

PROTOCOL FOR SHARING COURT REGISTERS AND COURT LISTS WITH LOCAL NEWSPAPERS

There is a longstanding policy encouraging magistrates' courts to provide copies of the court register and court lists to the media.

The Government believes that assisting newspapers to report what is happening in their local courts is important for increasing confidence in the criminal justice system. It also supports compliance with obligations under the European Convention on Human Rights to ensure that justice is open and trials are held in public.

The Government has therefore decided that the courts should not normally charge newspapers for the supply of court registers or court lists, whatever the form in which they are supplied.

When sharing such data, however, HMCTS must ensure that there are appropriate, common-sense safeguards in place.

HMCTS will:

- wherever possible, provide copies of court registers and court lists by e-mail¹ marked Personal Sensitive Data in the body of the email.

- Ensure the email contains the following disclaimer: 'This email contains information intended to assist the accurate reporting of court proceedings. It is vital you ensure that you safeguard the Personal Sensitive Data included and abide by reporting restrictions (for example on victims and children). HMCTS will stop sending the data if there is concern about how it will be used.'

- not charge for copies of court registers or court lists.

¹ Note that sending disks is in breach of current data security controls.

- if unable to provide copies of the court register or lists by e-mail, ask the newspaper to collect a hard copy or to pay the cost of postage.² Ensure the following disclaimer is placed inside the envelope: This contains information intended to assist the accurate reporting of court proceedings. It is vital you ensure that you safeguard the Personal Sensitive Data included and abide by reporting restrictions (for example on victims and children). HMCTS will stop sending the data if there is concern about how it will be used.'
- ensure that court registers contain details of any reporting restrictions when they are first made³
- ensure that magistrates' court lists, which are supplied or made available to newspapers on request, contain each defendant's name, age, alleged offence and address.
- take steps to satisfy themselves that they are providing information to a genuine journalist or agent. (Paper copies must be collected in person by a representative from the newspaper who must produce ID such as a UK Press Card Authority or a letter from the editor authorising collection, together with suitable ID. The package must be signed for and a record kept of the collection.)
- Ensure that any email lists/contact details of newspapers and journalists are reviewed regularly for accuracy (at least twice a year).

² Note that hard copies must be securely packaged, the envelope being marked with the court's address and telephone number.

³ There is a requirement in Rules that court registers will inform details of reporting restrictions when first made but they cannot be automatically included in court lists or in register entries pertaining to subsequent hearings

- reserve the right to refuse to disclose data if there is a concern about how that information will be used (e.g. sold to a third party, used to create internet lists of sex offenders etc)

Newspapers will:

- only request court registers and lists which are appropriate to their editorial coverage and intended use.
- be clear on what cases they are genuinely interested in and the regularity with which they need information (given the fact that the magistrates' courts deal with a massive range of business, including non-criminal and traffic matters)
- provide bona-fide e-mail addresses and identification as appropriate
- safeguard the information that is passed to them, so far as is appropriate and reasonable.
- destroy the data supplied within 6 months or other appropriate longer period, if recommended by their legal advisers or insurers. (Although they can retain details of individual cases for journalistic purposes).
- shred printed copies of registers.
- not pass the information contained in court registers to third parties (i.e. outside the media and its legal advisers, for reasons unconnected with journalism).
- comply with reporting restrictions and any other legal restrictions on the use of information.

Endnote

See JSB Guidelines on Reporting Restrictions in the Magistrates Court, Home Office Circular no 78/1967; Home Office Circular no 80/1989, Statement of Justice Secretary House of Commons 15 July 2008.

Nothing in this guidance is intended to change any local arrangements which work effectively (provided they are lawful), aside from ending any charges which may have been made for the supply of the court registers or lists. This guidance is intended to encourage the courts' supply of court registers and lists and the information which they contain to the media. Nothing in this guidance is intended to reduce the frequency or volume or the amount of information already supplied to or published by the media.

Although there is no direct equivalent to the magistrates' court register in the Crown Court, similar principles are to apply insofar as they can. Given the relatively small number of cases heard in the Crown Court and the fact that they have in the main come from the magistrates' court, it is recognised that newspapers are often already alerted to their content and interest value. Crown Court staff are encouraged to cooperate with local newspapers when they make enquiries.

This protocol has been agreed between Her Majesty's Courts and Tribunals Service, the Newspaper Society and the Society of Editors.

Any issues arising should be subject to local discussion but thereafter can be escalated to HMCTS Crime Directorate /Press Office.

Contact name: Caroline Grabazs 0203 334 6292.