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|  | | | | Criminal legal aid - Applicant's declaration for online submissions | | | | | |  |
| **Use this form where you are making an application using LAA Online.** | | | | | | | | | |  |
| **PLEASE NOTE** | | | | | | | | | |  |
| **Making a false declaration is an offence. If you are found doing so, you may be prosecuted,**  **potentially leading to a fine and/or a prison sentence. The Legal Aid Agency has a zero**  **tolerance approach to fraud and will look to prosecute where there is evidence of fraud.** | | | | | | | | | |  |
| **Declaration by Applicant** | | | | | | | | | |  |
|  | USN: | ​ | | | Full name: | ​ | | |  |  |
|  | National Insurance Number: | | ​ | | | | Date of birth: | ​ |  |  |
| **I apply for** the right to representation for the purposes of criminal proceedings under the Legal Aid,  Sentencing and Punishment of Offenders Act 2012.  **I declare that my application will be made electronically by my legal representative.**  **I understand** that if I have declared anything that is not true, or left anything out that:   * I may be prosecuted for fraud. I understand that if I am convicted, I may be sent to prison or pay a fine. * My legal aid may be stopped and I may be asked to pay back my costs in full to the Legal Aid Agency (LAA). * If my case is in the Crown Court, the LAA may change the amount of the contribution which I must pay.   **I agree** to tell the LAA or HM Courts & Tribunals Service (HMCTS) **immediately** if my income or capital or those of my partner, change. These changes include the sale of property, change of address, change in employment and change in capital.  **Evidence** I agree to provide, when asked, further details and evidence of my finances and those of my partner,  to the LAA, its agents, or HMCTS, to help them decide whether an Order should be made and its terms.  **Ending legal aid** I understand that I must tell my solicitor and write to the court if I no longer want public  representation. I understand that if I decline representation I may be liable for costs incurred to the date  when my solicitor and the court receive my letter.  **I authorise** such enquiries as are considered necessary to enable the LAA, its agents, HMCTS, or my  solicitor to find out my income and capital, and those of my partner. This includes my consent for parties  such as my bank, building society, the Department for Work and Pensions, the Driver and Vehicle Licensing  Agency or HM Revenue and Customs to provide information to assist the LAA, its agents or HMCTS with  their enquiries.  **I consent** to the LAA or my solicitor **contacting my partner** for information and evidence about my partner's means. This includes circumstances where my partner is unable to sign or complete the form.  **I understand** that if the information which my partner provides is incorrect, or if my partner refuses to provide information, then: if my case is in the magistrates' court, my legal aid may be withdrawn or, if my case is in the Crown Court, I may be liable to sanctions. I understand that the sanctions may result in me paying, or paying more towards my legal costs, or paying my legal aid costs in full.  **I understand** that in Crown Court proceedings the information I have given in this form will be used to  determine whether I am eligible for legal aid and, if so, whether I am liable to contribute to the costs of my  defence under an Income contribution Order during my case or, if I am convicted, under a Final  Contribution Order at the end of my case, or both.  **I understand** that if I am ordered to pay towards my legal aid under an Income Contribution Order, or if I  am convicted and ordered to pay under a Final Contribution Order but fail to pay as the Order instructs  me, interest may be charged or enforcement proceedings may be brought against me or both.  **I understand** that I may have to pay the costs of the enforcement proceedings in addition to the  payments required under the Contribution Order, and the enforcement proceedings could result in a  charge being placed on my home. | | | | | | | | | |  |

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|  | **Declaration by Applicant continued**  **Data Sharing** I agree that, if I am convicted, the information in this form will be used by HMCTS or a  designated officer to determine the appropriate level of any financial penalty ordered against me, and for its  collection and enforcement. I have read the **Fraud Notice.** | | | | | | | | | |
|  | Signed: |  | | | | | Dated: |  |  | |
|  | Full name (in block capitals): | | | | ​ | | | |  | |
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|  | **Declaration by your (the applicant's) partner:**  I declare that the information included in this application is a true statement of all my financial circumstances  to the best of my knowledge and belief. I agree to the LAA and HMCTS, or my partner's solicitor, checking  the information I have given, with the Department for Work and Pensions, HM Revenue and Customs or  other people and organisations. I authorise those people and organisations to provide the information for  which the LAA, HMCTS or my partner's solicitor may ask.  I understand that this application will be made electronically by the legal representative.  I have read the **Fraud Notice.** | | | | | | | | | |
|  | Signed: |  | | | | | Dated: |  |  | |
|  | Full name (in block capitals): | | | |  | | | |  | |
|  | If your partner has not signed the declaration, please explain why: | | | | | | | | | |
|  | **Declaration by the legal representative:**  I represent the applicant. I confirm that I am authorised to provide representation under a contract issued | | | | | | | | | |
|  | by the LAA | |  |  | | | | | | |
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|  | I confirm that I have been instructed to provide representation by: | | | | | | | | | |
|  |  | |  | a firm which holds a contract issued by the LAA | | | | | | |
|  |  | |  |  | | | | | | |
|  |  | |  | a solicitor employed by the LAA in the Public Defender Service who is authorised to  provide representation. | | | | | | |
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|  | I confirm that I have gone through the questions on the Interests of Justice and financial assessment  aspects of the application with the applicant.  I confirm that the applicant has not provided me with any information which contradicts the information  provided in this declaration of financial circumstances and has given me no indication that information  declared is incomplete or untrue. | | | | | | | | | |
|  | Signed: |  | | | | |  | | | |
|  | Full name (in block capitals): | | | | ​ | | | |  | |
|  | Provider's LAA Account Number: | | | | | ​ | | | |  |
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|  | **Fraud Notice**  **If false or inaccurate information is provided and fraud is identified, details will be passed to**  **fraud prevention agencies to prevent fraud and money laundering.**  **Further details explaining how the information held by fraud prevention agencies may be used can be**  **found in the 'Fair Processing Notice', available on the website at:** [www.justice.gov.uk/legal-aid/make-an-application](https://www.gov.uk/guidance/apply-for-legal-aid) | | | | | | | | | |

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|  | **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. | | |
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|  | | 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. |

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|  | **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](mailto: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](https://ico.org.uk/) |