

Access to Information

*How to request information from
the Legal Services Commission*



legal services
COMMISSION

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Contents

- | | |
|--|-----------|
| 1. Processing of personal data | 01 |
| The Data Protection Act 1998 relating to the processing of your personal data | |
| 2. Freedom of information | 03 |
| The Freedom of Information Act 2000 relating to your right of access to official information | |

About this leaflet

This leaflet explains how you can find out what information the Legal Services Commission holds about you and also how to access official information that we keep on record.

1. Processing of personal data

The Data Protection Act 1998

The Data Protection Act 1998 came into force on 1 March 2000. The Act requires us to keep your personal data (i.e. the information about you, as defined by the Data Protection Act) private and confidential and to use it only for the purposes for which it was obtained. Subject to limited exemptions, it also requires us to tell you what data we have about you and, if appropriate, to correct it if it is wrong.

Why does the Legal Services Commission hold information about you?

We will hold information about you if you have applied, through your legal representative, for legal aid (public funding for legal services). To determine whether or not you are eligible to receive legal aid, we require you to provide us with information about your finances and about your case.

We have notified the Information Commissioner's Office (ICO) of all the purposes for which we process personal data. If you would like to see our entry you can do so by visiting the ICO website at www.informationcommissioner.gov.uk

Who can see information about you?

Employees at the Legal Services Commission (LSC) who work on your case can see information about you. Other people who can see this information include people

who are acting for you, such as your solicitor or legal representative. Any researchers or data processors we may contract with to undertake work on our behalf may also see your personal data, although the data used in any research that we publish is always anonymised so that you cannot be identified from it. We may also, when required to do so, provide information about your case to officials at the Department for Constitutional Affairs, the Parliamentary Commissioner for Administration (the Ombudsman), and the ICO.

Any third party who processes personal data on our behalf is bound to keep personal data secure and confidential in accordance with the Data Protection Act 1998 under the terms of the contract between us. We are also restricted under section 20 of the Access to Justice Act 1999 and section 38 of the Legal Aid Act 1988 from disclosing information that you have provided to us in relation to your case.

What records are you entitled to see?

You are entitled to be provided with copies of all the information we hold that relates to you as an individual. Information about you will be recorded on our Corporate Information System (CIS) as well as in manual files, which are held in our regional offices. When we provide you with copies of the information we will explain any abbreviations that we may have used. If you have had any dealings with our head office, the relevant department may also hold a file for your case. You will need to

let us know whether you have been in contact with any head office department and provide sufficient information to enable us to locate your data.

What records are you not entitled to see?

You may not normally see information that is about other people, unless they have given us permission for you to see it. We may also withhold information if we are conducting any investigation into your case and to disclose it would prejudice the investigation in any way. However, we may have to disclose the information once the investigation has been completed. We may also withhold information where we claim that legal professional privilege can be maintained in legal proceedings. You will generally be advised if such an exemption from disclosure applies.

How do you get to see information about yourself?

You should write to the Data Protection Officer at the office that dealt with your case. A list of addresses for all our offices appears at the end of this leaflet. You will need to enclose a fee of £10 and provide sufficient information that will help us find information about you, such as your date of birth, national insurance number, case reference number, etc. These will help us verify that the data relates to you, particularly if we have applicants who have similar names.

Your request must be made in writing and you must sign the letter so that we can

verify your identity. To enable us to identify your request quickly at the post opening stage, it would be helpful if you clearly marked your letter "DATA SUBJECT ACCESS REQUEST – DPA98".

How much does it cost to see information held on you?

The maximum prescribed fee under the Act is £10. Cheques should be made payable to the Legal Services Commission. However, if you only require a specific piece of information from your file that you are entitled to have and it is part of our function to provide, you do not need to request it under the Data Protection Act 1998. Simply write to the relevant office for a copy and no fee will be payable.

How long do you have to wait for a reply?

The Act says that we have 40 days to comply with your request from the date we receive your letter, payment and any other information necessary to find the information you require. We will, however, deal with your request as soon as possible.

How can you ask for information to be corrected if you think it is inaccurate?

The decisions we make on your public funding are based largely on the information that you or your solicitors have provided to us. If you consider that any of the information we have provided to you in response to your request is inaccurate, you should write to the Data Protection Officer

that dealt with your case. You should set out the information you consider to be inaccurate and explain why. If you have any evidence that shows the information to be inaccurate, you must provide copies with your letter. The Data Protection Officer will then review the information in question and will either arrange for it to be corrected or explain the reason(s) for deciding not to.

What if you are unhappy with the response you get?

You should write to the LSC Legal Director at our head office, who will carry out an assessment of the way your request was handled. A decision will be made as to whether we have used the exemption properly to withhold the information, or whether the information should be released.

If you should still remain dissatisfied, you can write to the ICO at the address on page 4 to request they carry out an assessment of our handling of your request. The ICO will either confirm that we have complied with the Act or issue us with a notice to comply further.

2. Freedom of information

What is the Freedom of Information Act 2000?

The Freedom of Information Act 2000 was passed on 30 November 2000, and will be in full force from 1 January 2005. The purposes of the Act are to improve access to official information and to promote openness and transparency in the decisions made by public bodies. The main features of the Act are:

- To have a Publication Scheme, and to update it regularly
- To provide information in response to a request, unless an exemption applies
- To provide advice and assistance to people asking for information.

What is the Publication Scheme?

One of the first provisions of the Act to be introduced was the requirement for public bodies to develop and maintain a Publication Scheme. The Scheme sets out the classes of information that we, as a public body, routinely publish or intend to publish in the future. It also indicates where you may obtain the information from and whether or not it will cost you anything to obtain it.

How can you obtain a copy of the LSC's Publication Scheme?

The LSC's Publication Scheme, which has been approved by the ICO, is available on the FOI/DPA section of our website at www.legalservices.gov.uk. If you do not have access to the Internet, please contact the Information Compliance Manager at our head office who will be happy to answer your Publication Scheme queries, or send you a hard copy of the Scheme. See page 5 for contact details.

What information can you have access to?

You can request access to official information that we hold. We will respond positively to all reasonable requests for information, except where one of the Act's exemptions applies. Some of the exemptions prohibit disclosure in all

circumstances, and some require us to consider whether disclosure is in the public interest. Where an exemption applies, this will usually be explained to you.

What if you are unhappy with a decision not to disclose information?

You can write to request that the decision be reviewed internally by the LSC's Legal Director, who will carry out an assessment of the way your request was handled. A decision will be made as to whether we have used the exemption properly to withhold the information, or whether the information should be released.

Should you remain dissatisfied following our internal review, you may write to the ICO at the address below to request they carry out an assessment of our handling of your request. The ICO will either confirm that we have complied with the Act or issue us with a notice to comply further.

How do you make a request?

You should write to us and tell us as clearly as possible what you are looking

for. It would help us to easily identify your request at the post opening stage if you could clearly mark your letter, "FREEDOM OF INFORMATION REQUEST".

How much does it cost to make a request?

Simple requests for information will be dealt with free of charge. However, if your request requires us to divert resources to collate a significant amount of information, we may apply a charge in accordance with the fees regulations made under the Act. You will be told in advance if a charge will be applied. However, resources will only be diverted away from other important work where it is reasonable to do so in the circumstances.

How long does it take?

Under the Act we must provide the information to you within 20 working days. If your request is to take longer we will advise you of the situation and give an indication as to when you are likely to receive it.

Contact Details

The Legal Services Commission's Legal Director

85 Gray's Inn Road
London WC1X 8TX
Tel: 020 7759 0365
Fax: 020 7759 0536
E-mail: ruth.wayte@legalservices.gov.uk

The Information Commissioner

Information Commissioner's Office
Wycliffe House
Water Lane, Wilmslow
Cheshire SK9 5AF
Information line: 01625 545 745
E-mail: mail@ico.gsi.gov.uk
Switchboard: 01625 545 700
Fax: 01625 524 510
www.informationcommissioner.gov.uk

Legal Services Commission Offices

Head Office

85 Gray's Inn Road
London WC1X 8TX
Tel: 020 7759 0000
Fax: 020 7759 0419

Chester Processing Centre

2nd Floor, Pepper House
Pepper Row
Chester CH1 1DW
Tel: 01244 404500
Fax: 01244 404691

East Midlands

Regional Office

1st Floor, Fothergill House
16 King Street
Nottingham NG1 2AS
Tel: 01159 084 200
Fax: 01159 084 397

Eastern Regional Office

62-68 Hills Road
Cambridge CB2 1LA
Tel: 01223 417 800
Fax: 01223 417 982

London Regional Office

29-37 Red Lion Street
London WC1R 4PP
Tel: 020 7759 1966
Fax: 020 7759 1582

Merseyside Regional Office

2nd Floor, Cavern Court
8 Mathew Street
Liverpool L2 6RE
Tel: 0151 242 5200
Fax: 0151 242 5394

North East

Regional Office

Eagle Star House
Fenkle Street
Newcastle-upon-Tyne
NE1 5RU
Tel: 0191 244 5800
Fax: 0191 244 5998

North Western

Regional Office

2nd Floor, Lee House
90 Great Bridgewater Street
Manchester M1 5JW
Tel: 0161 244 5000
Fax: 0161 244 5196

South Eastern

Regional Office

Reading
80 Kings Road
Reading RG1 3BJ
Tel: 01189 558 600
Fax: 01189 558 780

Brighton

3rd/4th Floor, Invicta House
Trafalgar Place
Cheapside
Brighton BN1 4FR
Tel: 01273 878 800
Fax: 01273 878 991

South Western

Regional Office

33-35 Queen Square
Bristol BS1 4LU
Tel: 0117 302 3000
Fax: 0117 302 3198

Wales Office

Marland House
Central Square
Cardiff CF10 1PF
Tel: 02920 647 100
Fax: 02920 647 173

West Midlands

Regional Office

Centre City Podium
5 Hill Street
Birmingham B5 4UD
Tel: 0121 665 4700
Fax: 0121 665 4899

Yorkshire & Humberside

Regional Office

Harcourt House
Chancellor Court
21 The Calls
Leeds LS2 7EH
Tel: 0113 390 7300
Fax: 0113 390 7484

Legal Services Commission
85 Gray's Inn Road
London WC1X 8TX
www.legalservices.gov.uk
tel: 020 7759 0000



To order copies of LSC leaflets
contact the LSC Leafletline:
LSCleafletline@stivesdirect.com
tel: 0845 3000 343
fax: 01732 860 270

The Legal Services Commission
produces the following leaflets:

*A Practical Guide to Community Legal Service
Funding by the Legal Services Commission*

A Practical Guide to Criminal Defence Services

*Criminal Defence Services at the Police Station
and in Court*

*Paying Back the Legal Services Commission,
the Statutory Charge*

Complaints

Representations

Special Investigations Unit

Access to Information

