

Access to Information

*How to request information from
the Legal Services Commission*



legal services

COMMISSION

May 2007

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.

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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 Ministry of Justice (former 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.

How to make a valid request?

To access the information that we hold about you, you must write to us (section 7(2) of the DPA 1998). Your letter must contain the following:

- your full name and address;
- description of the information you require;
- a fee of £10; and
- any additional information which will help us to verify your identity such as date of birth, case reference number, national insurance number, etc. This will help us to confirm that the data relates to you, particularly if we have applicants who have similar names.

Your request should be addressed to the Data Protection Officer at the LSC office that dealt with your case.

The list of addresses of our Regional Offices is on page 8.

To enable us to identify your request quickly, it would be helpful if you could from the start clearly mark your letter "DATA SUBJECT ACCESS REQUEST – DPA98".

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 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 have a right to request an internal review of our decision. Please see page 7 for details how to request it.

2. Contact details to make a DPA request

DPA requests should be sent to:
DPA Officers at the relevant Regional Office (see page 8)

OR

Information Compliance Manager

By post:

Secretariat

85 Gray's Inn Road

London WC1X 8TX

By fax: 020 7759 0419

By e-mail: foi@legalservices.gov.uk

3. Freedom of information

What is the Freedom of Information Act 2000?

The Freedom of Information Act 2000 was passed on 30 November 2000, and came into full force from 1 January 2005. The purposes of the Act are to give the public a general right of 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 Access to Information 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 (see page 6 for contact details) who will be happy to answer your Publication Scheme queries, or send you a hard copy of the Scheme.

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.

How to make a valid request?

To make a request for information which is not already available in our publication scheme, you should write to us by stating your full name and address and a description of the information required (section 8(1) of the FOIA 2000). To make a request for information which is not already available in our publication scheme, you should write to us by stating:

- your full name and address; and
- a description of the information required (section 8(1) of the FOIA 2000).

If you have not been in contact with us before, you can write to the Information Compliance Team by e-mail at foi@legalservices.gov.uk or by post (see address below). Otherwise, you should write to the team or department you have been dealing with. The list of addresses of our Regional Offices is on page 8.

It would help us to easily identify your request if you could from the start clearly mark your letter "FREEDOM OF INFORMATION".

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, the LSC is obliged to provide the information to you within 20 working days. The exception to this is where:

- Further details are required to locate the information; and
- A qualified exemption applies.

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.

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

You have a right to request an internal review of our decision. Please see page 7 for details how to request it.

4. Contact Details to make an FOI request

FOI requests should be sent to:
FOI Officers at the relevant Regional Office (see page 8)

OR

Information Compliance Manager

By post:

Secretariat

85 Gray's Inn Road

London WC1X 8TX

By fax: 020 7759 0419

By e-mail: foi@legalservices.gov.uk

5. Right to request a review of our decision

If you are unhappy or dissatisfied with the way we have dealt with your request, you have a right to request an internal review of our decision.

Internal review

You have received our decision to your request under the Data Protection Act 1998 or Freedom of Information Act 2000, but you are unhappy or dissatisfied with the way we have dealt with your request.

You have a right to request that the Legal Director reviews our decision internally and you should send it to:

Legal Director

By post:

Corporate Legal Team
85 Gray's Inn Road
London WC1X 8TX

By fax: 020 7759 0536

By e-mail: foi@legalservices.gov.uk

The Legal Director will carry out an assessment of the way your data protection or freedom of information request was handled and make a decision as to whether we have used the exemption properly to withhold information, or whether the information should be released.

External review

Should you remain dissatisfied following our internal review, you have a right to have our decision reviewed externally. You may write to the ICO at the address below to request 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.

The Information Commissioner

By post:

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow
Cheshire SK9 5AF

By fax: 01625 524 510

By e-mail: mail@ico.gsi.gov.uk

ICO's Helpline: 01625 547 745

www.informationcommissioner.gov.uk

6. Contact details of the LSC Regional Offices

HEAD OFFICE

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

NORTH WEST REGION

Liverpool Office

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

Manchester Office

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

Chester Processing Centre

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

NORTH EAST REGION

Newcastle Office

2-8 Star House
Fenkle Street
Newcastle-upon-Tyne NE1 5RU
Tel: 0191 244 5800
Fax: 0191 244 5998

Leeds Office

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

MIDLANDS REGION

Nottingham Office

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

Birmingham Office

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

Cambridge Office

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

WALES

Cardiff Office

Marland House
Central Square
Cardiff CF10 1PF
Tel: 0845 608 7070
Fax: 02920 647 173

Welsh language service line:
0845 609 9989

SOUTH & WEST REGION

Bristol Office

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

Reading Office

80 King's Road
Reading RG1 3BJ
Tel: 01189 558 600
Fax: 01189 558 780

LONDON & SOUTH EAST REGION

London Office

12th Floor
Legal Services Commission
Exchange Tower
2 Harbour Exchange Square
London E14 9GE
Tel: 0845 602 1400

Brighton Office

3rd/4th Floor Invicta House
Trafalgar Place, Cheapside
Brighton BN1 4FR
Tel: 01273 878800
Fax: 01273 878991

Website address

www.legalservices.gov.uk

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

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tel: 0845 3000 343
fax: 020 8867 3225

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Welsh, Braille and Audio**

The Legal Services Commission
produces the following leaflets:

A Step-by-Step Guide to Legal Aid

A Practical Guide to Criminal Defence Services

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

Paying For Your Legal Aid

Complaints

Representations

Special Investigations Unit

Access to Information

