Application to re-use Court Judgments and Tribunal Decisions

# Part 1 - Instructions

How to apply

1. Read **Part 1 - Instructions**.
2. Answer all the relevant questions in **Part 2 – Application Form**.
3. Submit your completed application form, by email, to The National Archives’ Licensing Team at: [associates@nationalarchives.gov.uk](mailto:associates@nationalarchives.gov.uk)

Who is the application form for?

You need to complete an application form if you intend to use Court Judgments and/or Tribunal Decisions information in a way that is outside the terms of the *Open Justice - Licence*.

For example, you will need to apply for a licence if you are undertaking any type of computational analysis of judgments and tribunal decisions, including by compiling a search engine index.

Anyone can apply for a licence and there is no charge to apply.

Why is a licence necessary?

Open Justice is a fundamental constitutional principle and necessary for the rule of law. It is important that Court Judgments and Tribunal Decisions are published and made available for re-use by third parties. It is also important that re-users understand their responsibilities and do not jeopardise the proper administration of justice.

The Crown holds rights (copyright and database rights) in Court Judgments and Tribunal Decisions. In order to re-use the information you need permission from the Keeper of Public Records, as the Crown’s officeholder under Letters Patent, for the re-use of this material. The *Open Justice – Licence* provides standard terms for re-use. If the purpose of the re-use cannot be met within the terms of the *Open Justice Licence*, re-users need to apply for a specific licence from The National Archives.

Exclusions from the licence

We will licence the information ‘as is’ and exclude all representations, warranties, obligations and liabilities in relation to the information to the maximum extent permitted by law.

We will not be liable for any errors or omissions in the information. We will not be liable for any loss, injury or damage of any kind caused by its use.

Personal data

Court Judgments and Tribunal Decisions contain information about people. This typically includes the names of parties and other people mentioned in the judgment or decision, as well as the representatives of the parties, and the names of the judges hearing the case. The information about people varies. It can include a variety of types of special category personal data, depending on the subject matter of the case.

Any licence we issue will only apply to the currently published version of the Court Judgments and Tribunal Decisions (as published by the Keeper of Public Records on The National Archives’ Case Law website).

As a recipient of the information, you are responsible for complying with any judicial decision that restricts the use of personal data within it. If you choose to store and process the information, you will be a Data Controller under UK data protection law. You need to satisfy yourself that you have a legal basis and valid purpose for processing the personal data.

For the avoidance of doubt:

* the licence we issue will not be a data sharing agreement for personal data; and
* the licence we issue will not be a processing agreement for personal data.

What is the purpose of the questions?

The questions in this form will help The National Archives understand how you intend to re-use the information.

Court Judgments and Tribunal Decisions contain sensitive information. Your answers to the questions will help us to understand how you will re-use the information. They will also help you to understand your obligations. We are using the “five safes” framework to group the questions.

* Safe people
* Safe projects
* Safe data
* Safe settings
* Safe outputs

You should answer the questions as fully as possible.

What will The National Archives do with the information?

The National Archives is licensing the information in accordance with its obligations under the Re-use of Public Sector Information Regulations 2015 (SI 2015/1415).

We will keep a record of your application.

We will consider whether the purpose of your re-use is likely to jeopardise the proper administration of justice. We may ask you for some additional information or to submit a revised application form. We may consult the Ministry of Justice, including any advisory body or group it establishes from time to time.

# Part 2 - Application Form

## 2.1 Safe People

Your details

Name: Click or tap here to enter text.

Address: Click or tap here to enter text.

Organisation or company: Click or tap here to enter text.

Email address:Click or tap here to enter text.

Do you have a criminal record? Choose an item.

Ethics

Do you follow a Data Ethics Framework? Choose an item.

Please provide details:

Click or tap here to enter text.

Are you re-using the information for academic research? Choose an item.

*If yes, w*ill you consult an ethics committee? Choose an item.

Please provide details:

Click or tap here to enter text.

How will ethical considerations be taken in to account in your use of the information?

Click or tap here to enter text.

## 2.2 Safe Projects

Purpose

What is the purpose of the re-use? (Describe all the activities that you plan undertake with the information)

Click or tap here to enter text.

How long do you wish to re-use the information? Click or tap here to enter text.

Publishing

Do you intend to publish the information on the web? Choose an item.

*If yes,* what controls will you put in place on third parties accessing the information from you?

Click or tap here to enter text.

Risks

What risks have you identified in relation to your proposed purpose?

Click or tap here to enter text.

What mitigations have you put in place in relation to the risks you have identified?

Click or tap here to enter text.

Complying with the terms of the licence

What steps will you take so that you do not misrepresent the information or its source?

Click or tap here to enter text.

What steps will you take to maintain the dignity of the Courts and Tribunals and not undermine their functioning as working bodies?

Click or tap here to enter text.

What steps will you take to ensure your use of the information does not jeopardise the proper administration of justice?

Click or tap here to enter text.

Data Protection

Have you registered as a Data Controller with the Information Commissioner’s Office in the UK? Choose an item.

Have you satisfied yourself that you have a legal basis and valid purpose for processing the personal data in the information? Choose an item.

Have you undertaken a Privacy Impact Assessment for your proposed processing? Choose an item.

Transparency

How will you let the general public know what you are doing with the information?

Click or tap here to enter text.

## 2.3 Safe Data

Scope

What is the scope of the information you intend to re-use? (Please detail the courts / tribunals / years)

Click or tap here to enter text.

Complying with reporting restrictions

How will you make sure you comply with any reporting restrictions when using the information, a) that are specified by the court/tribunal in the text of the judgment/decision, b) that apply in law more generally?

Click or tap here to enter text.

Identifiable groups

Does you purpose involve processing or analysing data about an identifiable group of people in the information? (e.g. claimants; defendants; lawyers; judges) Choose an item.

*If yes,* please provide details of the identifiable groups of people involved and the type of processing or analysis you wish to undertake:

Click or tap here to enter text.

## 2.4 Safe Settings

Location

Will you be processing the information outside the UK? Choose an item.

Where will the information be stored and processed?

Click or tap here to enter text.

Systems and controls

What systems and controls will you have in place for storing and processing the information?

Click or tap here to enter text.

## 2.5 Safe Outputs

Statistical Analysis

Are you undertaking any form of statistical analysis? Choose an item.

*If yes*, are you following any code of practice or professional code of conduct? (such as the Royal Statistical Society’s Code of Conduct). Please provide details.

Click or tap here to enter text.

Are you intending to publish the results of your analysis? Choose an item.

*If yes*, would you be willing to share your findings with The National Archives and The Ministry of Justice, as they emerge, to aid public policy development? Choose an item.