



Imaging order

Name of court

Claim number

Date

Day

Month

Year

Before (name of judge)

Name of applicant

SEAL

Name of respondent

Respondent's address

Postcode

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Reference

Penal notice

If you (name of respondent)

disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.

Any other person who knows of this order and does anything which helps or permits the respondent to breach the terms of this order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

This order

1. This is an Imaging Order made against (name of respondent)

on

Day

Month

Year

by (name of judge)

on the application of (name of applicant).

The Judge read the Affidavits listed in Schedule E and accepted the undertakings set out in Schedules B, C and D at the end of this order.

2. This order was made at a hearing without notice to the respondent. The respondent has a right to apply to the court to vary or discharge the order — see paragraph 14 below.
3. There will be a further hearing in respect of this order on ('the return date').

Day

Month

Year

4. If there is more than one respondent –

(a) unless otherwise stated, references in this order to 'the respondent' mean both or all of them; and

(b) this order is effective against any respondent on whom it is served or who is given notice of it.

5. This order must be complied with by –

(a) the respondent;

(b) any director, officer, partner or responsible employee of the respondent; and

(c) if the respondent is an individual, any other person having control of the Electronic Data Storage Devices or Relevant Online Accounts as defined below.

Imaging

6. The respondent must immediately give, 'the Independent Computer Specialist':
(name of Independent Computer Specialist)

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- (a) effective access to any electronic data storage devices, including but not limited to USBs, mobile telephones, PDAs, tablets, computers, laptops, internal or external hard disks, compact discs, magnetic tapes, electronic files, back-ups and servers ('Electronic Data Storage Devices') in the control of the respondent which contain the information defined in Schedule A at the end of this Order 'the Information';
- (b) effective access to any online accounts in the control of the respondent, including but not limited to email accounts, online accounting or payment systems, online storage platforms or cloud services, online message services and online bank accounts which contain the Information ('the Relevant Online Accounts'). The Relevant Accounts include without limitation:
- (i) firstname.surname@webmail.com;
 - (ii) the Dropbox associated with firstname.surname@webmail.com;
 - (iii) the online bank account;

First name(s)

Last name

Name of bank

Account number

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Sort Code (For example 01-02-03, write 010203)

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(iv)

(v)

(c) without limitation to (a) and (b), all relevant account information, user-names, PIN numbers, passwords, combinations, keys, codes, security tokens, software, permissions and/or devices associated with any two factor or other authentication in the knowledge, possession or control of the respondent relevant to achieving such effective access to the Electronic Data Storage Devices and/or the Relevant Online Accounts;

7. The Independent Computer Specialist shall make two (2) electronic copies of the contents of the Electronic Data Storage Devices and of the Relevant Accounts.
8. The Electronic Copies will be held by the Independent Computer Specialist who will keep them safely in their custody to the order of the Court.
9. The applicant is not allowed to access or inspect or use the Electronic Copies without the permission of the Court.

Prohibited acts

10. Until informed by the Independent Computer Specialist that the exercise of making the copies referred to in paragraph 7 above is complete, the respondent must not access, use, change the password or prompt or otherwise obstruct access to, disturb, remove, conceal, erase, amend, destroy, or tamper with any Electronic Data Storage Device or Relevant Online Account or any information or documents contained in it; provided that once so informed, the respondent is permitted to make use of any of the Electronic Storage Devices and Relevant Online Accounts in the ordinary course of business or personal use.

Costs

11. The costs of this application are reserved to the judge hearing the application on the return date.

Restrictions on service

12. This order may only be served between

☐ a.m. ☐ p.m.

and

☐ a.m. ☐ p.m.

☐ and on a weekday

Note 12: Normally, the order should be served in the morning (not before 9.30 a.m.) and on a weekday to enable the respondent more readily to obtain legal advice.

13. This order must be served by the Supervising Solicitor, who is

name of supervising solicitor

name of firm

and paragraph 6 of the order must be carried out in their presence and under their supervision.

Variation and discharge of this order

14. Anyone served with or notified of this order may apply to the court at any time to vary or discharge this order (or so much of it as affects that person), but they must first inform the applicant's solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the applicant's solicitors in advance.

Interpretation of this order

15. Any requirement that something shall be done to or in the presence of the respondent means—
- (a) if there is more than one respondent, to or in the presence of any one of them; and
 - (b) if a respondent is not an individual, to or in the presence of a director, officer, partner or responsible employee.
16. A respondent who is an individual who is ordered not to do something must not do it themselves or in any other way. They must not do it through others acting on their behalf or on their instructions or with their encouragement.
17. A respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

Communications with the court

All communications to the court about this order should be sent to —

[Insert the address and telephone number of the appropriate Court Office]

If the order is made at the **Royal Courts of Justice**, communications should be addressed as follows —

Where the order is made in the **Chancery Division**

Email: ChanceryJudgesListing@justice.gov.uk quoting the case number

Phone: 020 7947 6297

Where the order is made in the **Queen's Bench Division**

QB Judges Listing Office, Royal Courts of Justice, Strand, London WC2A 2LL quoting the case number.

Email: QBJudgesListingOffice@Justice.gov.uk

Phone: 020 3936 8957

Where the order is made in the **Commercial Court**

Email: comct.listing@justice.gov.uk quoting the case number

Phone: 020 7947 7357

The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

SCHEDULE A
The information

SCHEDULE B

Undertakings given to the court by the applicant

- (1) If the court later finds that this order or carrying it out has caused loss to the respondent, and decides that the respondent should be compensated for that loss, the applicant will comply with any order the court may make. Further if the carrying out of this order has been in breach of the terms of this order or otherwise in a manner inconsistent with the applicant's solicitors' duties as officers of the court, the applicant will comply with any order for damages the court may make.
- (2) As soon as practicable the applicant will issue a claim form
- ☐ in the form of the draft produced to the court
 - ☐ claiming the appropriate relief
- (3) The applicant will
- ☐ swear and file an affidavit
 - ☐ cause an affidavit to be sworn and filed
 - ☐ substantially in the terms of the draft affidavit produced to the court
 - ☐ confirming the substance of what was said to the court by the applicant's counsel/solicitors.
- (4) The applicant will not, without the permission of the court, use any information obtained as a result of carrying out this order or access inspect or use the Electronic Copies until after the return date.
- (5) The applicant will maintain pending further order the sum of
- £
- in an account controlled by the applicant's solicitors.

SCHEDULE C

Undertakings given by the applicant's solicitors

- (1) The applicant's solicitors will provide to the respondent –
- (i) a service copy of this order;
 - (ii) the claim form (with defendant's response pack) or, if not issued, the draft produced to the court;
 - (iii) an application for hearing on the return date;
 - (iv) copies of the affidavits [or draft affidavits] and exhibits capable of being copied containing the evidence relied upon by the applicant;
 - (v) a note of any allegation of fact made orally to the court where such allegation is not contained in the affidavits or draft affidavits read by the judge; and
 - (vi) a copy of the skeleton argument produced to the court by the applicant's [counsel/solicitors].

SCHEDULE D

Undertakings given by the independent computer expert

- (1) The Independent Computer Specialist will make two electronic copies of the contents of the Electronic Data Storage Devices and the Relevant Online Accounts in accordance with paragraphs 6 to 8 of this order.
- (2) As soon as reasonably practical after completing the making of the said two electronic copies the Independent Computer Specialist will tell the applicant's Solicitors and the respondent that that has been completed.
- (3) The Independent Computer Specialist will take all reasonable steps to ensure that no damage is done to any Electronic Data Storage Device or Relevant Online Account or the data contained therein.
- (4) The Independent Computer Specialist will not use, deal with or dispose of any information obtained pursuant to this order for any purpose other than for the purposes of carrying out or complying with this order.
- (5) The Independent Computer Specialist will keep confidential any information learned about the respondents as a consequence of performing the actions required by this order.

SCHEDULE E

Affidavits

The applicant relied on the following affidavits –

Name	Number of affidavit	Date sworn	Filed on behalf of

Name and address of applicant's solicitors

The applicant's solicitors are–

Solicitor's name

Name of firm

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Reference

Phone number – office hours

Phone number – outside office hours

Email