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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

CZECH Republic

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?
Yes
- b) Is there relevant legislation?
Yes
- 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.

In some civil proceedings (commercial register) parties must fill in a downloadable form which they can submit either electronically or on paper.

- d) To what extent are legal proceedings instigated by electronic means in practice?
No statistics has been made so far, but in major part the legal proceedings are instigated by traditional means.

2. Procedure within courts

- a) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?
No
- b) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?
No
- c) How does the court communicate with the parties:

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

- d) Do specific electronic means exist for the communication between lawyers and courts? Please specify.
No
- e) Do electronic files exist? Yes, but only in the bankruptcy proceedings
- If an electronic file exist, is there a paper file as well? Yes
- If both exist, which is the "authentic" file? It is planned to be the electronic file in the future
- f) If yes, is there relevant legislation?
Yes
- g) What are the main requirements with respect to electronic files?
Adequate data protection, trained staff

- h) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?
Yes
- i) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?
The party claiming the non-authenticity has to prove it.
- 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?
The court has to convert the document into the electronic form.
- k) Must paper documents be kept? If yes, how long?
Yes, it differs on the type of document and case.
- l) What is the procedure when a judge's or court clerk's hand signature is prescribed?
Does digital signature exist?
Yes, the digital signature is equal to the hand signature.
- 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.

Relevant procedure code (Criminal Procedure Code, Civil Procedure Code, Administrative Procedure Code)

- n) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?
YES
- o) Is the access to electronic files within the court regulated? Please specify.
Judges and the court staff has access only to the electronic files within their jurisdiction
- 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?
No
- c) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?
No
- d) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

Yes, but not in every court.

e) Are oral hearings audio or video recorded?

Yes

f) Is video conference in public hearing used:

for the hearing of witnesses?

for the hearing of experts?

for the hearing of parties?

other? Please specify.

The relevant legislation counts with the possibility of the video conference for the hearing of witnesses or experts, but it is not used in the practice.

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 (concerning only the courts dealing with the bankruptcy cases)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 checked="" 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

law review articles

law review articles

Please specify the private institution.

ASPI – software produced by Wolters Kluwer ČR, a.s.

5. Practical court work

- a) What is the work of the judge:
- in writing the documents? Writing/dictating the decisions and notices
 - in delivering the documents? Instruct the staff to deliver the documents
 - in registering the documents? None
- b) What is the work of the court staff:
- in writing the documents? Writing down the dictated/recorded decisions and notices
 - in delivering the documents? Sending and other providing of the delivery of the court documents
 - in registering the documents? Providing all the process of the registering
- c) Is there enough staff to do this work? Please specify.
Yes
- d) Do judges write their decisions themselves on their computer?
They can either write them on their computer on their own or dictate them to the court administrative staff
- e) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify. Yes they can use the voice recognition or decision forms despite the decisions on merits.
- f) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?
Yes
- g) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify
Yes, there is an intra network system which provide that kind of information for statistical purposes.

6. Internet

- a) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.
Yes, the internet is accessible for each judge from his office without any limits. Besides, some of the internet websites are restricted by the server of the Ministry of Justice (advertising sites, entertainment sites, etc.)
- b) Do all courts have their own website? Please specify which court and the content of the website. There is a central web server administered by the Ministry of Justice for all judicial institutions. At this server, each court has its own “subwebsite” providing basic and general information about the court, contacts, official working hours, official clipboard, etc.

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.

No

d) Is the situation the same for all court staff?

Yes

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?

Courts

- how and by whom are these statistics used?

These statistics are used by the Ministry of Justice for the evaluation of the effectiveness of the justice system.

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?

There is the Office for the Personal Data Protection charged by these matters. It is not known whether it has already dealt with IT and the judiciary.

d) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?

No

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?

Ministry of Justice, Judges are not much involved in the deciding process concerning the implementation of IT in courts.

11. Conclusion

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

The courts have to use the IT only to meet the formal requirements of "electronization of justice", but it does not usually result in more efficient, economical and quicker justice for both courts and individuals. In practise, all electronic submissions are printed and have to be administered. Thus, they result in more work for the courts – they have to administer the electronic submission as well as its printed copy. Even though some of the proceedings (bankruptcy, commercial register) can be instigated only by a filled in downloadable interactive form, the courts do not have at their disposal an adequate interactive decision form in which they would just copy the information given by the party. Instead, they have to rewrite the whole decision. The software designed for the courts is usually "user unfriendly" and it is not suitable for the quick and effective search of relevant information. There is not enough money for the appropriate hardware and software that would meet the requirements of the true electronization of justice.