



APPLICATION GUIDE

Pre-litigation research support



Digital
Freedom Fund



Introduction

This guide covers how to complete the application form for pre-litigation research support and provides some tips and best practices to help you as you prepare your application.

Note, the answer word lengths included in the guides are recommendations only. We will assess how well an answer responds to the question, not how much/little detail is provided.

Spelling and grammar mistakes are also fine, as long as the answer is clear and responds to the question.

In case you have more questions along the way, please reach out to DFF's Programme Officer at: **grants@digitalfreedomfund.org**



Content

01. Applicant information	4
02. Research question and goals	5
03. Research methodology	6
04. Research products and sources	7
05. Description of litigation activities	8
06. Objectives for litigation	9
07. Engagement with most affected communities	11
08. Team description	12
09/10. Additional comments about the budget	13
11. Total project costs	14
12. Security and communications protocol	15
13. Further information	16
14. Due diligence and appendices	17



01.

Applicant information

Next to “full name of applicant” write the name of the contact person for the application.

Next to “organisation”, write the name of the organisation on behalf of which you are applying. If applying as an individual, leave this space blank.

The DFF Programme Officer will provide the application number.



02.

Research question and goals

Why we ask

We would like you to set out the clear, specific research question(s) that you are seeking to answer through this project in order to develop a robust legal strategy for already planned litigation.

Recommended length

150-300 words 

Examples of what we want to see here



A clearly defined scope that links to planned litigation (i.e. “we want to determine which of these three jurisdictions is best suited to bring a claim on issue x to achieve y” instead of “we want to see where in Europe we might be able to litigate on x”).

In addition to an overall research question, more specific research sub-questions also help define the scope of the research and help us understand what you want to do (i.e. “what remedies are available in these three jurisdictions and do they help us achieve y?”, “what previous precedent exists in these three jurisdictions supporting or going against our planned litigation?” etc).

A description of the research hypothesis (i.e. “we will have identified the most appropriate jurisdiction to strategically litigate X, and gathered enough evidence to maximise our chances of succeeding in the case”).

What we don't want to see here



The general mission statement of the organisation.

A broad description of the digital rights issue you are interested in/working on.

A description of challenges you have identified.

Summaries of other digital rights research you have done, without clear links to a specific litigation case.

An outcome/goal that has no clear links to the stated research question(s).

A research question or goal that has no relationship with your plan to pursue litigation on the relevant digital rights issue.

A list of activities and/or outputs (i.e. “interviews with x and y”, “research report on z completed”).



03.

Research methodology

Why we ask

We want to see that you have well defined and planned research procedures in place. This section should go into more detail than previous sections, explaining the process needed to answer your research question(s) and achieve your research outcome(s).

Recommended length

up to 500 words 

Examples of what we want to see here



A summary of the evidence and research needed to strengthen your legal arguments.

A description of the research you have already done and evidence you have already gathered in relation to your planned litigation.

A description of the types of evidence gathering/research you will carry out, such as qualitative desk research, interviews, legal analysis, translation, freedom of information requests, mapping of x and y, etc.

A summary of the procedures you will use to ensure high research standards (for example, peer reviews, consent and confidentiality forms for interviews/witnesses).

Laying out a brief timeline, or splitting the research into phases, can be helpful.

What we don't want to see here



Detailed summaries of legal policy/framework analysis.

Descriptions of your broader advocacy and communications work.



04.

Research products and sources

Why we ask

We want to check that the research you proposed hasn't been done already, and that you aren't missing out on sources that could help you answer your research questions.

Recommended length

250 words 

Examples of what we want to see here



A clear description of research products you have reviewed and sources you have contacted about your research questions.

What we don't want to see here



Assumptions that the research is needed, without any evidence that you have checked for already existing sources.



05.

Description of litigation activities

Why we ask

We primarily fund strategic litigation so we want to see that you have thought critically about the litigation you intend to use this research for.

Recommended length

250 words 

Examples of what we want to see here



The factual scenario/circumstances giving rise to your planned litigation.

Details on the parties to the litigation.

Details on any specific law, practice, action or decision that you seek to challenge through the case.

The key digital rights issue that has arisen, which you want to address through litigation.

A description of activities already undertaken regarding this litigation.

What we don't want to see here



A description of litigation activities that don't clearly relate to your research objectives and outcome.



06.

Objectives for litigation

Why we ask

We want to fund applicants that have thought clearly about how their research objectives relate to eventual litigation. There should be a coherent flow showing that your ultimate litigation objectives can be better achieved through the research you propose. Your research should fill any gaps and prepare you to litigate. Describe how your research findings will help you obtain your litigation objectives. For example, maybe your litigation objective is to obtain a ruling that practice X is in conflict with the EU directive on Y, so you carry out research to determine which of three possible jurisdictions is best suited to bring forward a claim to show this conflict. Your research finding shows jurisdiction B would be the most strategic, given the case history and partners there that can support your wider advocacy campaign. So you can now go ahead with litigation knowing you have a higher chance of achieving your litigation objective.

Recommended length

250 words 

Examples of what we want to see here



A description of the long-term change for digital rights that you hope to see through the litigation and other relevant activities. For example, “more individuals are protected against unjustified government surveillance” or “individuals’ sensitive data is not used for targeted advertising.”

Concrete objectives or specific goals you are seeking to achieve through the litigation. These objectives can refer to the enforceable remedy/remedies you have asked for in the proceedings. For example, “a court order preventing x from doing y” or “a declaration that x law is in contravention of y and should be struck out.”

The litigation objectives relate clearly to the research objectives and proposed research outcome.

An explanation of how the change to law, policy or society you seek to achieve through the research and subsequent litigation will help set a precedent for the digital rights field.



Pre-litigation research support

A plan to either create synergies or maximise benefits from existing synergies between your litigation activities and those of others in the digital rights field.

Demonstration of existing or planned partnerships that will strengthen interconnectedness within the digital rights field.

**What we
don't want
to see here**



Litigation objectives that contradict or don't clearly relate to the research objectives.



07.

Engagement with most affected communities

Why we ask

Digital rights violations often disproportionately affect those who are already marginalised in wider society. We are trying to understand who you see as impacted by the litigation and if/how your strategy of building the litigation also embraces a broader strategy of addressing power within society.

Recommended length

250 words 

Examples of what we want to see here



A description of the groups/communities most affected by the digital rights issue and how they are affected, or how you will consider this through the research, or how you will consider this through the research.

Demonstration of reciprocal partnerships with people and/or organisations particularly impacted by the digital rights issue you are planning to litigate. Support for partners can be included in the budget.

Evidence demonstrating the need for this action from these groups/communities..

What we don't want to see here



Partnerships or collaboration that is in any way extractive or that primarily benefits one organisation.



08. Team description

Why we ask

We want to see that the research team is well resourced and has suitable expertise to successfully work on the subject matter of the planned litigation. This is why we ask you to provide a brief description of all the key staff members that will work on this project, focusing in particular on their role and tasks, and how their expertise makes them suitable for carrying out this role. Please also describe whether and how any team members are directly affected by the digital rights issue in question.

Recommended length

One short paragraph per team member. Where descriptions already exist online, you can link to those instead of repeating.





09/10. Additional comments about the budget

Why we ask

We want to see that you have done a final check that the expenses you are asking for are fully explained and justified in the application. This is a chance for you to go back and check your budget again. In case any expenses are not elaborated in the application you can explain them here for clarity.

Recommended length

100 words 

Examples of what we want to see here



Confirmation that you've checked the budget and are happy that all expenses are fully justified in the application.

An explanation of any expenses in the budget that may need clarification. For example, you might like to flag expense lines you want to discuss further (for increasing/decreasing).

A description of any fee/rate agreements you have made with external lawyers or researchers, etc.

What we don't want to see here



Budget lines not related to specific research and evidence gathering activities (for example, lawyer fees, court filing costs, etc; these costs can be part of a strategic litigation grant application).



11.

Total project costs

Why we ask

We aim to support more and better strategic litigation cases to advance digital rights. In fact, we will often ask you to increase certain budget lines to ensure the litigation is properly resourced. However, we have limited funding and litigation can be expensive. We cannot always cover the full costs of a litigation project. We are open to supporting projects that have co-financing and/or helping to find other funders and project supporters to contribute. In this section, you can summarise co-funded or self-funded activities, if any, and the other different avenues of support you have considered (for example, academics to support research, pro bono legal support, or more collaboration with other experts in the digital rights field for communications and advocacy).

Recommended length

100 words





12.

Security and communications protocol

Why we ask

We do a risk assessment of all applications to help ensure the safety of all those involved in the application and the project, should the grant be approved. We ask you to respond to some questions to help us assess whether there are any vulnerable parties involved, so we can establish an appropriate communications protocol. In case you have your own preferences or security concerns, you may also list them here (for example, using only encrypted communications to talk about the application). DFF staff are contactable over PGP encrypted email or Signal Private Messenger.

Recommended length

100 words





13.

Further information

Why we ask

Here you can add any further information you deem relevant that did not fit into the other sections of the application. You can leave this section blank if it is not relevant.

Recommended length

250 words



14.

Due diligence and appendices

Why we ask

We have designed this application form so that, if completed fully, we will not need any further information from you in order to assess the merits of your application. However, there may be situations where related documents and links will help elaborate or support your application. Therefore, you can list the documents you are sending along with the application here. You can leave this section blank if it is not relevant.

Along with the application, we also ask you to submit some information to help with due diligence. Documents you should start to prepare in advance include:

- A list all currently registered Board members/trustees
- An official copy of the business register (or chamber of commerce) extract (in English, if available, but we can accept other languages) that is no more than 6 months old
- Recent audited financial statements or financial statements/declarations to the tax authority or chamber of commerce

Recommended length

250 words

Examples of what we want to see here



A numbered list with a brief (no more than one sentence) description of each document appended.

Examples could include, detailed research methodology, your litigation strategy for the case, your advocacy strategy for the case, memoranda of understanding with other organisations who will be involved in the research, etc.

What we don't want to see here



General organisational strategy documents.

Research and strategy documents in languages other than English (instead provide English summaries if you think it is useful).

About the Digital Freedom Fund

The Digital Freedom Fund supports strategic litigation to advance digital rights in Europe. With a view to enabling people to exercise their human rights in digital and networked spaces, DFF provides financial support for strategic cases, seeks to catalyse collaboration between digital rights activists, and supports capacity building of digital rights litigators. DFF also helps connect litigators with pro bono support for their litigation projects. To read more about DFF's work, visit: www.digitalfreedomfund.org.

For questions concerning the application process, please contact:
grants@digitalfreedomfund.org

