



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**

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**1. Access to courts**

- a) May legal proceedings be instigated by electronic means?  
 YES – in civil and administrative proceedings,  
 NO – in criminal proceedings
- b) Is there relevant legislation?  
 YES – Art 42(1) of Civil Proceedings Code No. 99/1963 Coll. – claim as to the merits submitted by electronic means must also be done in written (paper) form in 3 days; it is not necessary to submit claim in paper form when it is submitted by electronic means with a qualified electronic signature
- 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?  
 1% - 2%

**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.)?  
 Civil and administrative proceedings NO, criminal proceedings cannot be instigated by electronic means
- 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- common mail, common electronic means
- 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?

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

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

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?

k) Must paper documents be kept? If yes, how long?  
YES – 20 years

l) What is the procedure when a judge’s or court clerk’s hand signature is prescribed?  
Does digital signature exist?  
Digital signature of judge or court clerk doesn’t exist.

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.

Art 44 of Civil Proceedings Code No. 99/1963 Coll.,  
Art 69 of Criminal Proceedings Code No. 301/2005 Coll.,  
Art 23 of Administrative Proceedings Code No. 71/1967 Coll.

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

Partially – only day of oral hearing or promulgation of decision

o) Is the access to electronic files within the court regulated? 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 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?  
NO

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

NO in computer, only in paper form

d) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?  
NO - except of Special Criminal Court

e) Are oral hearings audio or video recorded?  
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.  
Art 134, 135(3), 136(3), 271 of Criminal Proceedings Code No. 301/2005 Coll.

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 checked="" type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internet access	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input checked="" 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 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 type="checkbox"/> law review articles	<input checked="" type="checkbox"/> law review articles

Please specify the private institution.  
ASPI, EPI, CH BECK

#### **5. Practical court work**

- a) What is the work of the judge:
- in writing the documents
- b) What is the work of the court staff:
- in writing the documents
  - in delivering the documents
  - in registering the documents
- c) Is there enough staff to do this work? Please specify.  
YES
- d) Do judges write their decisions themselves on their computer?  
YES, they also may use audio recording
- e) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.  
model decision available in a database
- f) Is modern technology used to monitor the length of proceedings and for case flow management within the court (e.g. alert system)?  
only in statistics
- g) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc.? Please specify  
YES - decisions

#### **6. Internet**

- a) Is internet accessible for each judge in his/her office? Is this access limited? Please specify.  
YES, all websites necessary for their work, e. g. websites of Slovak courts, international courts, Slovak courts' case-law, international courts' case-law, news, database of national legislation, European legislation, national and international case-law, law review articles run by private institutions are accessible. Access to another websites is limited.
- b) Do all courts have their own website? Please specify which court and the content of the website.  
NO, only Constitutional Court and Supreme Court have their own websites; regional and district courts publish information (day of oral hearing, decisions) on the website of the Ministry of Justice of the Slovak Republic
- Content of the Constitutional Court's website [www.concourt.sk](http://www.concourt.sk) :
- About Constitutional Court
  - Justices
  - Case-law (search in a database)
  - Information
  - International activities
  - Collection of Constitutional Court's case-law
  - Documents

Content of the Supreme Court's website [www.nsud.sk](http://www.nsud.sk):

About Supreme Court  
Justices  
Case-law (search in a database)  
Day of oral hearing  
Information  
International activities  
Documents  
Links  
Contact

### **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 sent 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.
- 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?  
Court clerks  
- how and by whom are these statistics used?  
by judges, senior court clerks

### **9. Data security**

- a) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?  
 Yes – Act 428/2002 Coll. on personal data protection, civil Proceedings Act No. 99/1963 Coll., Criminal Proceedings Act No. 301/2005 Coll., Administrative Proceedings Act No. 71/1967 Coll.  
 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?

NO

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

Senior court clerks and judges

## **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?

Ministry of Justice of the Slovak Republic for district and regional courts, Chief Justice of the Supreme Court of the Slovak Republic for the Supreme Court of the Slovak Republic

## **11. Conclusion**

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

From my point of view it is useful to have both paper file and electronic file. The "authentic" one will be paper file. Thus, every audio conference or audio hearing before the court shall have its own transcript in written form.

Electronic files must be subject of higher protection of data via protection of IT system (e.g. from hackers) against misuse or abuse of this data. It is necessary to appoint persons who will be in charge of putting information to the electronic file (judge, clerk, rapporteur) with aim to avoid multiple entries to it.