

## **INDEX**

- [Intro](#)
- [Summary](#)
- [Rep Declaration](#)
- [Client Declaration](#)
- [Privacy](#)
- [User Information](#)
- [Automatically Collected Information](#)
- [Location Information](#)
- [Third Parties](#)
- [Opt Out Options](#)
- [Data Retention](#)
- [Children](#)
- [Security](#)
- [Consent](#)
- [Contact NoComment](#)

## **INTRODUCTION**

This privacy policy governs your use of the No Comment app (the Application) for mobile devices that was created by No Comment Legal Services Ltd (the Company). The Application is for use by No Comment agents only. To understand the Application a little background on the No Comment business and the legal industry will be useful.

## **THE NO COMMENT BUSINESS**

No Comment is an agency providing locum lawyers to law firms in England and Wales. When a firm is unable to deal with a client using its own staff they instruct No Comment to find a qualified agent to act on their behalf. No Comment provides locum lawyers to attend courts and police stations. The agents provide advice to clients as well as advocacy in court.

All the agents instructed by No Comment are self-employed and responsible for their own tax. They are mostly qualified as Police Station Reps. This is a niche qualification available to solicitors, barristers and legal professionals. No Comment is instructed by firms of solicitors in England and Wales. The vast majority of those firms are subject to the General Criminal Contract. The agents instructed by No Comment and the firms who instruct No Comment are all subject to the strict rules of the Solicitors Regulation Authority as well as those of the Law Society, the DSCC and the Legal Aid Agency.

## **THE NO COMMENT CLIENTS**

No Comment's clients are primarily law firms in England & Wales who act in the defence of members of the public who have been accused of a crime. Everyone who is interviewed under a police caution is entitled to free legal advice. The firms cannot cover all the interviews and court cases in house. The client instructs a law firm. The firm instructs No Comment and No Comment instructs an agent. The agent provides advice to the client as if he were a member of staff. The agent is therefore employed by the firm.

## **DUTY OF CONFIDENTIALITY**

All members of a law firm or in-house practice, including support staff, consultants and locums, owe a duty of confidentiality to clients. Privacy of client data is of paramount concern at all times. No Comment adheres to the highest standards and is compliant with the Data Protection Act as well as the concept of law known as legal professional privilege. Protection of confidential information is a fundamental feature of a legal relationship with a client. It exists as a concept both as a matter of law and as a matter of conduct. This duty continues despite the end of the retainer and even after the death of the client.

Confidentiality does have some exceptions and restrictions. Under some circumstances an individual or organisations can see materials that would otherwise be considered privileged. The ones relevant to the Application are contained in the Solicitors Code of Conduct at IB 4.1:

1. Compliance with the law in respect of fiduciary duties
2. Outsourcing services is only possible when a firm or solicitor is satisfied that the provider has taken all appropriate steps to ensure confidential information will be protected
3. Anyone who has responsibility for acting for a client or supervising a client's matter.
4. Where the client gives specific informed consent to non-disclosure or a different standard of disclosure arises

## **LEGAL AID**

Whilst advice at a police station is free for everyone regardless of income; representation at court is not so clear cut. Court cases can be expensive and clients have to apply for Legal Aid. Funding is not automatic. Rather than using a paper form the client is only required to sign a CRM e14 giving permission to the firm to apply for funding via the Legal Aid portal. That portal is digital. Basically the firm and client declare the information to be true and then fill in a form on a website. Legal Aid can be granted to defendants so that they can obtain advice and assistance at court. However the rules are complex. Put simply Legal Aid can be granted if the client could suffer reputational damage or if the client's income is insufficient or if there is a high

chance of a custodial sentence. Client's can be granted full or partial Legal Aid and can also be required to make a contribution towards the costs of a case they are involved in as well as being subject to court imposed various fines and other demands for money.

## **THE APP**

The No Comment App is really a simple signature capture app. Its main function is to capture the attending lawyer and client's signatures. The signatures are sent to No Comment, a CRM e14 is generated and that is then sent to the firm. The lawyer explains all this to the client before asking him to sign the device.

In addition the app captures some very basic financial information from the client. The app also provides some basic legal resources for the user along with a list of all police station, court and prison addresses and telephone numbers. Aside from requiring a login by the user the app does not capture any personal information from the user. All users are agents known to No Comment.

## **SUMMARY**

The No Comment App has a privacy policy. Basically a rep's private information is kept wholly private and is not shared with any third parties including the instructing solicitor. We pretty much hold only the information that we need to instruct reps and pay them. Nothing else. Nothing is sold, shared or published.

The purpose of the app is to collect signatures from No Comment clients in accordance with the rules laid down by the Law Society of England and Wales and the Legal Aid Agency. Each signature is used once and once only for each Legal Aid application. It is not stored or used on another former or subsequent application. The signature is used to sign the CRM e14, CRM 1, CRM 2 and the No Comment summary report form; although the clients are encouraged to provide three signatures, one for each form. The client should provide . The signature is used to show the client has agreed to apply for Legal Aid. Some personal information is captured as well. That information is a small subset of the data required for a full Legal Aid application. Every law firm has a privacy policy in accordance with Law Society rules.

## **LEGAL REPS DECLARATION**

- I represented the applicant. I acted as a representative of the instructing solicitor who instructed me via No Comment Legal Services Ltd.
- I confirm that I am authorised to provide representation under a contract

issued to the instructing solicitors firm by the LAA.

- 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.

## **CLIENT DECLARATION PAGES**

### **Legal Aid Declaration**

- 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 understand that if I have declared anything that is not true on the application form or the documents sent with it, or left anything out that:
  - i. I may be prosecuted for fraud. I understand that if I am convicted I may be sent to prison or pay a fine.
  - ii. My legal aid may be stopped and I may be asked to pay back my costs in full to the Legal Aid Agency.
  - iii. If my case is in the Crown Court the Legal Aid Agency 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 partners 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.
- I have read the Declaration and Fraud Notice above.

### **Advice Declaration**

- I have understood the advice of my legal representative who has fully explained the evidence, the weight of evidence and the elements of the offence. I do not have to answer the police questions in interview but this is my opportunity to put forward my defence. I have understood the effect of a negative inference at court and the consequences of remaining silent. I am aware of the advice given to me as detailed above. I make this decision voluntarily and of my own free will.

### **Privacy Notice**

Personal data relates to a living individual who can be identified from that data. The processing of personal data is governed by the Data Protection Act 1998 (DPA), under which the Ministry of Justice (MoJ) is registered as a data controller. The Legal Aid Agency is an executive agency within the MoJ. The Legal Aid Agency processes personal data in order to provide legal aid

services.

The MoJ complies with its obligations under the DPA by keeping the personal data we hold up to date; storing and destroying it securely; by not collecting or retaining excessive amounts of data; protecting personal data from loss, misuse, unauthorised access and disclosure; and ensuring that appropriate technical measures are in place to protect the personal data we process in line with Her Majesty's Government standards.

You have the right to request details about the personal information we hold about you; and subsequently request that we correct any personal information if it is found to be inaccurate or out of date.

In order to fulfil its functions the MoJ may share personal data with other organisations. These organisations include other government departments, local authorities and private or voluntary sector organisations engaged to deliver services. Personal data is only shared outside the MoJ when the law allows.

To request a copy of your personal information please refer to the MoJ website for further details on how you may do this

## **PRIVACY**

The Application obtains data from the user and the client.

### **USER PRIVACY:**

1. Principally the Application obtains the users signature. That signature is captured by the device as a small image file. The file is sent to the No Comment servers and attached to the CRM e14 form. The form is emailed to the instructing solicitors as a complete document. The firm use hte form to apply for Legal Aid. The form is then stored in accordance with the Law Society and UK Data Protection Act.

2. No personal data is captured by the Application. The user however can see a summary of the information held by No Comment Legal Services Ltd. This is for transparency and so that the user can update the company should that information change at any time.

### **CLIENT PRIVACY:**

3. First and foremost the Application obtains the clients signature. That signature is captured by the device as a small image file. The file is sent to the No Comment servers and attached to the CRM e14 form. The form is emailed to the instructing solicitors as a complete document. The firm use hte form to apply for Legal Aid. The form is then stored in accordance with the

Law Society and UK Data Protection Act.

4. The purpose of the Application is to provide a signed CRM e14 form so that the instructing solicitors can apply for Legal Aid. The legal Aid application is electronic via the UK Government website which is part of the Ministry of Justice. The Application captures a very small subset of the information required. The application captures the following information:

4.01 Name of the Instructing Firm

4.02 Venue of the interview or court hearing

4.03 No Comment Invoice unique number

4.04 Date of attendance

4.05 Full Name of Client

4.06 Clients National Insurance Number

4.07 Clients date of birth

4.09 Cleints address

4.10 Cleints telephone number

4.11 Cleints source of income; whether the client is employed or in receipt of benefits.

4.12 Name of the clients partner.

The information can only be obtained with the permission of the client. None of the information is mandatory. It is wholly up to the client to decide if any or indeed none of the information is provided.

## **USER INFORMATION**

The Application obtains the information you provide when you download and register the Application. Registration with us is optional. However, please keep in mind that you may not be able to use some of the features offered by the Application unless you register with us.

Alternative language if you don't allow unregistered users: Registration with us is mandatory in order to be able to use the basic features of the Application. (On the other hand, you might want to specify you don't let user register at all, but still list the information you collect).

Mobile application developers should be aware that certain types of data, for example, medical records and certain types of financial information may be subject to existing privacy law, or any other current or future state, federal law, regulation, restriction, etc. Application developers creating apps that collect potentially sensitive information are encouraged to obtain counsel to ensure that their data collection policies are in line with current law in the jurisdiction(s) where the app may be used. If you collect credit card information, we strongly encourage you seek the advice of a professional to

ensure PCI compliance and other specific security requirements.

When you register with us and use the Application, you generally provide (a) your name, email address, age, user name, password and other registration information; (b) transaction-related information, such as when you make purchases, respond to any offers, or download or use applications from us; (c) information you provide us when you contact us for help; (d) credit card information for purchase and use of the Application, and; (e) information you enter into our system when using the Application, such as contact information and project management information.

We may also use the information you provided us to contact you from time to time to provide you with important information, required notices and marketing promotions.

### **AUTOMATICALLY COLLECTED INFORMATION**

The Application does not collect information from or for social networking platforms (eg pulling contact information, friends lists, login information, photos or check-ins). We would ensure that the prior consent of the user is obtained.

In addition, the Application may collect certain information automatically, including, but not limited to, the type of mobile device you use, your mobile device's unique device ID, the IP address of your mobile device, your mobile operating system, the type of mobile Internet browsers you use, and information about the way you use the Application.

### **LOCATION INFORMATION**

This Application does not collect precise information about the location of the mobile device it is installed on.

### **THIRD PARTIES**

Third parties do have access to a small amount of the information obtained by the Application. The third parties are authorised to do so with the client's express permission and under statute. The instructing firm of solicitors act under a strict duty of confidentiality but will apply for Legal Aid and are required to provide the Legal Aid Agency with some basic financial information. No Comment is covered by the same duty of confidentiality and is an extension of whichever firm it is instructed by.

1. The instructing firm of solicitors
2. The Legal Aid Agency

### 3. No Comment

There are no third-party analytics services collecting data from the app. Sharing user data is not our intention but could occur if fair and justified. Generally, we have the right to transfer information collected by the app under certain circumstances. For example, if No Comment were sold as a company, we may want information collected by the application transferred as part of the sale.

Only aggregated, anonymized data is periodically transmitted to external services to help us improve the Application and our service. We will share your information with third parties only in the ways that are described in this privacy statement.

We may disclose User Provided and Automatically Collected Information:

1. As required by law, such as to comply with a subpoena, or similar legal process;
2. When we believe in good faith that disclosure is necessary to protect our rights, protect your safety or the safety of others, investigate fraud, or respond to a government request;
3. With our trusted services providers who work on our behalf, do not have an independent use of the information we disclose to them, and have agreed to adhere to the rules set forth in this privacy statement.
4. if No Comment Legal Services Ltd is involved in a merger, acquisition, or sale of all or a portion of its assets, you will be notified via email and/or a prominent notice on our Web site of any change in ownership or uses of this information, as well as any choices you may have regarding this information.

The app does not work with advertisers or analytics companies that collect personal data, the privacy policy therefore does have an Automatic Data Collection and Advertising section.

### **OPT OUT OPTIONS**

You can stop all collection of information by the Application easily by uninstalling the Application. You may use the standard uninstall processes as may be available as part of your mobile device or via the mobile application marketplace or network. You can also request to opt-out via email: [Click to Send Mail](#).

### **DATA RETENTION**

We will retain User Provided data for as long as you use the Application and for a reasonable time thereafter. We will retain Automatically Collected information for up to 24 months and thereafter may store it in aggregate. If

you'd like us to delete User Provided Data that you have provided via the Application, please contact us: [Click to Send Mail](#) and we will respond in a reasonable time. Please note that some or all of the User Provided Data may be required in order for the Application to function properly.

## **CHILDREN**

The Application is not available outside of the United Kingdom and is not aimed at children. The Application is aimed at the agents employed by No Comment Legal Services Ltd. However it complies with the Childrens Online Privacy Protection Act (COPPA). The Application is not directed towards children under 13. The Application is only used by solicitors and police station reps who have been recruited by The Company.

Our data collection policies are in line with current law in the jurisdiction where the app may be used.

We do not use the Application to knowingly solicit data from or market to children under the age of 13. If a parent or guardian becomes aware that his or her child has provided us with information without their consent, he or she should contact us: [Click to Send Mail](#). We will delete such information from our files within a reasonable time.

## **SECURITY**

Our security procedures are intended to be reasonable. We are concerned about safeguarding the confidentiality of information. We provide physical, electronic, and procedural safeguards to protect information we process and maintain. For example, we limit access to this information to authorized employees and contractors who need to know that information in order to operate, develop or improve our Application. Please be aware that, although we endeavor provide reasonable security for information we process and maintain, no security system can prevent all potential security breaches.

## **CHANGES**

This Privacy Policy may be updated from time to time for any reason. We will notify you of any changes to our Privacy Policy by posting the new Privacy Policy here and informing you via email or text message. You are advised to consult this Privacy Policy regularly for any changes, as continued use is deemed approval of all changes. You can check the history of this policy by clicking here.

## **CONSENT TO TERMS AND CONDITIONS**

By using the Application, you are consenting to our processing of your information as set forth in this Privacy Policy now and as amended by us. Processing, means using cookies on a computer/hand held device or using or touching information in any way, including, but not limited to, collecting, storing, deleting, using, combining and disclosing information, all of which activities will take place in the United States. If you reside outside the United States your information will be transferred, processed and stored there under United States privacy standards.

## **CONTACT**

If you have any questions regarding privacy while using the Application, or have questions about our practices, please contact us via email: [Click to Send Mail](#).

NoComment Legal Services Ltd  
3 Rockleigh  
Hertford  
Hertfordshire, SG14 1LS  
UK

[Click to eMail No Comment](#)  
Tel: 07534 533 070