



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.

## 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): \_\_\_\_\_

## 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

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.

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: \_\_\_\_\_

## 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](http://www.justice.gov.uk/legal-aid/make-an-application)**

## 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.

Sometimes the Legal Aid Agency uses contact information to ask customers if they would like to complete a customer service survey to measure customer satisfaction with our services and to inform areas for improvement.

#### **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 this form 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 on this form will 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 on this form is for the purposes of providing legal aid. Specifically, we will use this personal data in the following ways:

- In processing your application for legal aid and determining whether you are eligible for legal aid. In Crown Court proceedings, the information on this form will be used to determine 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.
- If you are convicted, sharing the information on this form with HM Courts and Tribunals Service (HMCTS) or a designated officer to determine the appropriate level of any financial penalty against you, and for its collection and enforcement, if appropriate.
- In assessing claims from your legal representative(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; and
- In producing statistics and information on our processes to enable us to improve our processes and to assist us in carrying out our functions.

Were the Legal Aid Agency unable to collect this personal information, we would not be able to conduct the activities above, which would prevent us from providing legal aid.

The lawful basis for the Legal Aid Agency collecting and processing your personal data is the result of the powers contained in the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

We also collect 'special categories of personal 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 obtained for equality monitoring will be treated with the strictest confidence and any information published will not identify you or anyone else associated with your legal aid application.

### **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:

- Public authorities such as: The Driver and Vehicle Licensing Agency (DVLA), HM Courts and Tribunals Service (HMCTS), HM Revenue and Customs (HMRC), Department of Work and Pensions (DWP) and HM Land Registry;
- Non-public organisations such as: Credit reference agencies and our debt collection partners, Rossendales;
- 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; and
- Amazon Web Services, Inc.

You can contact our Data Protection Officer for further information on the organisations we may share your personal information with.

### **Details of transfers to third country and safeguards**

It may sometimes be necessary to transfer personal information overseas. When this is needed, information may be transferred to:

- United States of America

Any transfers made will be in full compliance with all aspects of the data protection law.

### **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 10.38  
102 Petty France  
London  
SW1H 9AJ

## **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 MoJ Data Protection Officer;

Post point 10.38

102 Petty France

London

SW1H 9AJ

[data.compliance@justice.gov.uk](mailto:data.compliance@justice.gov.uk)

For more information on how and why your information is processed, please see the information provided when you accessed our services or were contacted by us.

## **Complaints**

When we ask you for information, we will comply with the law. If you consider that your information has been handled incorrectly, you can contact the Information Commissioner for independent advice about data protection. You can contact the Information Commissioner at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113

[www.ico.org.uk](http://www.ico.org.uk)