



## **You have applied for permission to appeal a family court's decision to High Court**

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In the attached letter, the Appeals Permission Board has today confirmed receipt of your application for permission to appeal a family court's decision to High Court. 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](http://www.procesbevillingsnaevnet.dk).

### **The Appeals Permission Board**

The Board's department for permissions to appeal the family courts' decisions processes applications for permission to appeal decisions made by the family courts to High Court. 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 department for permissions to appeal the family courts' decisions consists of a High Court judge (Department Chairman), a District Court judge and an attorney.

### **Application deadline**

The deadline for applying for permission to appeal is two or four weeks. The application deadline is specified in the relevant rule. You can find an overview of the statutory rules on which the Board's authority is based on the [Board's website](#).

The deadline is calculated from the date on which the decision has been made. The application must have been received by the Board before the expiry of the deadline.

You can find more detailed information about the calculation of the application deadline on [the Board's website](#).

In some cases, the Board may exceptionally disregard a failure to meet the deadline if the application has been submitted later, but within six months or, in some cases, within one year. If you have failed to meet the deadline, it is important that you state the reason for your failure to do so, either in the application 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 application, 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 will inform your opposing party about the application, and the Board will decide whether the case records are to be obtained from the family court and whether the opposing party is to be requested to submit any comments on the application.

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 memorandum containing a review of the factual and legal circumstances of the case. The memorandum (with relevant appendices) forms the basis for the Board's processing and decision of the case. Some case types are decided by the Department Chairman following authorisation from the Board.

The average application processing time is currently around six weeks in the department for permissions to appeal a family court decision to High Court. 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](http://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 appeal. 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 permission to appeal, the Board's letter will contain information about how to bring the case before the court of appeal.

If you are not granted permission to appeal, 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 memorandum prepared by the secretariat for use for the Board's processing 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

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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*).<sup>1</sup> 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 an application for permission to appeal a family court's decision. The legal basis for our processing of applications is [Chapter 1 a of the Danish Administration of Justice Act](#) and [the Board's rules of procedure](#).

The Board processes an application for permission to appeal based on the information provided in the application, the family court's decision and any submissions by the opposing party. The Board decides whether the records from the family court's hearing of the case are to be obtained.

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

Following the Board's decision on an application for permission to appeal, 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](http://www.procesbevillingsnaevnet.dk). However, personal data will always be pseudonymised in this case.

In special cases, we will also use the Board's internal memorandum 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 family court which has decided the case about the Board's decision. The Board will also inform the Agency of Family Law about the Board's decision, if the Agency of Family Law previously has made a decision in the case.

### 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](http://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](mailto:dpo@domstolsstyrelsen.dk) and see more details about the Data Protection Officer at [www.domstol.dk](http://www.domstol.dk).

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<sup>1</sup> 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).