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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

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1. Access to courts

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

A law already establishes the procedure of filling an action via interne. A draft law on civil procedure code that is expected to be in force in a few months foresees the electronic delivery of the filled action.

- b) Is there relevant legislation?

There is legislation as mentioned above but the procedure of filling an action to a court via internet is not yet in use because of some arrangements that have to be done in matters such as the payment of the expenses of the procure etc.

- 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.

Other please specify: the parties must first log in the system by filling in a downloadable form to be submitted electronically and add the main body of the claim. In the near future, the use of a qualified electronic signature may be possible.

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

Not much, just the electronic filling.

2. Procedure within courts

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

No, the procedure is the same.

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

The electronic procedure is planned only for civil cases.

- c) How does the court communicate with the parties:

By traditional procedure.

<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?

both?

both?

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

No, they do not exist.

- e) Do electronic files exist?

For the time being we are using electronic files in the Court's Administration as an informal but practical type of filing. The paper procedure is still the main type of filing.

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

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

- f) If yes, is there relevant legislation?

Article 42 act 3659/2008

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

Special offices, with experienced staff, keeping secrecy

- 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, there are, according to special legislation

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

There will be verification with other documents, for example paper documents

- 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?

For the time being the whole procedure is in paper

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

Yes, they must be kept. The time depends on the kind of document.

- l) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?

There is no such possibility yet.

- 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.

Article 101 of the Penal Procedure Code

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

Not yet

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

There isn't a specific procedure for access

- 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, only on special cases, for example examining a witness in another European country, according to Regulation 1206/2001 in Taking Evidence in Civil or Commercial Matters

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

Not yet

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

No, the file during the hearing is only in paper

- d) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

No, there isn't any permanent equipment installed in courts. In civil cases the parties could bring before the court electronic evidence that the judge could later exam by his own means. During the oral proceeding in a civil case if a party wants, it could use electronic means with the permission of the Court. If a need occurs in a penal case then it could be used equipment on request by the court.

- e) Are oral hearings audio or video recorded?

The oral hearings in civil cases are audio recorded

- 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.

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

Regulation 1206/2001 in Taking Evidence in Civil or Commercial Matters

- 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input 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"/>

Audio recording: 100% of the first instance courts in civil cases

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 checked="" 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
<input type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution.

Nomos, International Law Institution, Prima-Lex, Association of Lawyers etc

5. Practical court work

- a) What is the work of the judge:
- in writing the documents? *YES, THE DECISION*
 - in delivering the documents? *NO*
 - in registering the documents? *NO*
- b) What is the work of the court staff:

in writing the documents? *Writing the Courts Administration's documents and the minutes of the hearings.*

- in delivering the documents? *YES*
- in registering the documents? *YES*

c) Is there enough staff to do this work? Please specify.

No, there is not enough, especially in the great courts.

d) Do judges write their decisions themselves on their computer?

Yes, most of them

e) Do judges use specific techniques (e.g. voice recognition, structure or model of decision available in a database)? Please specify.

Yes, they do

f) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)?

No, there is no such possibility

g) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc.? Please specify

Every Court keeps records for each judge and for its productivity for statistics. In most Courts this data is electronic.

6. Internet

a) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.

Yes, internet is accessible without limits

b) Do all courts have their own website? Please specify which court and the content of the website.

No, only the Supreme Court and the Administrative Court, and also the Courts of the big cities (Court of Appeal and the 1st Instance Court)

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, he may

b) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information?

Yes, they may

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

There are not any official safety standards in this level. It depends on the knowledge and the provision of each judge and it's up to him the level of safety.

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

The situation is the same for Judges and court staff. But we have to mention that the access to the Courts' electronic is under restrictions (firewalls, antivirus, sign in or login procedures).

8. Use of data

- e) Is the data contained in the procedure used for another aim than the procedure itself?

No, it is not

- f) Is this data used for statistics?

Yes, but nameless

- g) If yes:

- who produces these statistics?

The special Court staff and the Ministry of Justice, Transparency and Human Rights

- how and by whom are these statistics used?

Mainly by the Ministry of Justice, Transparency and Human Rights. One of the reasons for using statistics is for the evaluation of the number of Judges and administration staff of each court. Also each Judge fills a special statistic form for each case

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, there is a Data Protection Authority and also for electronic means there is also the Authority for the Telecommunications and the Post Offices. The Data Protection Authority uses special rules for the protection of the personal data and gives special

permissions for the access of third persons in the elements of the court's public records, with the exception of the penal records.

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

No, there isn't

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 Presidents of the Courts usually organize plans for the use of IT technologies and send them as requests to Ministry of Justice. If the Ministry accepts the proposal, plans the roadmap of the action and the financing. Judges are also involved in planning the systems structure

11. Conclusion

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

Advantages: There is an economy of time, in delivering the cases. It is better for the parties, judges and the whole legal system.

Disadvantages: The main disadvantage in the use of IT technologies in Courts is that the wrong usage of personal data could effect at the systems' reliability.