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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

**Reply
Norway**

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General introductory remarks:

The Norwegian Dispute Act (of 17 June 2005 no. 90 relating to mediation and procedure in civil disputes) entered into force 1. January 2008. The Committee who prepared the draft version underlined that the new Dispute Act should be adapted to modern information and communications technology.

The Committee referred to it being an explicit objective of the Government that electronic communications and the use of networks as infrastructure for interaction shall become as accepted as traditional written communication and documentation. It also pointed out that modern information and communications technology includes much more than remote communication between parties and the court. Modern technology does for instance provide new opportunities for persons with various types of disabilities to participate in oral court hearings. Technology also provides better tools for active management of cases. It furthermore provides much better access for the general public to those parts of the procedural documents which are open to inspection, to the rulings of the court, etc. The Committee pointed out that electronic communications with and within the courts will bring the courts into line with the method of communication used in the rest of society. It is of importance that the courts and the legal system do not fall significantly behind in terms of communications. This relates to electronic communication of written submissions, exhibits, judicial rulings, etc. The Committee also pointed out that the method of conducting meetings is in the process of changing in many parts of society. Meetings are to a considerable extent taking place in the form of long-distance meetings. Generally speaking there should be advantages to procedural materials being capable of being compiled in the form of electronic folders. This will also improve the scope for inspection of procedural materials.

The Government Bill was adopted with minor adjustments by the Parliament in 2005.

The Norwegian court system is in process of establishing and implementing the necessary technology and infrastructure for fulfilling the aim of using modern information and communications technology. Some of the main issues are how to establish a technical platform, a safe system for electronic signature and proper interface between the courts and the court users.

1. Access to courts

a) May legal proceedings be instigated by electronic means?

No. The process of establishing *inter alia* instigation of legal proceedings electronically is under development.

b) Is there relevant legislation?

Yes, but incomplete and not fully adapted to the challenges connected with electronic justice.

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

Not applicable

- 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?

Not applicable.

2. Procedure within courts

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

Not applicable.

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

Not applicable.

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 checked="" 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 type="checkbox"/> both?

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

No.

e) Do electronic files exist? **No.**
 - 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?

Not applicable.

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

Not applicable.

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

Not applicable.

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?

By ordinary mail or fax.

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

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, but only with specific conditions
- No

Please indicate, if appropriate, the relevant legislation.

No. Not by electronic justice.

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? Please specify.

Not applicable.

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?

Not applicable.

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?

No.

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.

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?

	<i>100% of courts</i>	<i>+50% of courts</i>	<i>-50% of courts</i>	<i>-10% of courts</i>
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	X national legislation
<input type="checkbox"/> European legislation	X European legislation
<input type="checkbox"/> national case-law	X national case-law
<input type="checkbox"/> international case-law	X international case-law
<input type="checkbox"/> law review articles	X law review articles

Please specify the private institution. **The Lovdata Foundation, Gyldendal Akademisk (publisher), Universitetsforlaget (publisher)**

5. Practical court work

- a) What is the work of the judge:
- in writing the documents? **X**
 - in delivering the documents?
 - in registering the documents?

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

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

No. The Norwegian courts are among those in Europe with the lowest ratio staff/judges.

- 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.

Some models of decisions are available in the database.

- 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, by a report module in the case management system.

6. Internet

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

Yes, unlimited access.

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

Yes, all courts have their own website, containing information on court procedure and cases, press services, court services, transparency, information for schools, judicial dictionary and relevant links to other websites.

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, under safeguarding restrictions.

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

Yes, see answer to 7 a.

- 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?

The National Courts Administration and the individual court.

- how and by whom are these statistics used?

They are used for annual reports, for information purposes for the court leadership in management of the court, and information to the public.

9. Data security

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

- Yes
 No

Cases treated under judiciary procedural law are exempt from national legislation protecting personal data (personregisterloven). Only procedural limitations apply.

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?

See 9a.

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 National Courts Administration decides the electronic infrastructure, but the leadership of the individual courts are involved in the decisions concerning their courts. Judges also participate in working groups and steering committees concerning the development and implementation of IT in courts.

11. Conclusion

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

See the introductory remarks.