

Access to information

How to request information from
the Legal Services Commission



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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 (which means information about you, as defined by the Data Protection Act) private and confidential and to use it only for the purposes we obtained it for. With certain exceptions, 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 me?

We will hold information about you if you have applied, through your legal representative, for legal aid (public funding for legal services). To decide whether or not you are eligible to receive legal aid, we need you to tell us 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 visit the ICO website at www.informationcommissioner.gov.uk

Who can see information about me?

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 made anonymous 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 other person or organisation that processes personal data on our behalf is bound to keep this data secure and confidential in accordance with the Data Protection Act 1998 and 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 about your case.

How to make a valid request

To access the information that we hold about you, you must write to us. Your letter must contain:

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

Please address your request to the staff member who deals with data-protection requests at the LSC office that dealt with your case. We call this person the Information Champion.

The list of addresses of the LSC's regional offices is on page 12.

To help us identify your request quickly, please clearly mark your letter **"Data subject access request – DPA 1998"**.

What records am I entitled to see?

You are entitled to copies of all the information we hold that relates to you as an individual. We hold it on our Corporate Information System (CIS), as well as in manual files at our regional offices. When we give you copies of the information we will explain any abbreviations we may have used. If you have had any dealings with our head office, the relevant department there 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 give us enough information to enable us to find your data.

What records am I not entitled to see?

You may not normally see information about other people, unless they have given us permission to show it to you. We may also withhold information if we are investigating your case and if disclosing it would prejudice the investigation in any way. However, we may have to let you see the information once the investigation has been completed. We may also withhold information where we claim 'legal professional privilege' (the right to keep certain documents or other information confidential in legal proceedings). We will tell you if this type of exemption applies in your case.

How much does it cost to see information held about me?

The Act allows us to charge a prescribed fee of £10. Cheques should be made payable to the Legal Services Commission. However, if you want only 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 make a formal request for it under the Data Protection Act 1998. Simply write to the relevant LSC office for a copy and no fee will be payable.

How long do I have to wait for a reply?

The Act says we have 40 calendar days to comply with your request from the date we receive your letter, payment and any other information necessary to find the data you want. However, we will deal with your request as soon as possible within that time.

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

Our decisions on your public funding are based largely on the information you or your solicitors have given us. If you think any of the information we have sent you in response to your request is inaccurate, you should write to the Information Champion who dealt with your case. You should state what you think is wrong, and explain why.

If you have any evidence that shows the information to be inaccurate, you must provide copies with your letter. The Information Champion will look again at the information in question and will get it corrected or explain the reason(s) for deciding not to.

What if I am unhappy with the response I get?

You have a right to request an internal review of our decision. Please see page 9 for details of how to request it.

2. Contact details to make a DPA request

DPA requests should be sent to Information Champions at the relevant LSC local office (see page 12).

By post:

CEO's Office and Governance
4 Abbey Orchard Street
London
SW1P 2BS

By fax: 0207 783 7632

By email: FOI.STAFF.CF@legalservices.gsi.gov.uk

3. Freedom of information

What is the Freedom of Information Act 2000?

The Freedom of Information (FOI) Act 2000 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 Act requires public bodies to:

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

You can read the Act on the Office of Public Sector Information (OPSI) website: www.opsi.gov.uk Further information is also available from the website of the Information Commissioner, who regulates the Act: www.ico.gov.uk/

What is the LSC Publication Scheme?

One of the first parts of the Act to be introduced stated that public bodies must develop and maintain a publication scheme. The LSC scheme sets out the classes of information that we, as a public body, routinely publish or intend to publish in the future. It also shows where you can get the information and whether you will need to pay for it.

How can I 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/aboutus/ati/foi_publication.asp.

If you do not have access to the internet, please contact our head office (see page 12 for contact details). We will be happy to answer your questions about our Publication Scheme, or send you a paper copy of the scheme.

What information can I 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, we will usually explain this to you.

How do I make a valid request?

To request information that is not already available in our Publication Scheme, you should write to us stating:

- your full name and address; and
- a description of the information required.

If you have not been in contact with us before, you can write to CEO's Office and Governance by email at FOI.STAFF.CF@legalservices.gsi.gov.uk or by post (see page 9). Otherwise, you should write to the team or department you have been dealing with. The list of addresses of the LSC's regional offices is on page 12.

To help us identify your request, please clearly mark your letter **“Freedom of Information”**.

How much does it cost to make a request?

We will deal with simple requests for information free of charge. However, if we need to spend a lot of time and effort finding information for you, we may charge a fee in line with the rules set out in the Act.

We will tell you in advance if there will be a fee to pay. However, we will only divert resources 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. The exception to this is where:

- we need to ask you for further details to help us find the information; or
- we need to consider using the public-interest test because a qualified exemption applies.

If your request is to take longer than 20 days, we will tell you why and say when you are likely to receive it.

What if I am unhappy with a decision not to disclose information?

You have a right to ask us to look again at our decision. Please see section 5 for details of how to request it.

4. Contact details to make an FOI request

Please send your FOI request in writing to:
the Information Champion at the relevant regional office (see page 12)

or

the CEO's Office and Governance Team, as follows.

By post:

CEO's Office and Governance
4 Abbey Orchard Street
London SW1P 2BS

By fax: 020 7783 7633

By email: FOI.STAFF.CF@legalservices.gsi.gov.uk

5. Right to request a review of our decision

You have a right to complain to us if we refuse all or part of your request for information, or if you are unhappy with our response to your request for data about yourself (made under the DP Act 1998) or for other information (under the FOI Act 2000).

You also have a right to complain to the Information Commissioner, but before doing so you must go through our internal review process.

Internal review process

We try to make our review process as straightforward as possible.

If you tell us you are unhappy with our decision to withhold some or all of the information you have requested, we will start by:

- explaining in more detail why we are refusing to disclose it; or
- clarifying the exemptions that apply to the sort of information you have asked for.

We will also tell you about your right to have the decision reviewed, first through our internal review procedure and then, if you are still dissatisfied, by the Information Commissioner.

If you ask us for an internal review of our decision, we will acknowledge your appeal and treat it as a formal complaint under our internal review procedure.

Timing

To ask for an internal review, you should complain to us within two months of the date of our decision letter about your FOI or DP request. There is no deadline set by law for completing internal reviews. However, we will aim to complete the review between 20 and 40 working days from the date we receive your complaint, depending on the complexity of the issues.

Outcomes

Following the review, we may:

- uphold the original decision; or
- reverse all or part of our decision; or
- modify the decision.

How to request an internal review

Please write to the CEO's Office and Governance Director, as follows.

By post:

CEO's Office and Governance
4 Abbey Orchard Street
London SW1P 2BS

By email: FOI.STAFF.CF@legalservices.gsi.gov.uk

By fax: 020 7783 7633

By DX: 328 London

ICO's contact details

If you are still dissatisfied after going through our internal review, you have a right to complain by writing to the Information Commissioner at the following address:

FOI/DP Case Reception Unit
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

For further details, please see the Information Commissioner's website:
www.ico.gov.uk

6. Contact details of the LSC regional offices

Central Customer Services Unit

11th Floor
Legal Services Commission
Exchange Tower
2 Harbour Exchange Square
London E14 9GE
Tel: 020 7718 8025
Fax: 020 7718 8021

North 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

South Tyneside

Berkley Way, Viking Business Park
Jarrow NE31 1SF
Tel: 0300 2002020
Fax: 0191 428 3794

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

1st Floor, Cannon House
The Priory, Queensgate
Birmingham B4 6BS
Tel: 0121 232 5500
Fax: 0121 232 5695

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: 0300 2002020
Fax: 02920 647 173
Welsh language service line:
0845 609 9989

South Region

Bristol Office

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

Brighton Office

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

Reading Office

Dukesbridge House
23 Duke Street
Reading RG1 4SA
Tel: 01189 558600
Fax: 01189 558608

London Region

London Office

12th Floor
Legal Services Commission
Exchange Tower
2 Harbour Exchange Square
London E14 9GE
Tel: 0300 2002020

Other useful contacts:

Community Legal Advice provides free information, help and advice direct to the public on a range of common legal issues:
Call 0845 345 4 345
Click www.communitylegaladvice.org.uk

Legal Services Commission
4 Abbey Orchard Street
London SW1P 2BS
www.legalservices.gov.uk
Tel: 0207 783 7000

This leaflet is published by the Legal Services Commission (LSC).

To order copies of LSC leaflets contact the LSC Leafletline:

orderleaflets@communitylegaladvice.org.uk

Tel: 0845 3000 343

Fax: 0845 5438 258

Our leaflets are also available in Welsh, Braille and audio.

The Legal Services Commission produces the following leaflets:

A step-by-step guide to legal aid

A step-by-step guide to choosing a legal adviser

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