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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**

**POLISH REPLY**

**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, but only in one kind of proceeding – adjudication of payment writs (enforcement of a past due debt) by electronic means (“e-court”)**

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.

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

**In electronic payment order**

**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.)?

**It is possible only in civil procedure – payment order in e-court**

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 checked="" type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

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

**No, they don't exist**

e) Do electronic files exist? **Yes, but only in e-court**

- If an electronic file exist, is there a paper file as well? **No**

- If both exist, which is the “authentic” file?

f) If yes, is there relevant legislation? **Yes**

g) What are the main requirements with respect to electronic files? **Parties have to submit their personal identification numbers (PESEL)**

- h) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)? **No**
- i) What happens when the authenticity of an electronic document is doubtful/controversial among the parties? **In that event, case is subject to traditional proceeding in normal court (not electronic).**
- 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? **A traditional proceeding is followed**
- k) Must paper documents be kept? If yes, how long? **No**
- l) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist? **Not 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.

- n) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? **Not in each kind of cases, only in "e-court"**
- o) Is the access to electronic files within the court regulated? Please specify. **No, it is only regulated with reference to cases dealt with via "e-court".**
- 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)? **The electronic means help, but also we use paper forms.**
- b) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **It is possible but we use paper form.**
- 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? **We have just started to use it (primarily for certain important cases e.g. affairs that draw media interest).**
- e) Are oral hearings audio or video recorded? **Not yet**
- 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.

**It is used very seldom, in very complicated cases.**

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 checked="" type="checkbox"/> international case-law	<input checked="" type="checkbox"/> international case-law
<input checked="" type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution.

**“Wolters Kluwer Polska” company runs a “LEX” database that is used by some of the judges.**

#### 5. Practical court work

- a) What is the work of the judge:
- in writing the documents? **Writes sentences, court decisions, written statement on the grounds of sentence**
  - in delivering the documents? **Judge does not do it**
  - in registering the documents? **Judge does not do it**
- b) What is the work of the court staff:

- in writing the documents? **Proofreading, wording, copying the documents**
  - in delivering the documents? **Dispatch and transmitting of the documents (via post or email)**
  - in registering the documents? **Computer and traditional paper registering.**
- c) Is there enough staff to do this work? Please specify. **It is not sufficient.**
- d) Do judges write their decisions themselves on their computer? **Not all, however many of them do.**
- e) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify. **No they don't, there are no technical possibilities for that.**
- f) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)? **There are no systems like that are used.**
- g) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify. **Yes – in Courts of Appeal „SAWA” computer system is available to this end; in other courts statistics are run in paper form.**

#### 6. Internet

- a) Is internet accessible for each judge in his/her office? **Yes, rather**  
Is this access limited ? **No**  
Please specify.
- b) Do all courts have their own website? Please specify which court and the content of the website. **Most of them have their own websites. They contain addresses, forms, office hours.**

#### 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, however the judge must take care about the confidentiality of data.**
- b) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ? **No**
- 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? **No**
- g) If yes:

- who produces these statistics? -
- how and by whom are these statistics used?

### 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**

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

### 10. Participation of judges

Who decides about the electronic infrastructure of a court?

**1) Ministry of Justice, 2) President of court.**

Are judges implicated in the relevant decisions concerning the implementation of IT in courts? **Rather not**

### 11. Conclusion

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

**It makes registration of cases and retrieving statistical data easier, accelerates a process of obtaining information about the cases. However, effective procedures safeguarding the confidentiality of data and safety from its destruction or loss are important.**