



You have complained about the Department of Civil Affairs' rejection of free legal aid

In the attached letter, the Appeals Permission Board has today confirmed receipt of your complaint about the Department of Civil Affairs' rejection of your application for free legal aid. The purpose of these guidelines is to provide you with an overview of the Board's general procedure for the processing of applications. You can find further information at www.procesbevillingsnaevnet.dk.

The Appeals Permission Board

The Board's Free Legal Aid Department processes complaints about the Department of Civil Affairs' rejections of free legal aid at weekly meetings. The Board's secretariat prepares the cases for the Board. The Board is independent and is not a part of the court system or the public administration. The Free Legal Aid Department consists of a High Court judge (Chairman of Department), a District Court judge and an attorney.

Application deadline

The deadline for lodging a complaint about the Department of Civil Affairs' rejection of free legal aid is four weeks. The deadline is calculated from the day on which you or your representative have been notified of the rejection.

The Board may disregard the deadline in accordance with its practice. If you have failed to meet the deadline, it is important that you state the reason for your failure to meet the deadline, either in the complaint or in a new letter.

The Board will subsequently decide whether the deadline has been complied with and whether any failure to meet the deadline may exceptionally be disregarded.

Procedure

After receipt of your complaint, the Board has created a case. The Board's case number is stated in the attached letter. You must quote the case number on all inquiries to the Board regarding the case. The Board collects the Department of Civil Affairs' documents in the case, and if your opposing party is a private individual, the Board will also inform the opposing party about the complaint.

If your circumstances regarding legal expenses insurance, income, marital status or the number of children under 18 years of age residing at home have changed since the Department of Civil Affairs' hearing of the case, you must notify the Board thereof.

If there has been a development in the case for which you are applying for free legal aid, for example exchanged correspondence with the opposing party or submitted pleadings, you must submit copies of this information to the Board. The same applies to correspondence or pleadings which are exchanged after you have submitted the complaint.

Once the Board has received the necessary material, the administrative case officer prepares the case for the Board. Among other documents, the administrative case officer prepares a note containing a review of the factual and legal circumstances of the case. The note (with relevant appendices) forms the basis for the Board's hearing and decision of the case. Some case types are decided by the Chairman of the Board following authorisation from the Board.

The average time for processing of the complaint is currently around nine weeks in the Free Legal Aid Department. However, the application processing time depends on the specific case.

The Board's decision

After the Board has made its decision, it will be communicated to you in a letter. The letter will be sent as Digital Post to your e-Boks or virk.dk. The decision will only be sent by regular mail if you are exempt from Digital Post.

As a basis for the Board's decisions, reference is made to the contents of the statutory rules that give the Board the authority to grant permission to free legal aid. In accordance with the legislation on the Board's activities, the Board cannot give further grounds for its decisions.

After the Board's decision

If you are granted free legal aid and you have not yet brought any legal action, you will receive a legal aid certificate, which must be sent to the court once the legal action has been brought. If you have provided information that the legal action has been brought, the Board will send the legal aid certificate to the court.

If you are not granted free legal aid, you cannot complain to other administrative authorities or to the Ombudsman of the Folketing (the Danish Parliament).

However, the Board may reopen a case in certain circumstances. The reopening of a case requires that there is significant new information.

Further information

You can find further information on the Board's website, where you can also read the Board's rules of procedure and the Board's annual reports.

Moreover, the Board is not covered by the Danish Public Administration Act (*Forvaltningsloven*) and the Danish Access to Public Administration Files Act (*Offentlighedsloven*). It is therefore not possible to request the Board to be granted access to documents in the case in accordance with the rules in these Acts.

However, it is possible to request the Board to be granted access to documents in the case in accordance with the principles on access to documents laid down in the Danish Administration of Justice Act (*Retsplejeloven*). The right of access to documents does not include internal documents, such as the notes prepared by the secretariat for use for the Board's hearing of the case. It will therefore typically not be possible to obtain access to any other documents than the case correspondence.

The next page provides you with information about data protection legislation.



Information about data protection legislation

You are receiving this information from the Appeals Permission Board because we are digitally processing personal data about you. In accordance with the rules of the data protection legislation, we must therefore provide you with various information, regardless of whether we have received the information from you or from other parties.

We are the data controller

The Appeals Permission Board is the data controller for the processing of the personal data that we have received about you. The Board's duty to provide information follows from Articles 13 and 14 of the General Data Protection Regulation, with the restrictions set out in Sections 22 and 23 of the Danish Data Protection Act (*Databeskyttelsesloven*).¹ You can always contact us if you have any questions about the Board's processing of your personal data. You can find our contact details in the letter.

Data processing purpose and legal basis

We have registered your personal data for the purpose of processing a complaint about the Department of Civil Affairs' rejection of free legal aid. The legal basis for our processing of complaints is Chapter 1 a of the Danish Administration of Justice Act (*Retsplejeloven*) and the Board's rules of procedure.

The Board hears a complaint about rejection of free legal aid based on the application for free legal aid and the complaint about rejection of free legal aid. The Board always obtains records from the Department of Civil Affairs, and the Board makes a specific decision on whether there is a need to obtain further records from the Court.

The Board's processing of the application thus includes your identification and contact details, and, depending on the case, highly sensitive data are also included, for example health information, information about criminal offences and any information about civil registration number.

Following the Board's decision of a complaint about the Department of Civil Affairs' rejection of free legal aid, a brief description of the case will, in special cases, be published in the Appeals Permission Board's annual report and/or under the subject: the Appeals Permission Board's news on www.procesbevillingsnaevnet.dk. However, personal data will always be pseudonymised in this case.

In special cases, we will also use the Board's internal notes on a case for internal knowledge sharing about the Board's practice.

All the Appeals Permission Board's employees are bound by a duty of confidentiality.

Data recipients

If your data are disclosed to other parties, this will appear from the letter that we have sent you along with these guidelines.

We always inform the Department of Civil Affairs about the Board's decision in the case. The Department of Civil Affairs also receives a copy of the complaint as well as any subsequent pleadings and submissions.

Your rights

You have a number of rights in relation to our processing of data about you. This follows from the rules in Chapter 3 (particularly Article 15) of the General Data Protection Regulation, with the restrictions that follow from Sections 22 and 23 of the Danish Data Protection Act.

Your rights include the right of access to the data that we process about you (right of access).

You can read more about your rights in the Danish Data Protection Agency's guidelines on data subjects' rights.

If you wish to exercise your rights, please contact us.

The Danish Data Protection Agency supervises compliance with the data protection legislation. You have the right to lodge a complaint with the Danish Data Protection Agency if you are dissatisfied with the way in which we process your personal data. You can find the Danish Data Protection Agency's guidelines and contact details on www.datatilsynet.dk.

Storage of your personal data

The Appeals Permission Board erases personal data when they are no longer necessary for the performance of the Board's tasks. The data will be erased at the latest ten years after a case has been concluded.

Data Protection Officer

The Danish Court Administration has appointed one joint Data Protection Officer, who will be consulted in questions concerning personal data protection at the Courts of Denmark, including the Appeals Permission Board. You can contact the Data Protection Officer at dpo@domstolsstyrelsen.dk and see more details about the Data Protection Officer at www.domstol.dk.

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free move-

ment of such data and Danish Act no. 502 of 23 May 2018 on supplementary provisions for the Regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the Danish Data Protection Act).