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**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES
(CCJE)**

Questionnaire with a view of the preparation of Opinion No. 14 on the non-materialisation of the judicial process and the use of IT by judges and court staff

CYPRUS

Questionnaire with a view of the preparation of Opinion No. 14 on the non-materialisation of the judicial process and the use of IT by judges/court staff

1. Access to courts

- a) May legal proceedings be instigated by electronic means?

No , but we are in the process of establishing in the near future together with DITS (Department of Information Technology Systems) the office automation system, which includes among other, the institution of legal proceedings electronically that is the filing of the action or application etc.

- b) Is there relevant legislation?

Currently proceedings may not be commenced by electronic means. However the Supreme Court, responsible for the matter, is now in the process of revising the Civil Procedure Rules and this is one item to be discussed at least as an alternative method of filling a writ of summons or other originating procedure.

- c) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

We are at a primary stage of creating the OAS (Office Automation System), therefore, we do not yet know the detailed specifications of the system.

- d) To what extent are legal proceedings instigated by electronic means in practice?

See answer 1c

2. Procedure within courts

- a) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?

See answer 1c

- b) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

See answer 1c

c) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input checked="" type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

d) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

At the moment by email, fax or letter.

e) Do electronic files exist? **N/A**

- If an electronic file exist, is there a paper file as well?

- If both exist, which is the "authentic" file?

f) If yes, is there relevant legislation?

g) What are the main requirements with respect to electronic files?

We do not yet know the legal or technical requirements.

h) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

As we already know these will be included.

i) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

See answer 1c

j) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

See answer 1c

k) Must paper documents be kept? If yes, how long?

The practice that is now followed is that paper documents in civil and criminal cases are kept for 10 years following the delivery of judgment. Paper documents that are of a legal or historical interest and all Assize Court Cases, are kept with the Public Registry Commissioner and are not destroyed.

l) What is the procedure when a judge's or court clerk's hand signature is prescribed? **The registry hands over the document following the prescribed procedure for hand signature to the Judge or Officer concerned.**

Does digital signature exist? **N/A at the moment**

m) Do parties have access to the complete court file:

- Yes, always
 Yes, but only with specific conditions
 No

Please indicate, if appropriate, the relevant legislation.

Civil Procedure Rules (O63 R9)- The answer concerns the procedure used today .

n) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?

Not at the moment. However this would be possible with OAS.

o) Is the access to electronic files within the court regulated? Please specify.

N/A - Since access to documents is regulated today the same would apply to electronic files when OAS is Installed. The practice today is that the parties have access to the file and any other interested person can apply to the president of the court to obtain leave upon good ground to have access to a file.- Civil Procedure Rules (O63 R10 1.and 2)

p) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input checked="" type="checkbox"/>	only to files within their jurisdiction?	<input checked="" type="checkbox"/>	only to files within their jurisdiction?

3. Oral hearing

a) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? **No**

b) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **N/A**

c) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? **Only the file.**

d) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? **This is possible in specific cases where the need arises.**

e) Are oral hearings audio or video recorded? **No**

f) Is video conference in public hearing used:

for the hearing of witnesses? **It is possible to have certain evidence taken (for example of children in rape cases) by audiovisual means. In such cases the vulnerable witness is protected from seeing the accused or the lawyer and only the judge may have eye contact.**

for the hearing of experts? **With the Court's prior approval**

- for the hearing of parties? **If one of the parties is victim. Please see answer (hearing of the witness)**
 other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

- g) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

According Electronic data base of jurisprudence 100% of courts have access but not during oral hearings (we buy access codes from private institution)

4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input checked="" type="checkbox"/> national legislation	<input checked="" type="checkbox"/> national legislation
<input type="checkbox"/> European legislation	<input checked="" type="checkbox"/> European legislation
<input type="checkbox"/> national case-law	<input checked="" type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input checked="" type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution. www.leginety.com / www.cylaw.com and other international EU web pages. The database run by State is www.cygazette.com (Government Printing Office)

5. Practical court work

- a) What is the work of the judge: **N/A as regards electronic Justice**
- in writing the documents?
 - in delivering the documents?
 - in registering the documents?
- b) What is the work of the court staff: **N/A as regards electronic Justice**
- in writing the documents?
 - in delivering the documents?
 - in registering the documents?
- c) Is there enough staff to do this work? Please specify. **We are understaffed.**
- d) Do judges write their decisions themselves on their computer? **Some of them do, otherwise they use the services of Court stenographers for dictating the Judgment which is the usual method.**
- e) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.
- No**
- f) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?
- No**
- g) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify
Yes but these are not necessarily available in a separate database for each individual judge.

6. Internet

- a) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.
Internet accessibility exists for every judge in their offices, not limited in any way.
- b) Do all courts have their own website? Please specify which court and the content of the website.
No, at the moment only the Supreme Court has an available website in which general information is available about the Supreme Court and its judges as well as the general justice system. Case law of importance is also included.

7. Use of private personal computers/laptops by judges and court staff

- a) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) **Yes**
- b) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ? **Yes**

- c) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc.)? Please specify.

Yes by connection through V P N (Virtual Private Network)

- d) Is the situation the same for all court staff?
No

8. Use of data

- e) Is the data contained in the procedure used for another aim than the procedure itself?
No
- f) Is this data used for statistics?
Yes
- g) If yes:
- who produces these statistics? **The Court Registry**
- how and by whom are these statistics used? **Mainly by the Supreme Court for following up the workload and the flow of cases and for questionnaires.**

9. Data security

- a) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?
- Yes
 No
- b) If yes, are there requirements applicable to processing data in courts?
- rules on access to data by the person concerned or other persons/institutions
 correction and deletion requirements
 other. Please specify.
- c) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?
Yes but since we do not have yet installed the OAS there was no intervention from the commissioner
- d) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?
No. The Data protection Commissioner is an independent Authority and deals with the protection of personal information relating to an individual against its unauthorized and illegal collection, recording and further use and it also grants the individual certain rights, i.e. the right of information, the right of access and gives him the possibility to submit to the Office complaints relating to the application of the Law.

10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

The Supreme Court with the cooperation with the DITS (Department of Information Technology Systems)

11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

Unfortunately, we cannot provide any information or share any experience since we do not yet, have the necessary experience.