

**Data sharing guidance for researchers seeking permission for secure access to data**

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Ministry of Justice working with HMCTS and Department for Education

Contents

[What is this application form for? 1](#_Toc202350433)

[Processing of data request applications 2](#_Toc202350434)

[What information do I need to provide? 4](#_Toc202350435)

[Section One: Data Access 8](#_Toc202350436)

[Section Two: Applicant Details 9](#_Toc202350437)

[Section Three: Project details 10](#_Toc202350438)

[Section Four: GDPR 14](#_Toc202350439)

[Section Five: Safe Data 15](#_Toc202350440)

[Section Six: Data Linking and Matching 18](#_Toc202350441)

[Section Seven: HMCTS data 19](#_Toc202350442)

[Section Eight: HMCTS primary data collection 19](#_Toc202350443)

[Section Nine: Accessing data through your own secure setting 21](#_Toc202350444)

[Section Ten: Accessing data through ONS Secure Research Service 21](#_Toc202350445)

# What is this application form for?

Please use this application form for requesting access to data for research purposes from:

* Ministry of Justice (e.g., the Police National Computer)
* His Majesty’s Courts & Tribunals Service
* Department for Education (MoJ–DfE data share only)
* His Majesty’s Prison and Probation Service ([Data First](https://www.gov.uk/guidance/ministry-of-justice-data-first) Datasets only - MoJ Data First Criminal Courts, Prisons and Probation Linked Dataset, the MoJ Data First Prisoner

Custodial Journey Level Dataset, and the MoJ Data First Probation Dataset)

The form covers requests for access to data:

* held in the [ONS Secure Research Service](https://www.ons.gov.uk/aboutus/whatwedo/statistics/requestingstatistics/secureresearchservice),
* within your own secure setting through a Data Sharing Agreement,
* collected directly from HMCTS personnel, records or sites. Please note this option is only available to those who are carrying out primary research with HMCTS.

This is a modular form. Please see the accompanying ‘Available data and their modes of access’ [document](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/887959/available-data-modes-access.ods) to see what sections you are required to fill in for the data and access route you are requesting. Please complete all relevant fields in the application form and provide all required documentation.

Requests that have been approved can be found under the [“Approved external data request log”.](https://www.gov.uk/government/publications/moj-data-first-application-form-for-secure-access-to-data) It is recommended that applicants read what research is already being conducted to avoid duplication of research.

# Processing of data request applications

When you make a request, we will first make sure we have received all the relevant documentation and review these to ensure they contain all the information necessary, before submitting your request to the panel(s) that govern access to the data requested.

When applying for MoJ-held data or HMPPS Data First data[[1]](#footnote-2), the Data Access Group (DAG), a panel comprised of Data and Analytical Services staff, will evaluate your request and make a recommendation to the Data Access Governance Board (DAGB). Chaired by the MoJ’s Chief Statistician, this board will have the final decision on whether data will be shared. Both the DAG and DAGB meet when needed to consider requests. with an expected total turn-around time of 1-3 months. Please note, this timeframe is based on when an application is considered by the DAG secretariat to be ready to be reviewed by the DAG panel and not from initial submission of an application. If amendments are required in response to DAG or DAGB’s initial review, repeat panel evaluation may be required.

If approved, you will be directed to the team(s) holding the data to arrange access. If your application is for access through your own secure setting, a Data Protection Impact Assessment and a Data Sharing Agreement will need to be negotiated. After the Data Sharing Agreement is signed by all parties, it becomes live and data will be shared, with annual reviews to ensure compliance with the agreement throughout its lifespan.

When applying for access to the MoJ DfE data share, your request will be considered both by MoJ’s DAG/DAGB and by DfE’s Data Sharing Approval Panel (DSAP). Please note that prior to sending an application to these panels that this is an iterative process from submission, designed to ensure your application is of high quality before it can be assessed for approval by the DfE and MoJ panels.[[2]](#footnote-3) Where DAGB and DSAP agree to provide you with access to data, you will be provided with a Data Sharing Agreement (DSA) and Individual Declaration Form (IDF) that you will be required to sign and return. By signing these, you will be agreeing to the terms and conditions set out in the Agreement. Please keep a copy of all the documents, including completed forms, for your own records. Each permitted user will be required to complete and return (to DfE) an IDF. The DSA once agreed will be sent for signature using AdobeSign to the named signatory at the requesting organisation.

HM Courts & Tribunals Service (HMCTS) is a separate Executive Agency within MoJ. Therefore, when applying for HMCTS held data, all requests for existing HMCTS data, new data collections and research involving interviews/questionnaires with HMCTS court staff or court/tribunal users must be considered and approved by the HMCTS Data Access Panel (DAP). It is essential to contact the Data Access Services Team before making an application to DAP. The team can be reached at: dataaccesspanel@justice.gov.uk. Once the application is submitted to the Data Access Services team, it will be thoroughly vetted. This is often the longest stage as the team seeks to address any gaps or queries in the application. Following this, there is consideration and approval by DAP. If approved, the panel and the team will work with you to facilitate access.

If your request is to access data from the MoJ-DfE share, HMCTS Data First data, or HMPPS Data First data, this can only be accessed through the ONS Secure Research Service, and you must also have completed the ONS Project Accreditation Service for SRS (PASS) before accessing your data.

# What information do I need to provide?

We can only share data if there is a legal basis to do so. As a Data Controller we must also comply with all applicable data protection legislation including the Data Protection Act 2018 and General Data Protection Regulation (GDPR) for to ensure safe, necessary and proportionate handling processing of data.

## Section One: Data Access

This section of the application form will ask for what data you are requesting and how you would like to access the data.

Please be aware that some data are only available through specific access routes. If you are unsure, please see the [‘Available data and their modes of access’ document](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F663cec38bd01f5ed32793887%2Favailable-data-modes-access-v2.ods&wdOrigin=BROWSELINK).

## Section Two: Applicant details

This section of the application form will ask for basic contact details of the requesting organisation and researchers (this must include the name of the person or organisation to whom we would permit the use of data within a secure setting). It has additional information concerning the relationship between the requesting organisation and other organisations (e.g. commissioning, funding, sponsoring or contractual).

This section also asks about the project team in relation to data protection training completed, analytical skills and experience with the type of data being requested.

## Section Three: Project details

The various data panels scrutinise applications to ensure all external requests for individual data are legal, ethical, proportionate and secure. This is a key section for consideration of whether the project proposal is in line with the permitted uses of the data and in the public interest so please build a clear, concise and compelling case for why you should be granted access to the data requested.

As such, requesters must provide evidence to the panel on:

* the title of the project,
* the brief purpose and intended outputs of the project for the panel to assess purpose limitation. This may also be used to publish details of external and third-party data shares on GOV.UK,
* a fuller description of the project including the research questions being addressed and methods proposed; how the data requested is specifically, explicitly and legitimately required for the project purpose and how the project will achieve a benefit to the public,
* evidence of ethics consideration,
* evidence to demonstrate explicit consent (if relevant) and further evidence on how individuals’ rights are managed throughout the project.

This section will also ask about the limitations, timescales, ethics and risks relating to the project and how these may be mitigated.

## Section Four: GDPR

We also ensure all external requests for individual data complies with Data Protection

Legislation [(Data Protection Act 2018](http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted) and [General Data Protection Regulations)](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/) by

* ensuring we have Data Protection Officer (DPO) contact details for all third parties
* encouraging development of Data Protection Impact Assessments (DPIAs) for research projects
* assessing the volume of data requested in order to adhere to data minimisation principles
* assessing and agreeing the appropriate classification of the data share
* being transparent around the classification of data shared with third parties
* agreeing proportionate licence periods and destruction dates

As such, requesters must provide with details on how they meet their obligations under GDPR.

## Section Five: Safe Data

The purpose of this section is to evidence that the data you are requesting is entirely aligned to the research goals, that the sensitivity is understood, and that sensible steps to minimise the amount of individual level data accessed have been taken. As such, requesters must provide:

* their data requirements and justification for the volume of data requested, and specific justification is needed for any GDPR special category data,
* if relevant, an explanation as to how often the project needs to refresh its data to reach a satisfactory outcome,
* the length of time the project needs access to the data and why,
* how the data will be kept safe through statistical disclosure control and ensuring that no sensitive data is released.

## Section Six: Data Linking and Matching

The purpose of this section is to gather further details on applicants who plan to link or match the data they are seeking to access to any other data.

## Section Seven: HMCTS data

The purpose of this section is to gather further details on applicants applying specifically for data held by HMCTS such as magistrates’ courts data or other primary research drawing on HMCTS sources.

## Section Eight: HMCTS primary data collection

The purpose of this section is to gather further details on applications applying for HMCTS primary data collection.

## Section Nine: Accessing data through your own secure setting

The purpose of this section is to gather further details on applicants applying to access the requested data through their own secure setting via a data share agreement. Please note, this section should be completed if you are requesting MoJ held data and/or HMCTS held data outside of the Data First Programme only.

### Storage

Please understand that some data held is extremely sensitive and if lost or released, could cause considerable harm or distress. While this risk will be reduced by pseudonymising and minimising the data shared, additional steps must be taken to further reduce this risk. Please be aware that due to the sensitive nature of this data, your ordinary methods of storing data may not be sufficient.

Specifically, we would favour storage on a system certified at ISO 27001, holding Cyber Essentials accreditation, or compliant with the Information Governance Toolkit. Should your system not be compliant with these standards, we will refer you to guidance by the National Cyber Security Centre and may require it to be approved by our internal cyber security advisors.

### Transfer

There is no ideal method of transferring data which suits every request. While we prefer using Criminal Justice Secure Mail (CJSM) where possible, we acknowledge that this may not always be a suitable option, and we can adjust depending on the needs of the individual share. While we encourage you to make suggestions should CJSM not be suitable, we may in some circumstances need the proposed method of transfer to be approved by our internal cyber security advisors. We require all mechanisms to be HGM Security Framework compliant. The HMG Security Framework can be found via the following link: <https://www.gov.uk/government/publications/security-policy-framework>

**Deletion**

The final step of a data share will be the deletion of the data which we have shared with you. Ordinarily we will accept written confirmation of the deletion via widely available commercial software. In some circumstances we may require you to provide proof of deletion from a National Cyber Security Centre approved contractor. However, such methods will only be necessary where the data shared is of a particularly sensitive nature.

## Section Ten: Accessing data through ONS Secure Research Service

The purpose of this section is to gather further details on applicants applying to access the requested data through the ONS SRS. Please note, this section should be completed by those who are requesting HMCTS Data First data, HMPPS Data First data, and/or the MoJ-DfE share only. These datasets can only be accessed through the ONS SRS. You must also have completed the ONS Researcher Accreditation Process before accessing this data.

## Check and Send

This section is an aide memoire for researchers to check they have filled in all the relevant information on the application form and have gathered all the appropriate documentation for submitting with the application form. Researchers may also find the following section helpful when filling in the form.

If you have any queries regarding the application form and/or the process of applying for data, please do contact the relevant email dependent on the data you are requesting:

* MoJ held data: datalinkingteam@justice.gov.uk
* HMPPS Data First data: datafirst@justice.gov.uk
* HMCTS held data: dataaccesspanel@justice.gov.uk
* MoJ-DfE share datalinkingteam@justice.gov.uk and
* data.sharing@education.gov.uk

If you have any queries regarding the ONS secure research service, please do contact research.support@ons.gov.uk

This section provides further guidance on how to complete each section of the application form

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# Section One: Data Access

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| **Data you require access to**  | This application form is for data held by MoJ, data held by HMCTS[[3]](#footnote-4), HMCTS Data First data[[4]](#footnote-5), HMPPS Data First data[[5]](#footnote-6), and the MoJ DfE share[[6]](#footnote-7). Please state what data you are requesting, if you are unsure what your request falls under please see the [‘Available data and their modes of access’ document](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F663cec38bd01f5ed32793887%2Favailable-data-modes-access-v2.ods&wdOrigin=BROWSELINK). |
| **How do you want to access the data**  | There are various options for accessing data depending on what data you request. Please see [the ‘Available data and their modes of access’ document](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F663cec38bd01f5ed32793887%2Favailable-data-modes-access-v2.ods&wdOrigin=BROWSELINK) for your options for accessing data. In summary, access to:* Data held by MoJ e.g., the Police National Computer (PNC) and access to secondary HMCTS held data is only available through your own secure setting.
* HMCTS Data First data, HMPPS Data First data and the MoJ-DfE share is available through the ONS SRS.
* HMCTS primary data is available through direct collection only.

If you are applying for Police National Computer (PNC) data and already hold any data from the PNC, please ensure you provide the details of the request, the retention period, and a copy of the Data Sharing Agreement (DSA).If you currently have or are planning to request PNC data from the Home Office, please provide further details of this.  |

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# Section Two: Applicant Details

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| **Name of requesting organisation. (This must be the name of the person or organisation who is requesting access):**  | The “Requester” is the name of the person or organisation who is requesting access. Please state the name of the requesting organisation and the type of the organisation (e.g. academic organisation, independent think tank, public authority under FOIA, commercial organisation) etc).Please ensure a personal organisation email address is included.For MoJ-DfE data shares - Please note, that when a DSA is sent for signature by AdobeSign it must be sent to an employee of the requesting organisation, it cannot be sent to a PhD student.  |
| **Primary, Secondary** **and DPO contact details**  | Under the GDPR, you must appoint a DPO if: * you are a public authority or body (except for courts acting in their judicial capacity);
* your core activities require large scale, regular and systematic monitoring of individuals (for example, online behaviour tracking); or
* your core activities consist of large-scale processing of special categories of data or data relating to criminal convictions and offences.

If you do not have DPO, please supply an explanation as to why you do not have one.  |
| **ICO number**  | There is an Information Commissioner's Office (ICO) registration and fees model. It is a three-tier system based on staff numbers and turnover. Every organisation or sole trader who processes personal information needs to pay a data protection fee to the ICO, exemptions still apply. Please provide your ICO registration number or evidence of a valid exemption. |
| **Contact details of** **institute/ organisation funding, sponsoring or commissioning the project** | It is important for us to understand the key stakeholders involved in the project and the bigger picture / context in which the project sits in order to make a robust decision as to whether or not to support the data share. Please provide all relevant details and the nature of the relationship between those organisations. Please state “N/A” if some of the contact details are not necessary for the data share.It may be that there are researchers from other organisations also working on this project, so that relationship must also be explained at this section. |
| **Data protection training, analytical skills and experience with types of data**  | It is important for us to understand the skills of the team to assess the application. For example: what level of qualification or years of professional experience do the team have (e.g. PhD with 1-year academic research experience, BSc with 5 years as data analyst)? What kind of data protection training has been done and how recently? Have you worked with this data previously, or with similarly structured datasets or on related topics? Have you previously used the requested platform to access data? What type of previous analytical experience do you have? |

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# Section Three: Project details

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| **Title of Project** | Please provide the full project title. This can be a working title if a final title has not been confirmed. If applying to access the MoJ-DfE share, please keep the title to 10 words or less. If applying to access any other data, there is no word limit for the project title. |
| **Brief Purpose**  | This summary should be no more than 150 words. It must be succinct but comprehensive. It must accurately describe the project in layperson’s language and in the third person with no acronyms or jargon. It is strongly recommended that the summary follow the structure below to ensure consistency and ease of reading when publishing alongside other data shares. We have the right to amend the summary, in consultation with the applicant, to ensure the wording complies with GOV.UK guidance on all publications. [Organisation ‘A’] wishes to analyse [dataset ‘B’] for [‘C’ last x years’ worth of data or y data for z year(s)]. With this data, [Organisation A will [‘D’ insert a 3–4 sentence description of the research]. The public benefit of this work will be [‘E’ insert here… how do current or future members of the public, particularly subjects of the dataset, benefit from this?]] Where: * A is the organisation who is applying for the data
* B should consider:
	+ the relevant dataset(s) the requestor is applying for
	+ whether there is any linking involved
	+ whether there is any matching involved, and the sample sizes or control groups involved
* C should consider:
	+ how many x years’ worth of data would be required
	+ whether every z years would be enough (e.g. every 3rd year)
* D is 3–4 sentences describing the research aims and objectives of the project or the specific question the organisation is seeking to answer. This should also cover the intended outcome and publication method.
* E is an explanation of how current or future members of the public, particularly subjects of the dataset, benefit from this. This may also include an explanation of the benefits to wider policy development (if known).

There may be exceptions where we do not publish an overview of the project – for example, to protect the privacy of researchers working on particularly sensitive projects. If you believe you should be exempt, please explain in detail why this is the case.[[7]](#footnote-8)  |

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| **Fuller description of your project**  | Data must only be collected, and shared, for specified, explicit and legitimate purposes. It must not be used in a manner incompatible with the specified purpose. There are limited exceptions for archiving, scientific and historical research. This section allows the applicant to elaborate on their project’s aims and objectives, intended methods, outputs and benefits, which meets the ‘public good’. Please provide concise but comprehensive information sufficient to allow the corresponding panel to make a robust decision. You should include the following: * The project’s purpose, please include:
	+ the research questions being addressed, plus what data will be used to address these and how,
	+ how it meets [MoJ’s areas of research interest,](https://www.gov.uk/government/publications/ministry-of-justice-areas-of-research-interest-2020)
	+ any organisations or processes reliant on this data request for their needs and why (e.g. completed as part of a public duty, i.e. ‘public task’),
	+ whether any re-use of data is wholly aligned to the project’s original purpose,
	+ whether there have been similar projects carried out and whether this project is designed to fill a gap.
* The project’s intended methods, please consider:
	+ sample size requirements,
	+ control group requirements,
	+ statistical methods you might use.
* How the research aligns with the public interest and what the public benefit of the project is.
 |
| **MoJ Contacts** | If you have any contacts within MoJ or DfE with whom you have discussed the value or feasibility of the research or have consulted or submitted your project to any other panel at the MoJ, please provide details of this. |
| **Project Outputs**  | The project’s intended outputs and their uses, please state whether it is: * Internal work (publication not intended at this stage)
* Freely available research findings / reports
* Chargeable research findings / reports
* Other chargeable output (please specify what this output is)
* Other non-chargeable output (please specify what this output is)
* Research findings / reports for use by the media
* Free software products / web tools for data analysis (open access / restricted access)
* Chargeable software products / web tools for data analysis (open access / restricted access). Please note, it is unlikely that approval will be obtained for research projects where outputs are produced for financial gain, except in exceptional circumstances.
* Research commissioned by public sector bodies including government departments
* Research commissioned by third sector organisations
* Other – please state.

Note: If a piece of research is freely available in some way, but also exists within a journal requiring a subscription, ‘freely available research findings’ can still be ticked. If you have selected any chargeable outputs, please ensure you clearly explain:* How the data will be used i.e., will it inform a product or service where access to this will be bought or sold?
* Is there any intention to generate a financial profit using this data?
* Will the personal data be itself be sold on?
* Will this duplicate any existing analysis or product?
 |
| **Publishing Results**  | As a condition of access, we expect researchers to publish their results to deliver meaningful results and contribute to the wider public good. If you are not intending to publish your outputs, please explain why. A justification will be necessary for access to be granted. For the MoJ-DfE share researchers must comply with the [Statistical Disclosure Control](https://assets.publishing.service.gov.uk/media/660d8798758315001a4a49d2/DfE_ONS_statistical_disclosure_control_policy.pdf) Policy. |
| **Providing results two weeks prior to release**  | One of the conditions of accessing data is that researchers must provide any written or record outputs that will be made available publicly (e.g. books, articles, etc.), at least two weeks prior to release. However, all academics and researchers are free to publish all results/findings without interference from the MoJ other than to ensure our responsibilities under law, e.g. Data Protection Act 2018, are not breached.  |
| **Impact of not acquiring the data**  | Please provide the impact on your research if you do not get the data you are requesting. |
| **Data sought from another source**  | Please consider whether the data being requested can be sought from another source, for example published data or statistics, data held by other organisations.  |
| **Main limitations**  | Please provide the main limitations of your research proposal. This could include limitations involving the proposed methodology, sample size, data available, ethics, time constraints etc. Meaningful consideration of limitations is necessary for data access and does not weaken the application. It is recognised that all research has limitations, and we are primarily looking to ensure these are understood and will be appropriately reflected in outputs.  |
| **Timescales** | Please provide the timescales for your research / project. Please include in your response any milestones that are critical and explain why. This is to help us prioritise your request. Please note, applications which require approval from more than one panel (the MoJ-DfE share and Data First requests including HMCTS and HMPPS data) will likely take longer to process. Please consider this when estimating timescales. |
| **Ethics** | If applying to access the MoJ-DfE share, for your application to be considered you must provide either ethics approval from your research ethics panel or if this is not applicable complete and submit a UK Statistics Authority Data Ethics self-assessment alongside your application. If applying for access to Data First, HMCTS, or MoJ held data we welcome the completion of a UK Statistics Authority Data Ethics self-assessment form. However, this is not mandatory, and your application will still be considered without it.To ensure the appropriate approvals are in place for the data share, please also disclose any previous research ethics panel approvals (e.g. university ethics board) and provide an overview of their considerations. Consideration of ethics is necessary for data access and does not weaken the application. |
| **Public acceptability** | Please detail any work you have undertaken to consider public views on this research area. Please also provide any evidence of public acceptability considerations, for example, from ethics committees. |
| **Ethical considerations and mitigations** | Please provide a summary of the main ethical considerations and mitigations. |
| **Risk register and mitigation** | What are the key risks of your proposal and how do you intend to mitigate them. |

# Section Four: GDPR

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| **GDPR conditions for processing data**  | All researchers must tick one box that accurately describes the condition for processing data. Please refer to the [ICO website if you are](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/lawful-basis-interactive-guidance-tool/) not sure which condition applies.  |
| **Justification**  | You must justify why you have chosen a particular condition and how you believe the condition is met. If relying on consent, please ensure you understand the changes in DPA 2018 and GDPR and provide adequate evidence (e.g. a copy of the consent form and privacy notices that are to be used for the project). These assessments will be verified or challenged during the approval process.  |
| **GDPR conditions for processing special categories of data**  | In addition, if your data request is for special categories of data (e.g. ethnicity, language, etc) you must also tick a box that accurately describes [the condition (a to j) for processing special categories of data.](https://gdpr-info.eu/art-9-gdpr/) Again, please refer to the ICO website if you are not sure which condition applies. If relying on Legitimate Interests, we will require you to complete a [Legitimate Interest Assessment (LIA)](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/legitimate-interests/what-is-the-legitimate-interests-basis/#three_part_test) and submit this alongside your application.  |
| [**Schedule 1, Part 1 conditions**](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted)  | If your project is relying on (b), (h), (i) or (j), which condition of DPA 2018 Schedule 1, Part 1 does your project meet. You must justify this.  |
|  **Justification** | If your project is relying on (b), (h), (i) or (j) of Article 9(2) of the GDPR and DPA 2018 Schedule 1, Part 1 (4) “Research”, please state whether it’s for archiving purposes, scientific or historical research purposes or statistical purposes and provide evidence on how your processing meets this condition (in particular how your processing meets Article 89(1) of the GDPR). You must provide evidence of compliance.  |
| [**Schedule 1, Part 2 & 4 conditions**](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted)  | If your project is relying on (g), which condition of DPA 2018 Schedule 1, Part 2 does your project meet. You must justify this.  |
|  | Please also state how your project complies with DPA 2018 Schedule 1, part 4. You must provide evidence of compliance.  |
| **Further** **Justification**  | Extra space to provide further explanation if not already covered above.  |

# Section Five: Safe Data

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| **Cohorts** | If there is a specific group or cohort of individuals that your research will focus on, please provide further information on this. For example: * how are you defining the cohort,
* how will the cohort be constructed from the data requested.
 |
| **Dataset(s) requested**  | Please provide as much information as you can about the data your project requires. To meet our obligations under the UK General Data Protection Regulation Act 2018, the Ministry of Justice minimises the amount of data we provide access to. If requesting access to an existing dataset, system extract, or records you must provide the dataset or source name, and the start and end dates required as well as any details of the subset of records needed for your project. If collecting primary data (e.g. interviewing court staff) please give detail about the sampling and scope of the data which you intend to gather. You should consider the following questions to support your application around the GDPR principle of data minimisation when applying for data: * Is the number of individuals / numbers of years / volume of records proportional for the stated purpose?
* Do you really need data that I have listed?
* Can you think of ways to minimise the data you require for your project, for example:
	+ request every 3rd year of data (i.e. years 1, 4, 7, 10) instead of every year in the past 10 years
	+ request ethnic group instead of ethnic code

If known, please also include the number of individuals likely to be requested. |
| **What data items do you require**  | Please provide us with an accompanying file such as an excel document that lists the variables you require and a justification for each variable. We strongly advise using the relevant data catalogue to identify the variables requested and to provide a justification. The justification can be kept simple and concise but should clearly demonstrate what the variable is being used for and why. For example, is it a key outcome of interest for a research question; for subgroup analysis; or to be used as a control variable. Names and descriptions of data items available for some defined datasets is available on gov.uk. Please contact the relevant secretariat for the datasets you wish to request:* For HMCTS and HMPPS Data First data catalogues, please visit the Data First [webpage](https://www.gov.uk/guidance/ministry-of-justice-data-first).
* To access the data catalogues for MoJ held data, please contact Datalinkingteam@justice.gov.uk.
* To access the data catalogue for the MoJ-DfE share please contact datalinkingteam@justice.gov.uk or data.SHARING@education.gov.uk.
* To view the data catalogues for HMCTS held data, please contact dataaccesspanel@justice.gov.uk
 |
| **Sensitive data** | This section is only required if requesting access to the MoJ-DfE share.If your request requires sensitive data, such as categories B, C, or D from the MoJ-DfE share, please include a justification for requesting this. Please refer to the relevant metadata to help you understand the classifications for the specific data variables.  |
| **Future re-fresh of data**  | If applying to MoJ or HMCTS data, please state whether your project requires one extract once or whether it relies on updates to the extract (e.g. every year) to reach a satisfactory conclusion. Please also describe the datasets and variables. If both data owners and the panel reviewing your request are satisfied with your reasons for requesting refreshes of data, we do not require you to re-apply each time. However, we reserve the right to review this agreement at any time in the future. You will be expected to be proactive in contacting us 2–3 months before new datasets are released to request a refresh of data. If applying for the MoJ-DfE share, you will be required to reapply and will be required to delete your previously requested data. |
| **Data retention** | We need to know how long researchers require the data for and what they need the data for in each stage of their project so we can assess whether that is a justifiable length of time.[[8]](#footnote-9) |
| **Safe Outputs**  | Please detail your current policies on statistical disclosure control and how you plan to ensure no sensitive data is released. SDC should comply with the Government Statistical Service (GSS) Guidance on Anonymisation and Data Confidentiality [(https://gss.civilservice.gov.uk/policy-store/anonymisation-and-data)](https://gss.civilservice.gov.uk/policy-store/anonymisation-and-data-confidentiality/). All outputs must also comply with the DPA and GDPR. A minimum cell count of 10 shall apply unless written permission is obtained on a case-by-case basis. The SDC applied by the Data Processor shall ensure that no person, organisation and/or business will be: * Specified in the information
* Able to be deduced in the information
* Able to be deduced from the information taken together with any other publicly available information

And further ensure that: * Self-identification is not possible
* Appropriate disclosure control has been applied to the position of zeros in any output tables (not just cell counts)
* It is not possible to use information in tables to deduce information about the characteristics of a person, organisation or business.

Please provide an explanation on how you will ensure no sensitive data will be released. |

# Section Six: Data Linking and Matching

|  |  |
| --- | --- |
| **Data you want to** **link**  | Please provide us with details on the data you would like to link, including fuller details of any data held independently from this application request. If you wish to match our data to personal level data which your organisation holds (and are permitted to share for matching purposes), then you need to say what identifiers you would provide to us for data matching, and confirm that you would provide a random unique identifier (so that we can remove all individually identifiable data from your matched data extract). Please also say if you are providing any UK [GDPR special category](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/special-category-data/what-is-special-category-data/) data within the data you are sending to be matched, and specify which type of personal data will be included. Your privacy notice for the project needs to be clear that this data matching will occur.It may be that you only wish to access data which is already in the public domain alongside your data share that we will provide. If so, specify what data and provide the web link for this too.  |
| **Linking data** | Please describe how you propose to link the data. Which identifiers will be used as the link to carry out the data matching?  |
|  |
| **Requirement for data linking**  | Please describe why your project requires data linking and the impact of you not being able to link data.  |
|  |
| **Consent**  | Please state whether you have explicit consent to link. If so, please provide a copy of the consent used. If linking personal data and consent has not been obtained, please state the legal basis for linkage. |

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# Section Seven: HMCTS data

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| **Jurisdiction**  | Please outline what jurisdiction your research/data collection covers.  |
| **Data** | Please outline what data you are seeking access to?  |
| **Contacts**  | Please outline any contacts in HMCTS with whom you have discussed the value or feasibility of this research.  |

# Section Eight: HMCTS primary data collection

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| --- | --- |
| **Collection Method**  | Extracts from IT systems: It may be possible to extract data from an existing IT system. The Data Access Services team will make enquiries as necessary once the application has been received and it is clear what data is being requested. If you know which IT system the data is to be extracted from, please provide details. Interview: Please see box below Other: Covering anything not mentioned above with full explanation in the methodology |
| **Interviews or** **Questionnaires**  | If you are seeking to collect data or information via interviews, please detail one of more of the options below. * **HMCTS admin staff**
* You must supply an outline of the areas under discussion and the questions in advance.
* **HMCTS legal staff**
* You must supply an outline of the areas under discussion and the questions in advance.
* **Court/Tribunal users**
* You must supply an outline of the areas under discussion and the questions in advance.
* **Judiciary**
* If your proposed activity is to interview the **Judiciary only**, no DAP application is required but contact should be made with the Data Access Services team. Senior Judicial Agreement is required and must be obtained by applying directly to the Judicial Office researchrequest@judiciary.uk.

 Further guidance relating to **Judicial Participation in Research Projects** can be found at: [Judicial participation in research projects - Courts and Tribunals Judiciary](https://www.judiciary.uk/guidance-and-resources/judicial-participation-in-research-projects/) |

|  |  |
| --- | --- |
| **Impact Assessment** | Please give an estimate of the burden for each HMCTS Business Area affected, indicating in ‘person days’ how long it will take each area to complete the exercise. In the table, please state in the column ‘Per Court/Office’ the number of ‘person days’ for each business to provide the information. A ‘person day’ is equal to 7.2 hours. If your request includes looking at data with personal identifiers held within case files, you must remember to consider the time it will take for HMCTS staff to retrieve and replace files, from various (including off-site) storage arrangements. General access to court files is not allowed. In the column ‘Number of locations to be visited / affected’, please provide the number affected against each business area.  |

# Section Nine: Accessing data through your own secure setting[[9]](#footnote-10)

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| --- | --- |
| **Transfer**  | Please explain how you plan to transfer the data. There is no ideal method of transferring data which suits every request. While we encourage you to make suggestions, we may in some circumstances need to run the proposed method past our internal cyber security advisors. We require all mechanisms to be HGM Security Framework compliant.  |
| **Storage**  | Please explain how you plan to store the data. Specifically, please provide detail on:* Will the data be stored on a cloud-based system?
* Is the system certified at ISO 27001?
* Do you hold Cyber Essentials plus?
* Will the data be encrypted at rest and in transit?
* Can the area where the data will be housed be restricted to certain individuals?
 |
| **Security of data** | Please detail how the security of the data will be maintained.  |
| **Incident reporting**  | Please detail your policy around incident reporting  |
| **HMG Security policy framework** | The HMG Security Framework can be found via the following link: <https://www.gov.uk/government/publications/security-policy-framework> |
|  |
| **Destroying the data**  | Please detail how and when you plan to destroy the data. You must ensure it is destroyed to government standards for secure and complete destruction.  |
| **Legal Gateway** | Please detail the legal gateway you believe is relevant for the data share. |
|  |

# Section Ten: Accessing data through ONS Secure Research Service

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| --- | --- |
| **Criteria**  | This section should only be completed if you are requesting HMCTS Data First data, HMPPS Data First Data or the MoJ-DfE share. To apply for this data, you must be an ONS accredited user. You can apply to become an ONS accredited user [here](https://www.ons.gov.uk/aboutus/whatwedo/statistics/requestingstatistics/secureresearchservice/applyforanaccreditedresearchproject#ethical-approval). |
| **Research Accreditation** | Please provide your Project Accreditation Service for SRS (PASS) Project number, if known. If you are applying for the MoJ-DfE share this question is not applicable.  |
| **Researchers** | In order to access the data through the ONS Secure Research Service, you must have passed the ONS accreditation process. Please include the contact details for each individual/researcher who requires access to the data and ensure you make it clear who the lead contact is. If anyone on your project needs to undertake the accreditation process, they should contact accredited.researcher.support@ons.gov.uk mailto:as soon as possible. A project can continue without all the individuals/researchers approved, but only those researchers with accreditation will be allowed to access the data. |
| **File Formats**  | ONS SRS can provide access to your data extracts in SPSS, tab-delimited text file, CSV, Excel (not available for MoJ-DfE data extracts) or SQL database (together with SQL schemas). If these are not suitable for your analysis, please contact research.support@ons.gov.uk to see if your chosen format can be supported.  |
| **Software**  | ONS SRS provide a wide range of software suitable for many different types of analysis. To see a list of the software available, please visit the ONS website, available [here](https://www.ons.gov.uk/aboutus/whatwedo/statistics/requestingstatistics/approvedresearcherscheme#software).  |



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Any enquiries regarding this publication should be sent to us at datalinkingteam@justice.gov.uk

1. MoJ Data First Criminal Courts, Prisons and Probation Linked Dataset, the MoJ Data First Prisoner

Custodial Journey Level Dataset, and the MoJ Data First Probation Dataset [↑](#footnote-ref-2)
2. If you require further information about this process, you can contact Datalinkingteam@justice.gov.uk and data.SHARING@education.gov.uk [↑](#footnote-ref-3)
3. Secondary data access to HMCTS held data outside of the Data First Programme and HMCTS primary data collection. [↑](#footnote-ref-4)
4. MoJ Data First magistrates’ courts defendant dataset, MoJ Data First Crown Court defendant dataset, MoJ Data First Criminal Court Linked dataset, MoJ Data First family court dataset, and the MoJ Data First civil court dataset. [↑](#footnote-ref-5)
5. MoJ Data First Cross Justice System Linked Dataset, MoJ Data First prisoner custodial journey dataset, MoJ Data First probation dataset, and the MoJ Offender Assessment Dataset. [↑](#footnote-ref-6)
6. If applying to access the MoJ-DfE share, you will have access DfE’s copy. If you require access to MoJ’s copy (to contextualise it with the wider offending population), please contact Datalinkingteam@justice.gov.uk to discuss your request. [↑](#footnote-ref-7)
7. Please note, for the MoJ-DfE share a project summary is expected to be published in all cases. [↑](#footnote-ref-8)
8. For the MoJ-DfE share, we can now permit more than a 3-year licence, but you will be required to justify the need for this by clearly explaining how it aligns with your project times, objectives and intended use of the data. [↑](#footnote-ref-9)
9. Data First data and the MoJ-DfE share are not available to access through your own secure setting. [↑](#footnote-ref-10)