on advice outside of the pilot scheme)

2.5 Advice outside of the pilot scheme

Where an individual is not eligible for the pilot scheme; where a pilot scheme participant requires additional advice following the maximum 3 hour advice limit or where the pilot scheme participant is eligible for legal aid that falls outside of the scope of the pilot the provider may:

- undertake work under their 2018 Standard Civil Contract Exclusive Schedule where the individual meets the required eligibility criteria for scope, means and merits;
- refer the individual to another provider who can undertake work under their 2018 Standard Civil Contract Exclusive Schedule where the pilot provider is unable to take on this work under their Contract;
- consider whether an application should be made for Exceptional Case Funding;
- signpost to another organisation where the individual may not be eligible for legal aid.

2.6 Additional evaluation requirements

Providers will be required to provide specific evaluation reports to NatCen to better understand the delivery and impact of this pilot scheme. This will however be kept to a minimum where possible and will be separate to the payment reporting required by the LAA.

Providers will be asked by NatCen to take part in interviews at some point during the pilot scheme and may also be asked to host observation sessions.

Details of the additional evaluation requirements will be sent to providers directly from NatCen, via the Contract Liaison Manager. Providers are asked to respond to any such requests for additional information in a timely manner and within 30 days of the request being made. Failure to provide information may result in pilot payments becoming immediately repayable.

Providers should be aware that NatCen will also be seeking feedback and information directly from pilot scheme participants.

2.7 Funding

Providers will be paid a fixed fee per pilot scheme participant (i.e. per matter start), as set out in the Remuneration Regulations.

The pilot fixed fee includes the advice provided to the pilot scheme participant (even if they do not require the allowed 3 hours of advice) and the provision of information to NatCen to facilitate the evaluation of the pilot scheme.

If the same individual is invited for a second time to access pilot advice (and they have a second 'client access code') a further pilot fixed fee will be paid. (See 2.2 for further information on eligibility for the pilot)

Disbursements in accordance with the 2018 Standard Civil Contract Specification are claimable in addition to the pilot fee.

Where agents are used to deliver the pilot scheme it is the responsibility of the contracted provider to report all work undertaken and payments will only be made to the contracted provider.

All work undertaken under the pilot will be reported monthly, in arrears, to the LAA and payment will be made on receipt of such payment reports. Payments will be made separately from Standard Monthly Payments for other Controlled Work.

Where a provider undertakes pilot work and subsequently opens a new Matter Start under their 2018 Standard Civil Contract in relation to the same case then both the pilot fee and the Matter Start standard fee can be claimed. No time spent advising as part of the pilot scheme will count towards the Escape Fee Case Threshold for any subsequently opened Matter Start.

Providers must comply with the requirements to provide information about the pilot scheme and pilot scheme participants, including provision of information within specified timescales, to enable evaluation of the pilot scheme. Entitlement to receive payment is conditional on this.

3. LAA payment report - submission and payments

3.1 ELAP Contract Report Form

Providers must ensure that all correspondence and information regarding the pilot scheme participant is retained on file. As a minimum this should include:

- a copy of the evidence of eligibility (i.e. 'client access code')
- a completed ELAP pilot scheme participant report form (see Annex 1); and
- any details regarding the advice given, the outcome and any follow up communication.

The information collected in the ELAP pilot scheme participant report forms should be used by the contracted provider to complete the ELAP Contract Report Form. Providers using agents to deliver under the pilot scheme are responsible for reporting all work undertaken (i.e. agents will not report work separately).

All Early Legal Advice Pilot work must be reported on the reporting spreadsheet – ELAP Contract Report Form v1. This is found at www.gov.uk/guidance/early-legal-advice-pilot.

Many fields of the ELAP Contract Report Form are mandatory and therefore must be fully completed to claim payment for each pilot scheme participant assisted. Each row represents a single pilot scheme participant. Where a pilot scheme participant does not have more than one problem type, Welfare Benefit type or outcome please use the 'not applicable' option in the relevant fields. Where a pilot scheme participant does not wish to provide their gender, ethnicity or state whether they have a disability, please use the 'prefer not to say' option in the relevant fields.

The ELAP Contract Report Form enables disbursements to be claimed in relation to an individual pilot scheme participant. A total disbursements figure (inclusive of VAT) associated to a pilot scheme participant should be added to the form, where appropriate.

3.2 Submission of Contract Report Form

ELAP work should be reported electronically by completing the ELAP Contract Report Form spreadsheet and uploading it to Secure File Exchange. Details on how to register and use Secure File Exchange can be found at [Secure File Exchange - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/secure-file-exchange).

All reporting submissions must be made in a timely manner and as such claims should aim to be submitted in the month after the advice has been given.

The deadline for monthly submissions is the 15th of the month. Payment is dependent on timely reporting of submissions and payments will be made as early as possible following the receipt of submissions. Failure to report on time will lead to a delay in the monthly payment being made.

Any issues regarding the submission of reports should be sent to ELAP@justice.gov.uk.

Annex 1: Early Legal Advice Pilot (ELAP) - Pilot Scheme Participant Report Form

To be used to collect necessary information for reporting purposes. Please retain a copy on File and use information to complete the LAA payment reporting spreadsheet.

Case Information

Pilot area		Organisation giving advice (<i>main contractor name or agent name</i>)	
Date advice given (<i>if across multiple sessions then use date of final advice (dd/mm/yyyy)</i>)		Name of individual giving advice	
Advice given in single or multiple sessions (<i>please tick appropriate response</i>)	Single	Agent or Third Party (Y/N)	
	Multiple		
Time spent on this case (<i>Hours and Minutes (00:00)</i>)		Advice delivery (<i>please tick appropriate response</i>)	In person
			Remote
			Combination
Payment claim	Fixed Fee (Y/N)		
	Disbursement (£ incl. VAT)		

Client information

Client Access Code (<i>Alpha numeric in the format - AAaaNNaa</i>)	
Forename	
Surname	
Date of Birth (<i>dd/mm/yyyy</i>)	
National Insurance Number	
Address	
Postcode	

(NB. If the client does not have their national insurance number then please leave this field blank.)

Housing Tenure (*Please tick one*)

Tenant - Local Authority		Mortgage	
Tenant - Social Landlord		None or other	
Tenant - Private			

Nature of problem (please tick up to 3 that best apply)

Housing	Eviction and possession		Debt	Priority debt	
	Housing condition and disrepair			Non-priority debt	
	Leasehold disputes			Other (please specify below)	
	Rent and deposit dispute		Welfare Benefits	Entitlement, claim or renewal	
	Environmental and neighbour issues			Decision challenge - mandatory reconsideration application	
	Harassment and Discrimination			Decision challenge – tribunal preparation	
	Access to/ provision of accommodation			Other (please specify below)	
	Other (please specify below)				
Please describe 'Other' or include any further comments					

Further information if Welfare Benefit problem (please tick up to 3 that apply)

Universal Credit		Employment Support Allowance	
Disability Living Allowance		Attendance Allowance	
Carer's Allowance		Working Tax Credits	
Housing Benefit		Child Tax Credit	
Jobseekers' Allowance		Pension Credit	
Income Support		Other	
Council Tax Reduction		Not Applicable	
Personal Independence Payment			

Outcome (Please tick up to 3 that best apply)

Client advised and has a better understanding of their problem		Client has been referred to another provider or external service	
Client has a plan or strategy for dealing with their problem, independently		Some client resolution milestone was achieved	
Some action has been taken with or on behalf of the client		Client disengaged	
Client has been referred to another service <u>within this provider</u>		Other (please specify below)	
Please describe 'Other' or include any further comments			

Please see provider guidance for fuller definitions.

Equal Opportunities Monitoring

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

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

Gender

Male	<input type="checkbox"/>	Female	<input type="checkbox"/>	Non-binary	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
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Ethnic Monitoring

White	British	<input type="checkbox"/>	Asian or Asian British	Indian	<input type="checkbox"/>
	Irish	<input type="checkbox"/>		Pakistani	<input type="checkbox"/>
	Other White background	<input type="checkbox"/>		Bangladeshi	<input type="checkbox"/>
Mixed	White and Black Caribbean	<input type="checkbox"/>	Black or Black British	Other Asian background	<input type="checkbox"/>
	White and Black African	<input type="checkbox"/>		Caribbean	<input type="checkbox"/>
	White and Asian	<input type="checkbox"/>		African	<input type="checkbox"/>
	Other Mixed background	<input type="checkbox"/>		Other Black background	<input type="checkbox"/>
Chinese		<input type="checkbox"/>	Other		<input type="checkbox"/>
Gypsy/Traveller		<input type="checkbox"/>	Prefer not to say		<input type="checkbox"/>

Disability Monitoring

The Disability Discrimination Act 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	<input type="checkbox"/>
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If a client considers himself or herself to have a disability please select the most appropriate definition. If the client has multiple disabilities please select the definition that reflects the predominant disability.

Mental Health Condition	<input type="checkbox"/>	Visually Impaired	<input type="checkbox"/>
Mobility Impairment	<input type="checkbox"/>	Blind	<input type="checkbox"/>
Learning Disability/Difficulty	<input type="checkbox"/>	Long-standing Illness/Health condition	<input type="checkbox"/>
Deaf	<input type="checkbox"/>	Other	<input type="checkbox"/>
Hearing Impaired	<input type="checkbox"/>	Unknown	<input type="checkbox"/>
		Prefer not to say	<input type="checkbox"/>

Annex 2: Additional guidance for determining Outcomes

Client advised and has a better understanding of their problem: for example:

- Advised on rights and expectations
- Understanding of benefits eligibility and entitlement
- Evidence collected and reviewed (including credit checking)
- Extent of debts owed established
- Clients have an increased understanding of court processes and what to expect when self-representing in court

Client has a plan or strategy for dealing with their problem, independently: for example:

- Establishing and prioritising debts
- A payment plan, or plan to help put in place (or application for debt write off)
- Completion of a single household budget
- Advised to take case to court

Some action has been taken with, on behalf of the client: for example:

- Benefits claim / application submitted
- Initial response to forms or letters, including benefits/ DWP, landlords, creditors, local authority (help to challenge decisions)
- Organising health report, data requested from third parties
- Launched appeal
- Client has submitted application for benefit appeal tribunal
- Client has submitted application for benefit appeal at upper tribunal stage

Client has been referred to another service within this provider: for example:

- where the Client meets eligibility criteria (scope, means and merits), opening Legal Aid matter
- Application to be made for Exceptional Case Funding

Client has been referred to another provider or external service: for example:

- Client referred to another Legal Aid Provider
- Client signposted to another organisation

Some client resolution milestone was achieved: for example:

- Affordable payment arrangements negotiated on behalf of client - client has negotiated repayment rate or change in repayment rate
- Debt written off (rather than just reduced)
- Debt reduced
- Client's sanction period contested and lifted
- Problem resolution before court or Tribunal
- Client receives/retains lump sum
- Client secures explanation or apology
- Client receives damages or property

Annex 3: LAA Privacy Notice – Early Legal Advice Pilot

LEGAL AID AGENCY

PRIVACY NOTICE – Early Legal Advice Pilot

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.

The MoJ Early Legal Advice Pilot will provide a maximum of three hours of early legal advice in social welfare areas of law (housing, debt and/or welfare benefits) to you. You must be habitually resident in the area of Manchester City Council or Middlesbrough Council and be selected to take part in the pilot in order to receive advice.

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 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 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 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 to take part in the Early Legal Advice Pilot.
- 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.

Where the Legal Aid Agency is 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.

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:

- Public authorities such as: HM Courts and Tribunals Service (HMCTS), HM Revenue and Customs (HMRC), Department of Work and Pensions (DWP) and HM Land Registry;
- Non-public authorities such as: Credit reference agencies Equifax and TransUnion and our debt collection partners Marston Holdings; and
- 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.

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

Data Processors

The LAA 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.

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
3rd Floor, Post Point 3.20
10 South Colonnades
Canary Wharf
London
E14 4PU

privacy@justice.gov.uk

For more information on how and why your information is processed, please see the information provided when you accessed our services or were contacted by us.

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