



Strasbourg, 27 January 2011

CCJE-GT(2011)1

**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

LATVIA

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? **NA**
- b) Is there relevant legislation? **NA**
- c) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible) **NA**
- 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.
- d) To what extent are legal proceedings instigated by electronic means in practice? **NA**

2. Procedure within courts

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

At the moment the court communicates only by traditional means.

- d) Do specific electronic means exist for the communication between lawyers and courts? Please specify. **NA**
- e) Do electronic files exist? **NA**
 - 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? **NA**
- g) What are the main requirements with respect to electronic files? **NA**
- h) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)? **NA**
- i) What happens when the authenticity of an electronic document is doubtful/controversial among the parties? **NA**

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? **NA**

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

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

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. **NA**

Accessibility issues regarding adjudicated cases that have not been instigated by electronics means is regulated by the Law On Judicial Power, the Law on Freedom of Information, and some procedural laws. According to the Law on Judicial Power:

A case examined during open court shall be restricted access information after the coming into force of the final court adjudication and shall be available in accordance with the Law on Freedom of Information.

A case shall, until the coming into force of the final court adjudication in this case, be available only for those persons, for whom such rights have been provided for in procedural laws.

A case examined during open court or closed session shall be available for other State administrative institutions and judicial power institutions, if it is necessary for these institutions for the performance of the functions thereof. The recipient of the information shall insure the protection of information provided for in the law.

A case examined during a closed session shall become as restricted access information when 20 years have past after coming into force of the final court adjudication in this matter.

A case, which has been examined during the closed session in the interests of keeping of the State secret, shall become as restricted access information upon termination of the time period of secrecy of information present in the case.

A case shall become as a restricted information when 75 years have passed after coming into force of the final court adjudication in the matter examined during the closed session regarding determination of the origin of a child, the confirmation and cancellation of adoption, divorce or non-existence and declaring a person to be lacking capacity to act due to mental illness or mental deficiency.

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

From the end of 2008, persons may refer to the section "E-Services" to receive information on ongoing proceedings in a certain cases. In this section, one can learn when a case is initiated, when the following hearing would take place, information on the decisions to be made, complaints lodged and the result of the proceedings.

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

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?

Judges have access to all court cases submitted in paper form. The court staff (secretary, assistant of a judge) – 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)? **NA**
- b) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **NA**
- c) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? **NA**
- d) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

There are technical possibilities to project documents, slides, or graphics on screen in case of necessity.

- e) Are oral hearings audio or video recorded?

According to the Criminal Procedural Law, a court session shall be recorded in full amount using sound or image recording or other technical means, and a note regarding such recording shall be made in the minutes of the court session. Materials obtained as a result of the utilization of the technical means shall be attached to a criminal case and stored until the day when the limitation period specified by law ends for the most serious criminal offence incriminated for an accused.

- 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.

At present, courts in Latvia aren't equipped with video and audio conferencing tools, but this option has been used by 9 courts in their criminal proceedings, and the necessary equipment was rented by the Court Administration from other institutions.

After implementation of project „Modernization of courts in Latvia“ (the deadline is 30 June 2012) all courts will be equipped with videoconference and audio recordings and necessary amendments will be done in legislation concerning administrative and civil procedure. In the framework of this project, it is planned to equip prisons with such a tools as well.

- 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? NA**

	100% of	+50% of	-50% of	-10% of
--	---------	---------	---------	---------

	<i>courts</i>	<i>courts</i>	<i>courts</i>	<i>courts</i>
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"/>	
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"/>

As mentioned above in (f) video and audio conferencing have been used by 9 courts in the criminal proceedings.

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 X	<input type="checkbox"/> national legislation
<input type="checkbox"/> European legislation X	<input type="checkbox"/> European legislation
<input type="checkbox"/> national case-law X	<input type="checkbox"/> national case-law
<input type="checkbox"/> international case-law X	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

Please specify the private institution.

5. Practical court work

- a) What is the work of the judge:
- in writing the documents? **Judges are preparing documents.**
 - in delivering the documents? **No.**
 - in registering the documents? **No.**

- b) What is the work of the court staff:
- in writing the documents? **Yes.**
 - in delivering the documents?
 - in registering the documents? **Yes.**

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

According to the Court Administration, at the moment, given the current number of judges, the amount of staff is sufficient. It would be necessary to increase the number of judges and proportionally – the number of staff as well.

- 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

Yes. All data concerning the work of each judge contained in Court Information System.

6. Internet

- a) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.
Internet is accessible for each judge in his/her office and the access is not limited.
- b) Do all courts have their own website? Please specify which court and the content of the website.

Each court doesn't have own website. There is united court portal www.tiesas.lv. The content is: information on judicial system, contact information, court statistics, information on the kinds of proceedings, their main characteristic features and differences, information on sources of judicial information, like books, newspapers and researches, court sitting calendars. Likewise, one can get acquainted with the possibilities to address judicial institutions, as well as to find useful links for further detailed information and answers to frequently asked questions. The most important decisions in civil cases and criminal cases, as well as all judgments of administrative courts are featured in the portal.

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. There are no IT controls prohibiting usage of private computers.**
- b) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ? **Yes. There are no IT controls prohibiting sending mails to private e-mails and vice versa.**
- c) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc.)? Please specify.

Computers owned by courts are provided with user name and passwords, which are used to access to a computer.

- 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? **Yes.**

f) Is this data used for statistics? **Yes.**

g) If yes:

- who produces these statistics?

Court information system.

- how and by whom are these statistics used?

Court Administration and Ministry of Justice use the statistical data to analyse the work of courts and judges, to analyse their workload and to assess the necessary for amendments in regulations with the purpose, for example, to improve court proceedings. The statistics are available for public use and it is used by individuals and legal entities, and other public institutions.

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.

There are Rules of Cabinet of Ministers that established the procedure, according to which courts should publish information on Internet, and there are Rules of Cabinet of Ministers that established the procedure, according to which the right to access to Court Information System is granted to public institutions.

c) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

There is public institution –Data State Inspection.

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?

No.

11. Conclusion

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

Development of IT speeds up the processing and circulation of court documents. Implementation of videoconferencing and audio recording will improve accessibility of courts and speed up court proceedings. By installing audio recording, the workload

of court secretaries will be reduced. By implementing video conferencing, the use of recourses (both, human and financial) will be reduced in the light of conveying duty. Participants of cases will be ensured a better access to a court, i.e. they can go to the nearest court and, by means of a video conference, take part in a court sitting. Thus expenses and time of the participants of a case will be reduced. Persons with special needs will also be ensured a better access to a court by allowing them to use mobile video conference equipment.