



Legal Aid  
Agency

# Financial assessment form

Use this form if your main home is outside the United Kingdom

Please read the declaration on page 20 then answer all the questions on this form in ink. Use this form if you are lawfully resident in the Channel Islands, Isle of Man or a British Overseas Territory or if otherwise your main home is outside the United Kingdom. Please note that you will need to qualify under the residence test, or an exemption to that test must apply, in order to receive civil legal services. Speak to your solicitor about the residence test before completing this form. When completing this form, show amounts of money in the currency in which they are paid or held, and tell us what this currency is.

**If you are applying for Legal Aid**, give the form to your solicitor once you have filled it in. Your solicitor will then send it to the relevant Legal Aid Agency office with your application. The LAA will consider your application and work out how much you will have to pay towards your costs.

If you need more space to answer any questions use the spaces for extra information on page 15.

## **If you have a partner**

If you have a partner, we will need details of both of you. By 'partner' we mean someone you are married to or have a civil partnership with or live with as a couple. If you are separated from your partner and living with someone else, give details of the person you are living with now.

## **If you have financial involvements in any other country**

If you have financial involvements in any other country, you must provide information on all of your or your partner's finances, including any earnings, benefits, property, assets or company directorships held in any other country.

## **If you are applying for Legal Aid for a child under 18**

If you are applying for Legal Aid for a child under 18, do not fill in this form. Legal Representation is available to children without a means test.

## **If you are employed**

If you, and your partner if you have one, are employed, you must get a written statement from your employers and attach it to this form. The statement must show how much you earn before tax and other payments to the government, including overtime, bonuses and commission. It must also show how much tax and national insurance you pay.

If you or your partner have more than one employer, please get a written statement from each one.

## **If you are self-employed**

If you or your partner are self-employed, please ensure that you answer all of the questions on pages 5 to 7.

**Note to the applicant**

Please answer "Yes" or "No" questions by ticking the appropriate box; do not cross sections out or make other marks such as 'not applicable' or your application may be rejected.

**Note to the solicitor**

If the client is applying for Legal Aid (not reporting a change in financial circumstances), you must send us this form and all the other documents we need within 2 months of the date the form is signed. Otherwise we will reject the application. Your client must report changes in their financial circumstances as soon as they happen.

4 This form must be completed in ink.

**Reporting a change in circumstances**

You are required to notify the Agency immediately of any changes in your financial circumstances

If you already have Legal Aid and are reporting a change in your financial circumstances you should use this form to tell us:

Your legal aid reference number \_\_\_\_\_

What the change is \_\_\_\_\_

The date the change took place \_\_\_\_\_

Do you think this is a permanent change?  or temporary change?

If temporary please indicate how long you think the change will last? \_\_\_\_\_

4 Please now complete the rest of this form

**Applying for someone else**

1. Are you applying for someone else?

No: please go to the next section

Yes: fill in the following giving your details

Surname: \_\_\_\_\_ First names: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Postcode: \_\_\_\_\_ Telephone number: \_\_\_\_\_

4 Please now complete the form giving the details of the person you are applying for

# About you

1. Are you?  Male  Female  Prefer not to say  
Please tick one box:

2. Are you?  Single  Married/Civil Partner  Cohabiting  
Please tick one box:  
 Separated  Divorced/dissolved CP  Widowed

3. If you are separated, please tell us the date of separation: \_\_\_\_\_

4. Is your partner the opponent in the case you are applying for legal aid for?  No  Yes

4 We use the word partner to mean a person you are married or civil partner to or a person you normally live with as a couple.

4 If you have a partner and you have answered 'No' to Question 4, please fill in the rest of this form giving details of both you and your partner. If you are living apart due to, for example, illness, imprisonment or working away (and not because the relationship has broken down) then we will still need you and your partner's details.

4 If you are separated from your partner and living with someone else, give details of the person you are living with now.

4 If your partner is your opponent, please fill in the rest of the form giving details about yourself only.

5. Please give the following details:

## You

## Your partner

Surname: \_\_\_\_\_

Surname at birth: \_\_\_\_\_

Other Names: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Postcode: \_\_\_\_\_

If possible, give the name and phone number of a friend or relative in the UK, who we could contact for further information if needed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Address where we can contact you if you do not want us to use the address above:

\_\_\_\_\_  
\_\_\_\_\_

7. Do you or your partner reside in any other country during part of the year?

**you**

- No: please go to  
Income-Employment  
section
- Yes: please tell us

**your partner**

- No: please go to  
Income-Employment  
section
- Yes: please tell us

The name of the country(ies): \_\_\_\_\_

How long you are resident  
there: \_\_\_\_\_

The reason you reside there  
(for example, employment or  
holiday): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Income - employment

1. Are you employed?

4 Please remember to get a written statement from your employer and your partner's employer if you have one. If you are employed and you do not send a written statement with this form, we will not be able to deal with your application and we may refuse legal aid.

4 The written statement should state how much you normally earn before tax and other payments each month, the amount of tax and social security payments on that income, the annual value of any benefits in kind (e.g. accommodation), the details of any changes that will occur in the next month and the currency in which the payments have been made.

**you**

- No: please go to question 2
- Yes: please tell us

**your partner**

- No: please go to question 2
- Yes: please tell us

Employer's Name: \_\_\_\_\_

Employer's address: \_\_\_\_\_

What is your job? \_\_\_\_\_

When did the job start? \_\_\_\_\_

How many hours do you  
normally work? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Do you have any other jobs?

**you**

- No: please go to question 3
- Yes: please tell us

**your partner**

- No: please go to question 3
- Yes: please tell us

4 Write the names and addresses of these employers in the Extra Information section on page 15 and attach a written statement from each employer to this form.

## Income - employment - continued

3. Do you pay out for child care because of your work, self employment or course of study outside the home?

**you**

No: please go to question 4

Yes: please tell us

How much each month? £ \_\_\_\_\_

How many hours do you usually pay for? \_\_\_\_\_

**Students only:**

My study course is:  full time  part time

Number of hours per week? \_\_\_\_\_

**your partner**

No: please go to question 4

Yes: please tell us

£ \_\_\_\_\_

\_\_\_\_\_

full time  part time

Number of hours per week? \_\_\_\_\_

4. How much has been taken off your total income for things like Tax and Social Security in the last month?

£ \_\_\_\_\_

How much and how often? \_\_\_\_\_ every \_\_\_\_\_

£ \_\_\_\_\_

\_\_\_\_\_ every \_\_\_\_\_

5. If you are off work at the moment, please tell us the date when you expect to return.

**you**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

**your partner**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

## Self-employment, partnerships and directorships

**You must answer all the questions in this section**

1. Are you self employed?

4 By self employed we mean anyone who is engaged in a trade, profession or vocation as a sole trader (i.e. you have sole ownership of the business and its profits). This includes anyone who is required to complete a tax return as a self employed person. If you operate in partnership with someone else (i.e. you share the ownership of the business and its profits with one or more other person) you should answer no to this question and refer to question 2.

**you**

No: please go question 2

Yes: please tell us

How many different forms of self employment do you have? \_\_\_\_\_

**your partner**

No: please go to question 2

Yes: please tell us

How many different forms of self employment do you have? \_\_\_\_\_

4 Please complete a supplementary form CIVMEANS1A for each trade, profession or vocation which you are involved in and attach it to this form. A CIVMEANS1A is required even if you are not currently trading, unless you have wound the business up.

## Self-employment, partnerships and directorships - continued

2. Are you a partner in a business partnership?

4 By business partnership we mean anyone who is engaged in a trade, profession or vocation which is operated in partnership with someone else (i.e. you share the ownership of the business and its profits with one or more other person) but the business is not incorporated as a company. This includes anyone who is required to complete a tax return as a partner.

4 You should answer yes to this question even if you are a sleeping partner (i.e. you are not actively involved in the partnership, but you are entitled to a share of the business and its profits).

**you**

No: please go to question 3

Yes: please tell us

How many partnerships you have? \_\_\_\_\_

**your partner**

No: please go to question 3

Yes: please tell us

How many partnerships you have? \_\_\_\_\_

4 Please also complete a supplementary form CIVMEANS1B (available from your solicitor) for each partnership you are involved with and attach it to this form. A CIVMEANS1B should be completed even if the partnership is not currently trading, unless the partnership has been dissolved.

3. Are you a shareholder in a private limited company and/or a company director?

4 By company director we mean anyone registered as a director of an incorporated body/company (excluding charities), whether or not they hold shares in that body/company.

**you**

No: please go to page 7

Yes: please tell us

How many companies are you a director or shareholder of? \_\_\_\_\_

**your partner**

No: please go to page 7

Yes: please tell us

How many companies are you a director or shareholder of? \_\_\_\_\_

4 You will need to ask the company accountant to complete a supplementary form CIVMEANS1C (available from your solicitor) for each directorship you hold. A CIVMEANS1C should be completed even if the company is dormant (i.e. it has no significant accounting transactions). The completed CIVMEANS1C(s) and associated accounts should be attached to this form.

## Self-employment, partnerships and directorships - continued

4. Have you submitted a tax return in respect of your income since you commenced your self employment, partnership, directorship and/or shareholding?

**you**

No: please tell us when you expect to make a return \_\_\_\_\_  
(go on to the "Income - other money" section below).

Yes: please tell us

Date of the most recent submission

\_\_\_\_\_

Name of Tax Office \_\_\_\_\_

Date when next return due \_\_\_\_\_

**your partner**

No: please tell us when you expect to make a return \_\_\_\_\_  
(go on to the "Income - other money" section below).

Yes: please tell us

Date of the most recent submission

\_\_\_\_\_

Name of Tax Office \_\_\_\_\_

Date when next return due \_\_\_\_\_

5. Have you received a tax calculation sheet notifying you of your tax liability?

**you**

No: please tell us when you expect to receive this \_\_\_\_\_

Yes: please attach a copy of your most recent notification to this form

**your partner**

No: please tell us when you expect to receive this \_\_\_\_\_

Yes: please attach a copy of your most recent notification to this form

## Income - other money

1. Do you, your partner or any of the children who live with you get any maintenance payments?

No: please go to question 2

Who is maintenance paid to?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Yes: please tell us

How much is paid and how often?

\_\_\_\_\_ every \_\_\_\_\_

\_\_\_\_\_ every \_\_\_\_\_

\_\_\_\_\_ every \_\_\_\_\_

2. Do you or your partner receive a private pension or a pension from an employer?

**you**

No: please go to question 3

Yes: please tell us

How much is the pension before tax is taken off?

\_\_\_\_\_ every \_\_\_\_\_

**your partner**

No: please go to question 3

Yes: please tell us

How much is the pension before tax is taken off?

\_\_\_\_\_ every \_\_\_\_\_

# Income - other money continued

3. Do you or your partner get any money from anywhere else?

**you**

- No: please go to question 4
- Yes: please tell us

**your partner**

- No: please go to question 4
- Yes: please tell us

Where or who the money is from \_\_\_\_\_

What it is for \_\_\_\_\_

How much it is and how often \_\_\_\_\_ every \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ every \_\_\_\_\_

4 If you declare this money for tax purposes, part of your income is considered to be self-employed, so you need to fill in form L31.

4. Is or has anybody else, including any company or other body, supporting you or your partner financially or making resources available to either of you?

4 This might be someone paying your bills, or someone allowing use of other assets or money from a Trust Fund

4 If you have received support in the past but this has now stopped, please tick "Yes" and provide details below.

**you**

- No: please go to page 9
- Yes: please tell us

\_\_\_\_\_

**your partner**

- No: please go to page 9
- Yes: please tell us

\_\_\_\_\_

(i) Your connection to this company or person

What types of support do you receive?

What has this been worth to you in each of the last 3 years, starting with the last 12 months?

(1) (2) (3)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(ii) Your connection to this company or person

What types of support do you receive?

What has this been worth to you in each of the last 3 years, starting with the last 12 months?

(1) (2) (3)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## Other people

1. Does anyone apart from your partner live in your home?

4 For example, children or other adults whether related to you or not

No: please go to question 2       Yes: please tell us

Their name	Date of Birth	Relationship to you	Do they work full-time?		Are they in full-time education?		If in full-time education and they get a grant how much is it?	If in full-time education, when will they finish?
			Yes	No	Yes	No		
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

2. Do you or your partner pay any maintenance for someone who does not live with you?

No: please go to the next section       Yes: please tell us

Their name	Their relationship to you or your partner	Who pays?		Is it paid voluntarily, by Court Order or through the Child Support Agency?	How much is paid and how often?
		you	your partner		
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____ every _____
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____ every _____
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____ every _____
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____ every _____

## Living costs - housing

4 If your home is also your business address please do not include any costs which have been put through the business accounts.

1. Do you or your partner own or have a financial interest in the property you live in?

No: please go to question 6       Yes: please tell us

The current market value of the property you live in: \_\_\_\_\_

Please tick the box which applies to you or your partner:

The property is held in my or my partner's sole name. Please state who holds the legal title: \_\_\_\_\_

The property is held in our joint names. We own \_\_\_\_\_ %

I have a charge on the property. The current value of your charge £ \_\_\_\_\_

2. How much do you or your partner actually pay for the mortgage, including any endowment policies linked to the mortgage?

£ \_\_\_\_\_ per month

Who pays it?     you     your partner

## Living costs - housing continued

3. What is the total amount outstanding on any mortgage or loans secured on the house you live in?  
\_\_\_\_\_

4. Please tell us whether the property is

- Detached    Semi-detached    Terraced    Bungalow    Flat/Maisonette

5. Number of bedrooms in the property: \_\_\_\_\_

6. Do you or your partner pay rent for the place where you live?

No: please go to question 7

Yes: please tell us the amount of rent you or your partner pay and how often:

\_\_\_\_\_ every \_\_\_\_\_ Who pays it?    you    your partner

7. Do you or your partner pay for your board and lodgings at the place where you live?

No: please go to next section

Yes: please tell us how much you or your partner pay and how often

\_\_\_\_\_ every \_\_\_\_\_ Who pays it?    you    your partner

How much of this is for food? £ \_\_\_\_\_

Please tell us the name of the person you pay board to and your relationship to them.

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

4 If you or your partner own or have an interest in another property, please put the details on page 11 question 3

## Capital and other assets

1. Do you or your partner have any of the following:-

	Yes	No
Bank current accounts	<input type="checkbox"/>	<input type="checkbox"/>
Bank savings accounts	<input type="checkbox"/>	<input type="checkbox"/>
Building Society accounts	<input type="checkbox"/>	<input type="checkbox"/>
ISAs	<input type="checkbox"/>	<input type="checkbox"/>
National Savings/Post Office Accounts	<input type="checkbox"/>	<input type="checkbox"/>
Other accounts	<input type="checkbox"/>	<input type="checkbox"/>
Cash at home	<input type="checkbox"/>	<input type="checkbox"/>

If YES to any of the above, please give details on the next page:-

# Capital and other assets continued

Bank/Building Society name	Name of account holder	Account number	Type of account e.g. current, deposit, ISA	Current balance	
_____	_____	_____	_____	£ _____	<input type="checkbox"/>
_____	_____	_____	_____	£ _____	<input type="checkbox"/>
_____	_____	_____	_____	£ _____	<input type="checkbox"/>
_____	_____	_____	_____	£ _____	<input type="checkbox"/>

4 Please indicate into which account your wages or benefits are paid by ticking the box at the end of the row.

4 Please include details of any savings accounts opened for your child dependents.

4 Please provide bank/financial statements covering the last 3 months to date, for each account held.

2. Do you or your partner have any of the following:-

	Yes	No	Current Value
National Savings Certificates	<input type="checkbox"/>	<input type="checkbox"/>	£ _____
Premium Bonds	<input type="checkbox"/>	<input type="checkbox"/>	£ _____
Capital Bonds	<input type="checkbox"/>	<input type="checkbox"/>	£ _____
Stocks or Shares	<input type="checkbox"/>	<input type="checkbox"/>	£ _____
Any other type of savings	<input type="checkbox"/>	<input type="checkbox"/>	£ _____

4 If you receive any income from these investments you must complete question 3 on page 8 of this form.

3. Do you or your partner own or have a financial interest in any property, land or timeshare other than the place you live in now?

No: please go to question 4

Yes: please tell us

Its address	Its market value	The amount of any mortgage or loan	How do you use the property? Do you, for example, rent it out or live in it part of the time?	What share do you and your partner own?
i. _____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Its address	Its market value	The amount of any mortgage or loan	How do you use the property? Do you, for example, rent it out or live in it part of the time?	What share do you and your partner own?
ii. _____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

## Capital and other assets continued

4. Do you or your partner have any life assurance or endowment policies that are not linked to a mortgage?

**4 Do not include** any policies that only pay out on death.

No: please go to question 5

Yes: please tell us

When was the policy taken out?

What is the loan value of the policy?

What type of policy is it?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Do you or your partner have use of a car owned by someone else?

No: please go to question 6

Yes: Please tell us the following then answer question 6 and give details at question 7

Who owns the car? \_\_\_\_\_ Their relationship to you \_\_\_\_\_

6. Do you or your partner own a car?

No: please go to question 7 if you answered 'yes' to question 5

Yes: please go to question 7

7. Please state

The make & model

The registration number

The purchase price

Loan outstanding

Date of purchase

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Do you or your partner have any valuable possessions?

**4** For example, jewellery, antiques or collections. Please do not include wedding, engagement or eternity rings, or any equipment or tools you use for work.

No: please go to question 9

Yes: please tell us

What these items are

The sale value of these things

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Capital and other assets continued

9. Are you or your partner owed any money?

Yes  No

10. Have you or your partner received or are you likely to receive anything from a will of someone who has died, or from a trust fund?

Yes  No

11. Have you or your partner transferred, sold, or given any money, property or possessions to anybody else (including any company or body) since you became aware that these proceedings were likely to take place?

Yes  No

12. Have you made any purchases or paid out any sum of money, over £2,500, in the last 12 months?

Yes  No

13. Do you or your partner have any other capital or other assets which have not been included in this section?

Yes  No

If you have answered **YES** to any of the above questions please give full details below:-

14. Are you or your partner subject to a bankruptcy order?

Yes  No

If YES, please attach a copy of the order and latest schedule of assets and liabilities. This will speed up the process of your application.

15. Do you or your partner have any income, capital or assets which are subject to a freezing order so that you cannot use them?

Yes  No

If YES, please attach a copy of the order. This will speed up the process of your application.

## Capital and other assets continued

16. Has an application been made to apply (or reapply) to discharge or vary the freezing order?

Yes

No

If YES, please provide a copy of the application and amended order as applicable.

17. Use this section to tell us anything we need to know that is not already on this form such as any likely changes.

Yes

No

If YES, please provide details below:-

## About your case - what is the dispute about ?

**4 Please consult your Solicitor before answering these questions**

1. Please list any property, possessions or assets that are being disputed in these proceedings  
**4 Please include the address of any property and specific details of any other assets in dispute**

## Insurance

1. Do you have contents / building / motor / other insurance?

Yes  Go to question 2

No  Go to next section

2. Does the policy include insurance in relation to legal fees?

Yes

No

If YES, please provide details:

**4 If you are not sure whether your policy covers legal fees, please refer it to your solicitor for checking.**

## Extra information not provided earlier in this form

- 4 Use this space to include information not provided elsewhere e.g. names and addresses of employers where you have more than one job and to provide any other information or further details that you feel are relevant to your application
- 4 If you know of an event that will change your financial circumstances in the next 12 months we need to know the date of that event and how it will change your circumstances. This might be that you are going to have a baby (we will need to know the expected date of birth) or that you will retire, or that you know that you will be starting a new job.

**4 If you or your partner pay a contribution from your income towards a criminal legal aid case please give details below:-**

Amount paid £\_\_\_\_\_ per month. Date of first payment \_\_\_\_/\_\_\_\_/\_\_\_\_\_

Date of final payment (if known)\_\_\_\_/\_\_\_\_/\_\_\_\_\_

# 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](mailto: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](http://www.ico.org.uk)

## Authority by partner

If you have a partner whose details have been completed on this form then they must sign the authority below.

4 This is a true statement of all my income and assets in the UK and any other country.

4 I agree to the Legal Aid Agency checking these facts with others such as the Department of Work and Pensions and the HM Revenue and Customs and I authorise those people/organisations to provide the information they are asked for.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_/\_\_\_/\_\_\_

Full name (in block capitals): \_\_\_\_\_

## Declaration and authority by applicant

Please check that you have answered all the questions, as we will not be able to consider your application if you do not provide all the information needed. Please read each of the following statements carefully.

This is a true statement of all my and my partner's income and assets in the UK and abroad. I understand that if I tell you anything untrue in this form, or the documents I send with it, or leave anything out:

- I may be prosecuted.
- The Legal Aid Agency may take away my legal aid so I have to pay all my legal fees.

**Signature**.....

I agree to the Legal Aid Agency checking these facts with others such as credit reference agencies, the Department of Work and Pensions and HM Revenue and Customs and I authorise those people/organisations to provide the information they are asked for.

I will:

- Provide more evidence if the Legal Aid Agency ask.
- Tell the Legal Aid Agency if anything I have said here changes.

**Signature**.....

I understand:

- Legal aid is not always free. I may have to pay a contribution towards my legal costs from my income and / or capital. My legal aid may be withdrawn if I fall in arrears of payment and I will be responsible for the outstanding payments.
- The statutory charge may arise if I keep or gain money or assets as a result of my case.
- This means that I may have to pay back my legal costs at the end of my case from money or assets kept or gained, or costs awarded in my favour.
- The Legal Aid Agency may register an interest bearing charge against my property.
- The more work my solicitor does, the more I may have to pay back.

**Signature**.....

Date: \_\_\_/\_\_\_/\_\_\_

Full name (in block capitals): \_\_\_\_\_ **Please give this form to your solicitor.**

## For official use only

**OCC**    season     prof     self     salary

**EX**    school     2nd prop     mort     trust     share

**AW**    highp     mrva     smod100k

**CID**    rvk     cost     ndi

**ANALYSIS**    HR     LR

**BF Date**    \_\_\_\_ / \_\_\_\_ / \_\_\_\_