JUDICIAL OFFICE

Mr P. Magrath

[redacted]

16 June 2020

Dear Mr Magrath,

Request for information relating to the Judicial Data Protection Panel

I am write further to your Freedom of Information Act (FOIA) request (reference 200311018) of 11 March 2020 to the Ministry of Justice, the internal review of that request and the response to the internal review dated 21 May 2020.

As advised in the response to the internal review it may be possible, in the interests of transparency, to provide some of the information you requested outside the scope of the FOIA. I have reviewed your request and set out below the information I am able to provide;

1. The number of complaints submitted to the Judicial Data Protection Panel since its inception in May 2018, and the number of complaints rejected because they were deemed to fall outside the panel's remit, rejected on the merits, or upheld. Please break down the figures for complaints relating to each of the jurisdictions listed at paragraph 2 of the panel's complaints policy document and 'individuals acting in a judicial capacity' (*https://www.judiciary.uk/publications/judicial-data-processing-complaints-handling-policy/****).***

Since it's establishment on 25 May 2018 up to 29 February 2020 the Judicial Data Protection Panel (the Panel) has considered 61 complaints. Of these 37 were outside

the Panel's remit and 24 were not upheld. I have set out a breakdown of which jurisdictions the complaints related to below. Please note, in some instances a complaint related to more than one jurisdiction therefore, the figures do not match the total number of complaints.

- the Court of Appeal in England and Wales - 0;
- the High Court in England and Wales - 3;
- the Crown Court - 4;
- the Court of Protection - 1;
- the Family Court - 4;
- the County Court in England and Wales - 11;
- Magistrates' courts - 4;
- the Upper Tribunal - 4;
- the First-tier Tribunal - 6;
- the Employment Appeal Tribunal - 1;
- the Employment Tribunal - 22;
- Coroners' courts - 4;
- Judge Advocates-General - 0;
- the Investigatory Powers Tribunal – 0;

In addition, one complaint related to a Scottish tribunal and in one no jurisdiction was identified.

2. The number of such complaints which relate to the inappropriate processing of personal information through the publication of judgments, including through anonymization errors (for the avoidance of doubt I am not asking for information concerning rectification requests concerning inaccurate information, but with regard to complaints concerning publication of material which should not have been contained in a

published judgment at all). If possible, please provide the number of complaints of this nature which relate to family court matters.

The Panel has received 13 complaints regarding some aspect of the publication of a decision notice or judgement. None related to anonymization errors, nor did any relate to matters in the Family Court. Please note that in most instances the decision to publish a decision notice or judgment is not a judicial decision and therefore would not be within the Panel's remit.

3. Please provide a breakdown of the source of such complaints e.g. how many are: self-referrals by judicial office holders, or a person acting in a judicial capacity; how many are made by the subject of the personal data; and how many are made on behalf of a vulnerable person; how many made by members of the public; and how many are referred to the panel from another source?

No complaints have been self-referrals by an individual acting in a judicial capacity. Nor would the Panel expect to receive any such complaints. The panel can deal with complaints concerning the processing of personal data by the courts, tribunals and individuals acting in a judicial capacity. If the court, tribunal or individual is themselves unhappy about how they are processing personal data they can simply stop or change the processing.

Fifty-seven complaints were made by the data subject. This includes five complaints in which the complainant was also complaining on behalf of other data subjects. Three complaints were made on behalf of the data subject. One of these was on behalf of a child. One complaint was made by a legal representative.

4. Please provide details of the range of actions taken in respect of complaints which have been upheld.

No complaints have been upheld.

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5. Please provide details of the timescales for dealing with complaints.

The Panel aims to respond to complaints within thirty days. All responses have been sent within this timescale.

6. Please provide the details of any policy or guidance that the panel has issued concerning the anonymization of judgments prior to publication in relation to family court matters (or any plans it has in this regard).

The Panel has not issued any policy or guidance in relation to anonymisation in family court matters or any other jurisdiction. Decisions on anonymisation are judicial decisions and are governed by the constitutional principle of open justice, statutory provisions, rules of court and practice directions.

7. Please confirm what plans, if any, the panel has to publish information concerning its work, including statistics concerning complaints, outcomes and remedial actions."

Information regarding the Panel's work is currently published in the Lord Chief Justice's Annual report. The intention is for this to continue.

Yours sincerely

A. Brzezina,
Judicial Office Data Privacy Officer
On behalf of the Judicial Data Protection Panel