

## **Answer from Sweden to questionnaire with a view of the preparation of Opinion no. 14**

(Carl Gustav Fernlund, President, Administrative Court of Appeal in Göteborg)

### **Question 1**

- a) No, a legal proceeding can't be instigated by electronic means only. The law (e.g. förvaltningsprocesslagen (1971:291)) states that a personal signature is required. However if the court receive an e-mail with a statement that someone wishes to appeal, it is forwarded to the correct instance in the court hierarchy as an appeal. It then has to be sent to the appellant for a signature. If the appellant doesn't sign, the appeal will be dismissed.

b-d) N/A

### **Question 2**

a-b)N/A

c) The courts generally use traditional means (post or fax) to communicate with all parties. However general questions (not concerning a particular case) sent to the court by e-mail are generally responded to by e-mail, as are requests for judgments. E-mail received by the court is printed and kept in paper version but usually not in an electronic version.

d) No.

e) Yes, e.g. every judgment is saved as a pdf-file. And all documents drawn up by the courts are saved electronically. There is always a paper file as well. The paper file is considered the authentic file.

f) Yes, there are several laws and decrees.

g) -

h) Yes. E.g. you are not allowed to search for sensitive information, and preferably sensitive information shouldn't be kept electronically. When you listen to recordings made in camera (i.e. when the hearings weren't public) you are logged. The computer system can handle secret addresses or personal data. The Secrecy Act (Offentlighets- och sekretesslagen (2009:400)) is applicable also to electronic documents.

i) As the courts don't deal much with electronic documents besides the ones drawn up by the court itself (and also has a paper copy) it hasn't been an issue.

j) That's how the communication usually takes place; hence it's not a problem.

k) Yes.

l) No, digital signature doesn't exist.

m) Yes, the parties generally have access to the complete court file (in paper) unless there are special circumstances and its secret according to the Secrecy Act. However the parties do not have automatic access to the recordings of witness statements, they have to ask for a copy to get it.

n) No.

o) The electronic files are under the same regulations as paper files.

p) Judges and court staff have access to all court files. However it is only staff taking part in the adjudication process that can edit information, the others can only read information.

### Question 3

- a) Judges in administrative courts have access to digital recordings of witness statements from inferior courts. There is also the possibility to have oral hearings through video conference. In general courts, the courts of appeal and the Supreme Court see video tapings of witness statements and hearings of the parties from the district courts. They also have the possibility to have oral hearings through video conference.
- b) The expertise (when existing) is usually on paper. The draft decision is electronically accessible to the judges; the personal notes are generally not.
- c) No, not in computer, but on file if they have saved all communication.
- d) Yes
- e) See answer to question 3 a
- f) Yes, it's sometimes used for hearing of witnesses, experts or parties.
- g) All courts have electronic files access, electronic data bases of jurisprudence, screen projectors, internet access, video conferencing, video recording and audio recording.

### Question 4

There are State-run databases for national legislation, European legislation, international case-law and law review articles accessible to all judges. There are many different databases run by private institutions covering all the different areas, but each court decides for them which ones they're going to use. E.g. Karnov, Infotorg, Zetéo

### Question 5

a-b) In administrative courts reporting clerks and judges write judgments on their computers. The secretaries at the offices deliver and register the documents. Some documents are registered by reporting clerks and/or judges and some documents register automatically in the court's computer system (VERA).

In general courts judges generally write judgments on their computers themselves; occasionally law clerks are allowed to write them. The secretaries deliver and register the documents.

- c) Normally, yes
- d) Yes, when it's not already written by a reporting clerk (see question 5 a-b).
- e) Yes, there are models for some decisions, e.g. decisions concerning review permits.
- f) Yes, in the courts' computer systems (VERA) and through a certain statistics program (SIV)
- g) Yes, you can search through VERA and SIV

### Question 6

- a) Yes every judge has access to internet. It's limited so that websites that could contain security risks and websites that calls for pornography, games and betting are not accessible and some sites are restricted so as not to slow down the system.
- b) Most of the courts have their own website containing contact information and general information about the court.

### Question 7

- a) Yes a judge may use a private PC/laptop for professional purposes, it's regulated through decrees, (e.g. DVFS 2006:2 - Domstolsverkets föreskrifter om informationssäkerhet för gemensamma IT-system.) However if the document contains information classified as secret they are not allowed to save it on their private hard drive, instead they have to use e.g. a USB-memory.
- b) Yes, unless it's classified as secret.
- c) No
- d) Yes

### Question 8

- a) Yes, it is used as a database and for statistics.
- b) Yes
- c) The Swedish courts administration produce the statistics. It is used by The Swedish courts administration and the courts.

### Question 9

- a) Yes
- b) Yes, there are rules on access to data by the person concerned or other persons/institutions in the Secrecy Act. There are also rules on correction and deletion requirements.
- c) No
- d) No

### Question 10

The Swedish courts administration decides together with the president or chief judge

### Question 11

The advantages of the development of IT in courts are considerable. It has facilitated and rationalized the work in many ways. I can't see any major disadvantages with the development that has taken place.