

LAA Data Breach

<https://www.lawsociety.org.uk/topics/news-articles/legal-aid-agency-data-breach>

Members will have all experienced the fallout from the now much-publicised Legal Aid Agency data breach. This bulletin is not about allocating blame. These sorts of cyber incidents are becoming part of every day life. Members are encouraged to protect their own IT infrastructure and client data. <https://www.ncsc.gov.uk> has some excellent resources that are freely available, and bidders for the new Crime Contract will be aware of the need to obtain Cyber Essentials, but these are the minimum expected and no system is impenetrable. We do however hope the LAA will remember their own experiences next time they are notified by a provider that they have been a victim of a cyber incident!

In the meantime, news coming from the LAA and Ministry of Justice remains piecemeal as they continue to investigate the breach and how widespread it is. What does appear to have been established already however is:

1. Legal Aid applicant client data dating back as far as 2010 appears to have been obtained as a result of the cyber intrusion.
2. Provider details including commercially sensitive financial data may have been obtained.
3. Virtually all 'public-facing' LAA systems are offline:
 - a. LAA portal including:
 - i. CRM6
 - ii. CWA
 - iii. CRM4, 5, 7 and 18A
 - b. Crown Court billing (<https://claim-crown-court-defence.service.gov.uk> is online but bills are not being assessed and processed)
4. What is also clear under GDPR is that the LAA as the data controller is required to notify all those whose data has been breached without delay. It is not for members to do so, and frankly it would be a near impossible task for providers to contact all applicants dating back to 2010. Members who use Social Media platforms, websites and other forms of widespread communication may wish to publish news about the breach as a belt and braces approach. As the LAA continue to investigate they will we hope notify all those concerned in line with the GDPR obligations.
5. The LAA have confirmed there is no contractual obligation on providers to report this incident to the ICO or to inform clients. The data impacted by this incident is either owned by the LAA or is considered Shared Data within the definition of the contract. The contract at clause 16.3 of the standard terms sets out that the responsibilities of the data controller will be exercised by the party in possession of the data – in this case by MoJ as the data controller for LAA. MoJ has notified

the ICO of the incident, and has notified data subjects through the public announcement on GOV.UK on 19 May.

6. It is sadly a waiting game and from what we have been told this far, and from recent examples such as M & S, it may yet take some considerable time to conclude the investigation and have systems back online.
7. We call on the LAA to establish contact arrangements for clients and providers including a telephone hotline to allow those with concerns and questions to contact them.

Contingency Arrangements

In the meantime the LAA have set out the following arrangements:

Civil applications:

- For civil applications, where a provider cannot utilise delegated functions and has an imminent court hearing they should contact the LAA customer services team on 0300 200 2020. If a provider needs to submit an urgent amendment for a High Cost Family case, please contact the Customer Services Team who will refer the matter over to the High Cost Family team for urgent consideration. For Non-High Cost Family cases, follow the same process where the item will be referred to the Civil Applications team for urgent consideration.

Crime applications:

- Whilst the Portal is unavailable providers will be unable to gain a date stamp for applications. When the Portal becomes available providers will be invited to complete applications as normal and indicate in the 'Further Information' section that they were unable to submit their application and the date that they would have submitted it but for the outage. LAA caseworkers will backdate representation orders to the requested date where applicable.

Crime Lower and Legal Help monthly submissions

- Where providers have not yet submitted their April CWA submissions (due by 20 May), they should email the Reconciliation team reconciliation@justice.gov.uk with their total monthly submission value for their April submission by 20 May. This should be a global amount for each submission which the provider normally makes on CWA. When CWA is available, the submissions should then also be submitted via the system, to allow them to be reconciled.

CONTINGENCY PROCESSES FOR THE MAGISTRATES' BILLING TEAM

CRM4

Prior authority applications (CRM4s) cannot currently be submitted on the portal.

- Urgent CRM4 applications can be sent via email to CRM4contingency@justice.gov.uk.
- Please complete the PDF version of the [CRM4](#). Please note that this is an old version of the CRM4, but the required information is the same. The CRM4 should be submitted along with the usual documentation, including the quote from the expert. A decision will be provided to you via email.

If you experience any difficulties with this process, please contact magsbilling@justice.gov.uk. Please also see the attached guidance on editing a [PDF](#). CRM4 appeals can be submitted in the usual way to CRM4appeal@justice.gov.uk.

CRM5

- Please complete the PDF version of the Application for Extension of Upper Limit form ([CRM5](#)). Due to changes in the CRM5 process over the years, the most recent PDF is from 2009. Since then, there have been some changes in terminology and scope.
- Please ignore any references to Prison Law or parole hearings.
- Wherever it reads CDS1/2/3/5, this is the old terminology for CRM1/2/3/5.
- Please include a breakdown of hours and hourly rates in the box on page 3.
- Please complete all other sections as usual.
- If you are requesting a disbursement, please attach a copy of the quote to your email. If there is any other information you would like to submit, please also attach it to your email.
- Please send a completed copy of this form to CRM5applications@justice.gov.uk.

If you experience any difficulties with this process, please contact CRM5applications@justice.gov.uk. Please also see the attached guidance on editing a PDF.

CRM5 appeals can be submitted as usual to CRM5appeal@justice.gov.uk

CRM7

- Please submit non-standard Magistrates' claims (CRM7s) via paper.
- Please send your CRM7 and file of papers to:

Legal Aid Agency
3rd Floor, B3.20
1 Unity Square
Queensbridge Road
Nottingham
NG2 1AW
DX 10035 Nottingham

A copy of the paper CRM7 can be located here:

[CRM7: non-standard fee magistrates' court claim and appeal form - GOV.UK](#)

CRM 18As

There is no change to the submission of CRM18 claims.

- Submit CRM18 (Police Station Escape Fee) claims to the Magistrates' Billing Team in Nottingham.

Email Crime.Exceptional@Justice.gov.uk

Alternatively, you can send by post or DX:

Legal Aid Agency
3rd Floor, B3.20
1 Unity Square
Queensbridge Road
Nottingham
NG2 1AW
DX 10035 Nottingham

CRM18s cannot be accepted via Secure File Exchange.

All of the necessary forms can be found
at <https://legalaidlearning.justice.gov.uk/contingency-forms/>

We are not currently aware of arrangements for Crown Court bills and will update members when we can. We have asked for clarification as to whether systems for making payments to providers are also effected.

If you have any concerns with respect to any of the contingencies set out above, members can contact the LAA customer services team on 0300 200 2020 in the first instance, or your LAA Contract Manager for queries about your specific circumstances.

Daniel Bonich

CLSA Chair