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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

QUESTIONNAIRE

ICELAND

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? **In legal proceedings by electronic means computers are only used to write what goes on in the court procedure as well as there are used digital recordings of oral reports of plaintiffs, defendants and witnesses. In Iceland there are two instances; district courts (8) and the Supreme Court. In the Supreme Court electronic means are not used except for judgements of the district courts are sent to the Supreme Court both electronically and in paper.**
- b) Is there relevant legislation? **According to Icelandic law of procedure judges are allowed to have written on computers what is registered during legal proceedings as well as to use digital tape recording/video tape recording during hearings.**
- 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. **There are no special requirements.**
- d) To what extent are legal proceedings instigated by electronic means in practice? **The parts often send the plaintiff's complaint and the defendant's answer and the prosecution the indictments to the district courts by electronic means.**

2. Procedure within courts

- a) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?
- b) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?
- 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? Yes	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both? Yes

- d) Do specific electronic means exist for the communication between lawyers and courts? Please specify.
- e) Do electronic files exist? **Yes.**
 - If an electronic file exist, is there a paper file as well? **Yes.**
 - If both exist, which is the "authentic" file? **The paper file.**
- f) If yes, is there relevant legislation? **Yes.**

- g) What are the main requirements with respect to electronic files?
- 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? **See answer to J).**
- 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? **All court documents are in paper form.**
- k) Must paper documents be kept? If yes, how long? **All court paper documents are kept first in the courts' archives and then sent to the National archives of Iceland and kept there for good.**
- l) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist? **No.**
- m) Do parties have access to the complete court file:
- Yes, always. **Yes.**
- Yes, but only with specific conditions
- No

Please indicate, if appropriate, the relevant legislation.

- n) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? **No.**
- o) Is the access to electronic files within the court regulated? **No.** Please specify.
- 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 type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?
Yes.		Yes.	

3. Oral hearing

- a) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? **Yes.**
- b) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **Yes.**
- 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.**
- e) Are oral hearings audio or video recorded? **Yes (audio recorded).**
- f) Is video conference in public hearing used:
- for the hearing of witnesses? **No.**

- for the hearing of experts? **No.**
- for the hearing of parties? **No.**
- 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 checked="" type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio conferencing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input checked="" type="checkbox"/> Yes	<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 type="checkbox"/> national legislation Yes	<input type="checkbox"/> national legislation No
<input type="checkbox"/> European legislation No	<input type="checkbox"/> European legislation No
<input type="checkbox"/> national case-law Yes	<input type="checkbox"/> national case-law No
<input type="checkbox"/> international case-law No	<input type="checkbox"/> international case-law No
<input type="checkbox"/> law review articles No	<input type="checkbox"/> law review articles No

Please specify the private institution.

5. Practical court work

- a) What is the work of the judge:
- in writing the documents? **Yes. The judgements.**
 - in delivering the documents? **No.**
 - in registering the documents? **No.**
- b) What is the work of the court staff:
- in writing the documents? **Not the judgements but other files.**
 - in delivering the documents? **Yes.**

- in registering the documents? **Yes.**
- c) Is there enough staff to do this work? Please specify.
- d) Do judges write their decisions themselves on their computer? **Yes.**
- 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. **There is a database where the cases are registered and the work of each judge is kept for statistics and evaluations.**

6. Internet

- a) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify. **Yes. The access is unlimited except for pornographic material.**
- b) Do all courts have their own website? Please specify which court and the content of the website. **All courts (9) have their own website.**

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?) **No.**
- 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. Each judge has his own password.**
- 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? **The Judicial Council and the Supreme Court.**
 - how and by whom are these statistics used? **The statistics are mostly used by the Judicial Council and the Supreme Court to measure the case load and occasionally by scholars as material for articles about legal matters and the media for public information.**

9. Data security

a) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

- Yes. **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. **Yes.**
 correction and deletion requirements. **Yes.**
 other. Please specify.

c) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary? **No.**

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? ~~**The Judicial Council and the Supreme Court. The judges are not implicated in the relevant decisions in that concern.**~~

11. Conclusion

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

The advantages are overwhelming. All data information is accessible on a server and therefore easy to work with. Data security is therefore of high importance. There has been discussions in Iceland about using video taping of hearings and video conferencing but before the legislation must be amended.

Helgi I. Jónsson, Chief Judge, Reykjavik, Iceland