

Application to be placed on the Register of Court Intermediaries

Please complete in Full and send e-mail to: cddirectorate@courts.ie

Circuit & District Operations, Courts Service, Phoenix House, Smithfield, Dublin 7.

Part 1:

Applicant Details:

Personal Details:

First Name:

Last Name:

Postal address for correspondence:

Mobile Telephone (**mandatory**):

Contact Telephone No. 2

E-mail Address (**mandatory**):

Part 2:

Eligibility Criteria:

I have successfully completed the University of Limerick's Professional Diploma in Intermediary Studies.	
I have three full years practice experience as a CORU registered Speech and Language Therapist, Occupational Therapist or Social Worker.	
CORU Registration No (please include letters and numbers):	

The following documentation must also be provided:

- A copy of your passport or driving licence or other official ID.
- A copy of your valid indemnity insurance and annual renewals
- A copy of UL Diploma
- Complete and Sign the Confidentiality Agreement
- Complete the Garda Vetting Invitation Form

Part 3:

Details for inclusion in the Register:

Name to appear on Register

Contact phone number

Contact email

List of areas of communication needs you have experience with: Please tick all that apply:

Children under 5 years old	
Children aged between 5 and 11	
Children and teenagers between 12 and 17 years old	
Adults 18 – 64	
Adults over 65 years old	
Mild/moderate learning disability	
Neurodivergent conditions	
Severe learning disability	
Language delay/disorder	
Brain or head injury (including a stroke)	
Dementia (including Alzheimer's disease)	
Mental health issues affecting communication	
Deafness/hearing impairment	
Downs Syndrome	
Aphasia/Dysphasia	

Neurological and progressive disorders (including motor neurone disease and Parkinson's disease)	
Other:	

Please list areas where you could reasonably travel to for engagement with a service user. This is not intended to reflect travel for a trial which would be communicated in advance but for travel if required at short notice.

e.g. Dublin, Louth, Kildare, Tipperary North, Laois, Clare

Part 4. Declaration

<i>I understand the purpose for which the above information is provided for and consent to my details disclosed under Part 3 being placed on a Register of Intermediaries which will be made available to relevant criminal justice agencies.</i>	
Name (block capitals)	
Signed	

Appendix A: Privacy Notice

Privacy Notice

Introduction:

1. The Courts Service is responsible for the management and administration of the courts. The Service is not involved in the administration of justice which is a matter for the courts and the judiciary, who, subject only to the Constitution and the law, are independent in the exercise of their judicial functions.

The Court Service is the Data Processor for the Courts, required to collect and process personal data on behalf of the Courts when acting in their judicial capacity and relating to persons who are the subject of court proceedings. The Courts Service, in addition to its other core functions, provides support services for the judiciary in accordance with the provisions set out under the Courts Service Act 1998.

The Register of Intermediaries itself is operated by the Courts Service as the Controller of this Data.

The Information we collect:

2. Certain personal data will be collected from the Intermediary to facilitate the operation of the Register of Intermediaries. The personal data collected includes information pertaining to:

- name
- contact details
- bank details
- details of academic qualifications
- professional registration
- speciality of each Intermediary
- indemnity insurance
- photographic identification (passport or driving licence)

This data is received and processed by the Courts Service as Controller of this Data.

How we collect your Personal Data:

3. The personal data you provide is collected by the Office of Circuit & District Court Operations, a Business Unit of the Courts Service.

Contact details for this Business Unit are as follows:

How we use your Personal Data:

4. We may use the personal data you provide in this application form for the following purposes:
 - To include your name and contact details on a Register of Intermediaries so that you may be contacted to take on cases to support witnesses with communication challenges within the Criminal Justice system.
 - Garda Vetting.
 - Ensure a payment method is set up for you

Lawful Basis for processing your Personal Data:

5. Our Lawful Basis for collecting and processing your personal data is as follows:
 - *Legal Obligation:* Both Section 14 of the Criminal Evidence Act, 1992, as amended, and Section 19(2)(c) of the Criminal Justice (Victims of Crime) Act 2017, make provision for the use of an Intermediary.
 - *Public Interest:* The establishment and operation of a Register of Intermediaries who can assess the communication needs of vulnerable witnesses/defendants and to advise An Garda Síochána, the Office of the Director of Public Prosecutions, legal representatives and the Court on the steps needed to assist such witnesses/defendants to participate in court proceedings is in the public interest.

Security of Personal Data:

6. The Court Service will adopt appropriate technical and organisational security measures to protect the personal data provided by the Intermediary. The personal data provided will be stored securely on Courts Service IT servers or in secure filing systems in full adherence with data protection laws.

How is the Information Shared:

7. It may be necessary for some of the collected personal data of an Intermediary to be shared, where appropriate, with the following third parties:
 - The Office of the Director of Public Prosecutions
 - The Department of Justice
 - An Garda Síochána
 - Legal Aid Board
 - Legal practitioners
 - Financial Shared Services

Contact for Queries:

8. In respect of the general operation of the scheme, the application form and the Register of Intermediaries, please contact the Office of Circuit & District Court Operations at the above address. For court work contact the court that approved you.

How long we retain your Personal Data:

9. You will remain on the Register of Intermediaries until such time as you notify the Courts Service that you wish to be removed from the Register. Your personal data will be retained by Courts Service while you are on the Register and for a period of 5 years after your removal from the Register. This is to allow sufficient time for any subsequent legal eventualities of any court proceedings you were involved in (e.g., appeals, reviews etc.).

How to Request a copy of your Personal Data:

10. You may request a copy of your personal data held by the Office of Circuit & District Court Operations by way of a Data Subject Access Request. More information is available at:

<https://www.courts.ie/organisation-information/how-to-make-a-subject-access-request>

The request must be in writing and can be forwarded by email or by post to the Courts Service Data Protection Officer at the address below. You will be required to verify your identity before the data can be forwarded to you.

Your Rights in relation to your Personal Data:

11. You have the right to rectify any inaccuracies in your data. To do this, you should write to the Office of Circuit & District Court Operations at the above address documenting the inaccuracies which need to be rectified. The right to rectification is not absolute and each request will be considered on its own merits.
12. You have the right, where appropriate, to seek erasure of your data and/or a restriction on the processing of your data as well as the right to object to the processing of your data. The right to erasure, restriction or objection is not absolute and each request will be considered on its own merits.
13. You have the right to lodge a complaint with the Data Protection Commission (DPC) in respect of the processing of your personal data. You can contact the DPC by webforms on their website at www.dataprotection.ie or by post at:

The Data Protection Commission,
21 Fitzwilliam Square South,
Dublin 2,
D02 RD28

14. Please note that any personal data pertaining to court proceedings and held on the court file is subject to legal derogations which restrict the scope of GDPR rights and obligations in respect of personal data processed by or on behalf of a court when acting in a judicial capacity, to the extent that the restrictions are necessary and proportionate to safeguard judicial independence and court proceedings. The appropriate supervisory authority in respect of data processing operations of courts acting in a judicial capacity is the Assigned Judge appointed by the Chief Justice and not the DPC.

Further details in relation to your data protection rights can be found in the Courts Service Data Protection Policy available at:

<https://www.courts.ie/organisation-information/data-protection>

Contact the DPO:

15. If you have any concerns or queries in respect of the processing of your personal data, you can contact the Data Protection Officer (DPO) for the Courts Service using the following contact details:

The Data Protection Officer,
Courts Service,
Phoenix House,
Smithfield,
Dublin 7
Email: dataprotection@courts.ie
[Phone: 01 888 6130](tel:018886130)

Appendix B: Confidentiality Agreement

THIS AGREEMENT is made on the [date] day of [month] 20 [year] BETWEEN:

The Courts Service, having its principal place of business at Phoenix House, 15/24 Phoenix Street, North Smithfield, Dublin 7, D07 X028 of the one part;

and

[Intermediary's Name], of [address] of the other part.

WHEREAS

By applying to be added to the Register of Court Intermediaries and being suitably qualified to be added to the Register, the Intermediary undertakes to comply with the confidentiality requirements of the Courts Service as set out below with regards to all information that they acquire during their appointments as Court Intermediaries. For the purposes of the work undertaken as a Court Intermediary, confidential information may become known to the intermediary in a variety of ways. This may include amongst others:

During interviews, In reports, In Court papers, During communications with other parties involved in Court cases.

The Confidential Information is confidential to and processed by the Courts Service acting on behalf of the Courts.

NOW IT IS HEREBY AGREED in consideration of the fees payable for the provision of intermediary services as follows:

1. The Intermediary acknowledges that Confidential Information may be provided to them by the Courts Service or come into their possession during the course of their work and that each item of Confidential Information shall be governed by the terms of this Agreement.
2. For the purposes of this Agreement, "Confidential Information" means:
 - 2.1 unless specified in writing to the contrary by the Courts Service all and any information (whether in documentary form, oral, electronic, audio-visual, audio-recorded or otherwise including any copy or copies thereof and whether scientific, commercial, financial, technical, operational or otherwise) relating to the provision of support services to witnesses/defendants in court proceedings who have communication difficulties, in the supply of services under the agreement and all and any information supplied or made available to the Intermediary (to include employees) for the purposes of the service including personal data within the meaning of the Data Protection Laws; and
 - 2.2 any and all information which has been derived or obtained from information described in sub-paragraph 2.1.
 - 2.3 The Intermediary shall not engage another sub-processor without prior specific or general written authorisation of the controller.
3. For the purposes of this Agreement, "Data Protection Laws" means all applicable national and EU data protection laws, regulations and guidelines, including but not limited to Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and any guidelines and codes of practice issued by the Office of the Data Protection Commission or other supervisory authority for data protection in Ireland from time to time. The appropriate

supervisory authority in respect of data processing operations of courts acting in a judicial capacity is the Assigned Judge appointed by the Chief Justice.

4. Save as may be required by law, the Intermediary agrees in respect of the Confidential Information:

- 4.1 to treat such Confidential Information as confidential and to take all necessary steps to ensure that such confidentiality is maintained;
- 4.2 not, without the prior consent or direction by the Court or by the Courts Service, to communicate or disclose any part of such Confidential Information to any person.

5. The obligations in this Agreement will not apply to any Confidential Information:

- i in the Intermediary's possession (with full right to disclose) before receiving it from the Courts Service; or
- 5.2 which is or becomes public knowledge other than by breach of this clause; or
- 5.3 is lawfully received from a third party (with full right to disclose).

6. The Intermediary undertakes:

- 6.1 to comply with all directions of the Court or the Courts Service with regard to the use and application of all and any Confidential Information or data (including personal data as defined in Data Protection Laws);
- 6.2 to comply with all directions as to local security arrangements deemed reasonably necessary by the Courts Service including, if required, completion of documentation under the Official Secrets Act 1963 and comply with any vetting requirements of the Courts Service including by police authorities;
- 6.3 upon termination of the service for whatever reason to furnish to the Courts Service all Confidential Information or at the written direction of the Courts Service to destroy in a secure manner all (or such part or parts thereof as may be identified by the Courts Service) the Confidential Information in their possession and shall erase any Confidential Information held by the Intermediary in electronic form. The Intermediary will upon request furnish a certificate to that effect should the Courts Service so request in writing. For the avoidance of doubt, "document" includes documents stored on a computer storage medium and data in digital form whether legible or not.

7. The Intermediary agrees that this Agreement will continue in force notwithstanding the termination of the service for any reason.

8. The Intermediary agrees that this Agreement shall in all aspects be governed by and construed in accordance with the laws of Ireland and the Intermediary hereby further agrees that the Courts of Ireland have exclusive jurisdiction to hear and determine any disputes arising out of or in connection with this Agreement.

A. In this Agreement, the following terms shall have the meanings respectively ascribed to them:

“Data Controller” has the meaning given under Data Protection Laws;

“Data Processor” has the meaning given under Data Protection Laws;

“Data Subject” has the meaning given under Data Protection Laws;

“Data Subject Access Request” means a request made by a Data Subject in accordance with rights granted under the Data Protection Laws to access his or her Personal Data;

“Personal Data” has the meaning given under Data Protection Laws;

“Processing” has the meaning given under Data Protection Laws.

B. The Intermediary shall comply with all applicable requirements of Data Protection Laws.

C. The Parties acknowledge that for the purposes of Data Protection Laws, the Court is the Data Controller, and the Intermediary is the Data Processor in respect of Confidential Information relating to Personal Data. Schedule A sets out the scope, nature and purpose of Processing by the Intermediary and the types of Personal Data and categories of Data Subjects.

D. Without prejudice to the generality of clause 8(B), the Intermediary shall promptly notify the Courts Service if it receives a Data Subject Access Request to have access to any Personal Data or any other complaint, correspondence, notice, request for any order of the Court or request of any regulatory or government body relating to the Courts Service’s obligations under Data Protection Laws and provide full co-operation and assistance to the Courts Service in relation to any such complaint, order or request (including, without limitation, by allowing Data Subjects to have access to their data).

The scope of GDPR rights and obligations in respect of personal data processed by or on behalf of a court when acting in a judicial capacity is restricted to the extent that the restrictions are necessary and proportionate to safeguard judicial independence and court proceedings.

E. The Intermediary shall without undue delay report in writing to the Courts Service any data compromise involving Personal Data, or any circumstances that could have resulted in unauthorised access to or disclosure of Personal Data.

- F. The Intermediary shall at the direction of the Court or the Courts Service, amend, delete or return Personal Data and copies thereof to the Courts Service on termination of this Agreement unless the Intermediary is required by law to store the Personal Data. Any reports/notes generated are not subject to author's copyright protections but rather are the property of the court (forming part of the court record) and that enforcement of this confidentiality agreement takes precedence in relation to their use/ destruction.

SIGNED for and on behalf of the Courts Service	SIGNED by the Intermediary
(being a duly authorised officer)	

Schedule A to the Confidentiality Agreement: Data Protection

The Type of Data Being Processed:

The type of data being processed will include:

- The name and age of the Witness/Defendant.
- The Witness/Defendant's communication needs, usually identified during interviews conducted by An Garda Síochána.
- Information provided by the Witness/Defendant at assessment interviews.
- Relevant Reports (e.g., medical or school reports).
- Information provided by relevant professionals who may also be working with the Witness/Defendant (e.g., counsellors, teachers).
- Information provided in the communication assessment (this includes the form and content of the assessment).
- The Record of the Communication Assessment.
- The Registered Intermediaries' written report on communication needs.
- Details of the court case as held on the court file.

The categories of data subjects whose personal data is being processed:

- The Witness/Defendant who has been identified as having, or potentially having communication needs.

Appendix C: Garda Vetting

Guidelines for completing Vetting Invitation Form (NVB 1)

Please read the following guidelines before completing this form.

Miscellaneous

The Form must be completed in full using **BLOCK CAPITALS** and writing must be clear and legible.

The Form should be completed in ball point pen.

Photocopies will not be accepted.

All applicants will be required to provide documents to validate their identity.

If the applicant is under 18 years of age, a completed NVB 3 - Parent\Guardian Consent Form will be required. Please note that where the applicant is under 18 years of age the electronic correspondence will issue to the Parent\Guardian. This being the case, the applicant must provide their Parent\Guardian Email address on the NVB1(a) form.

Personal Details

Insert details for each field, allowing one block letter per box.

For Date of Birth field, allow one digit per box.

Please fill in your Email Address, allowing one character/symbol per box. This is required as the invitation to the e-vetting website will be sent to this address.

Please allow one digit per box for your contact number.

The Current Address means the address you are now living at.

The address fields should be completed in full, including Eircode/Postcode. No abbreviations.

Role Being Vetted For

The role being applied for must be clearly stated. Generic terms such as “Volunteer” will not suffice.

Declaration of Application

The applicant must confirm their understanding and acceptance of the two statements by signing the application form at Section 2 and ticking the box provided.

Criminal record is defined as

“criminal record”, in relation to a person, means----

- (a) a record of the person’s convictions, whether within or outside the State, for any criminal offences, together with any ancillary or consequential orders made pursuant to the convictions concerned, or
- (b) a record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence,

“criminal offence” includes an offence under the law of a state other than the State that corresponds to an offence under the law of the State, where the act or omission constitutes the offence under the law of the other state would, if committed in the State, constitute an offence under the law of the State;

**Applicant's
Signature:**

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Date:

D	D
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M	M
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Y	Y	Y	Y
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Note: Please return this form to the above named organisation. An invitation to the e-vetting website will then be sent to you Email address.