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CEPEJ-GT-CYBERJUST(2025)OJ3

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

**WORKING GROUP ON CYBERJUSTICE AND ARTIFICIAL INTELLIGENCE
(CEPEJ-GT-CYBERJUST)**

5th Annual meeting of the European Cyberjustice Network (ECN)

21 November 2024

A fully digital justice ecosystem

- Italy is now a **fully digital justice system**:
- all civil decisions and most criminal decisions are *born digital*;
- electronic filing and communications are universal.
- This ecosystem enables structured access and advanced search capabilities, which are at the core of our national strategy.



The national judicial Data Lake

- 10 million judicial documents (civil + criminal) from last 10 years
- fully anonymised or pseudonymised using NLP tools
- ready to support national AI models for:
 - semantic search
 - classification
 - extraction
 - advanced analytics
- sovereignty: data are processed inside the Justice domain (secure environment)
- ensures transparency, data quality, and future AI compliance

The legal framework: publicity as the rule, anonymisation as the exception

Our system is based on **Articles 51 and 52 of the Italian Privacy Code (Legislative Decree 196/2003)**, the true “*Magna Carta*” of publication. According to this framework:

General Rule: judicial decisions are public and accessible.

Exception: anonymisation (“redaction”) may be ordered by the judge, case by case, to protect minors, dignity, or when legitimate reasons arise.

European Union Framework (GDPR)

The technical obligation derived from the GDPR

- The GDPR (Regulation EU 2016/679) does not mention “judgments” explicitly, but its core principles make **pseudonymisation mandatory** for publicly accessible judicial databases.
- **Data minimisation (Art. 5 GDPR):** personal data made public must be strictly necessary for the purpose. Publishing full names, addresses or sensitive information in an online, fully indexable archive is considered excessive.
- **Key ECJ Judgment (C-413/23 P, EDPS v SRB, Sept 2025):**
 - Pseudonymised data **remain personal data** for the authority holding the “key” (e.g. the Ministry).
 - The same data **may be considered anonymous** for the public or third parties **if re-identification is not reasonably possible**.
- **Practical consequence:** A public judicial database must apply **robust pseudonymisation**; otherwise, publishing the data online would amount to an unlawful disclosure of personal data (Art. 6 GDPR).

Council of Europe Standards (Soft Law)

- The “soft law” that has become the de facto standard for **46 countries**
- Council of Europe guidelines, although not binding law, **set the benchmark** for the publication of case law in Europe.
- **CEPEJ Guidelines:** online publication of judicial decisions must be preceded by **masking / pseudonymisation** of identifying elements of parties and witnesses.
- **Rationale:**
 - Publicity of justice under **Art. 6 ECHR** historically referred to *open hearings* and courtroom transparency (“public scrutiny”).
 - Online publication is a *different act*: it is a form of **data processing**, with greater risks of misuse, infinite storage and global dissemination.
 - Therefore, **stronger safeguards** are required under **Art. 8 ECHR** (right to private life).

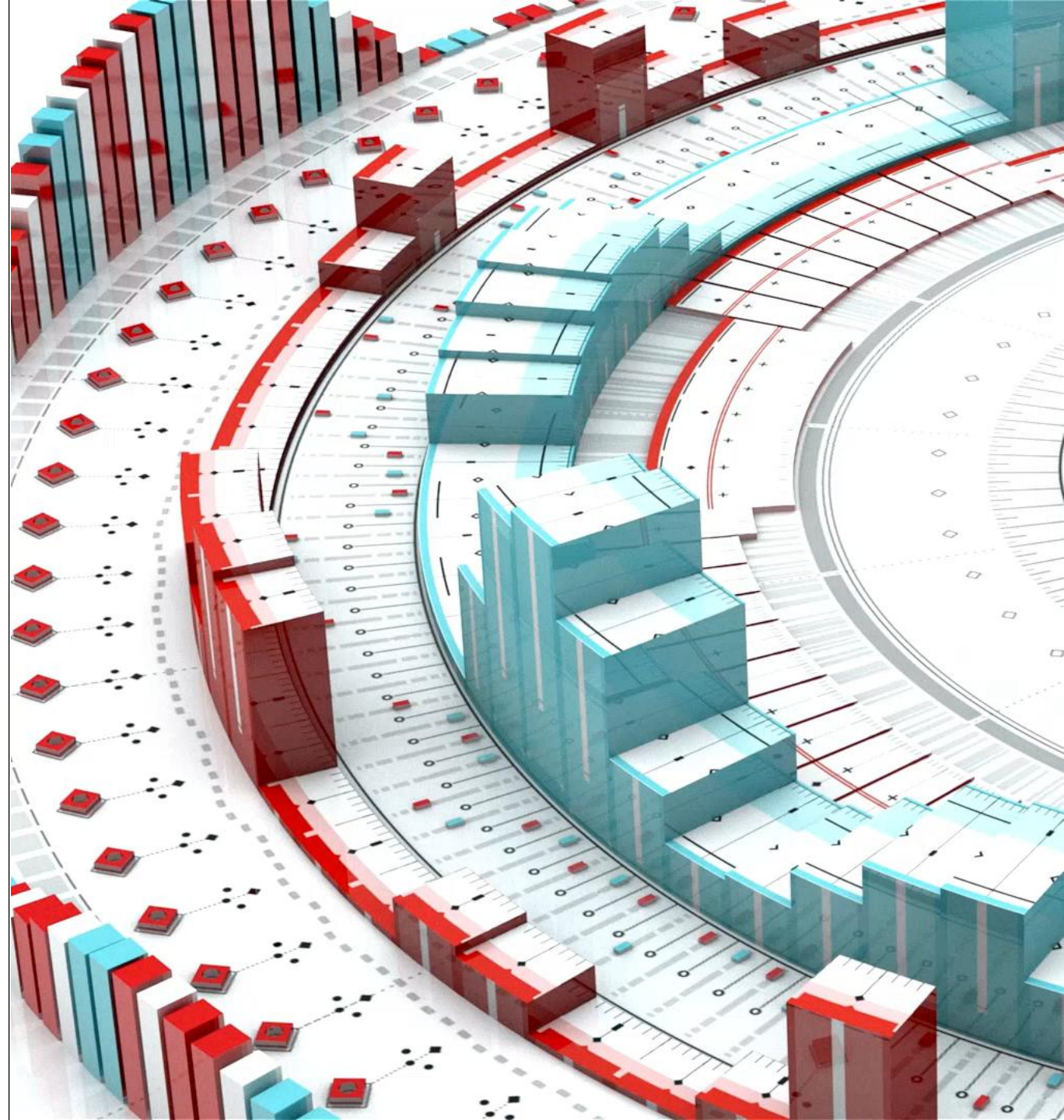
European Court of Human Rights

Balancing Art. 6 (publicity) and Art. 8 (privacy)

- The ECtHR has clarified that the obligation to make judgments public **does not mean** allowing **unrestricted, permanent internet exposure** of personal data.
- **No general right to anonymity during proceedings:**
 - The Court (e.g. *Z. v. Finland*) holds that anonymity must be justified by strong reasons during the trial.
- **But a post-trial duty of protection exists:**
 - Once a judgment is uploaded to a permanent digital archive, the State has a **positive obligation** to protect individuals' private life and reputation (Art. 8 ECHR).
 - If the continued online availability of identifying data causes lasting harm, and there is **no current public interest**, the State **may be liable** for failing to pseudonymise.

The National Database of 1 and 2 instance decisions (BDM): public and restricted sections

A major PNRR project is the creation of the **National Database of 1 and 2 instance decisions (MERITO)**, which includes civil and criminal decisions of lower courts.





Banca dati giurisprudenza merito has two layers of accessibility:

- **Public database for citizens**
- Access through strong authentication.
- Contains civil decisions from 2016 onwards.
- Decisions are **pseudonymised** even beyond statutory requirements, ensuring privacy while maintaining readability.
- Advanced search functions (semantic + syntactic).

Section reserved for judges and prosecutors

- Accessible only within the National Active Directory.
- Contains **non-anonymised civil and criminal decisions**.
- Includes **AI functionalities**:
 - automatic abstract generation;
 - a **chatbot** that provides traceable answers with explicit links to the underlying document, reducing hallucination risks.
- These tools are aligned with the EU AI Act principles of safety, transparency, and human oversight.



the BDM database of the Ministry of Justice, internal AI functions (they provide a summary and a chat bot to be queried).

Ministero della Giustizia

Aiuto Ciriello Antonella Esci

 **Banca Dati di Merito**
Una banca dati gratuita, pienamente accessibile e consultabile

Cerca

Ricerche Cartelle personali Archivio

RICERCHE / SENTENZA TRIBUNALE DI NAPOLI NORD N. 2411/2024 - N. R.G. 0000815/2022 DEL 15/05/2024 PUBBLICATA IL 16/05/2024

SENTENZA CIVILE

TRIBUNALE DI NAPOLI NORD N. 2411/2024 - N. R.G. 0000815/2022

 Copia estremi  Mostra  Scarica  Stampa  Timeline  AI Sintesi

Ufficio: **TRIBUNALE DI NAPOLI NORD**

Materia: **CONTRATTI E OBBLIGAZIONI VARIE (CONTR. D'OPERA)**

Giudice assegnatario fascicolo: **ANTONIO CARADONNA**

Parti: **CONSORZIO STABILE PRESTIGE** **EMA COSTRUZIONI SRL**

Parole chiave: **ALTRI CONTRATTI D'OPERA**

Riferimenti normativi: *Non disponibili*

Abstract (0)

Provvedimento precedente

Esito

Annotazioni

Provvedimento successivo

Buona sera Antonella, sono un assistente virtuale e sono qui per aiutarti a trovare informazioni all'interno della Banca Dati di Merito. Desidero informarti che tutte le informazioni che posso fornire sono basate sulla mia base di conoscenza, che include i provvedimenti civili provenienti dal sistema SICI dal 01/01/2016 ad oggi, nonché i provvedimenti penali inseriti dagli Uffici Giudiziari e gli abstract dei provvedimenti civili e penali. Posso aiutarti a cercare e consultare questi documenti e rispondere a domande specifiche su di essi.

«merito» PUBLICDATABASE

The public database contains civil orders published by courts and courts of appeal from 2016 onwards

Accessibility

The database is free and accessible through the Telematic Services Portal (PST) with Spid, CIE or CNS authentication. It allows you to use various search criteria, both semantic and syntactic.

Confidentiality

In all civil orders published by courts and courts of appeal since 2016, the identification data of the parties are pseudo-anonymized, to ensure the confidentiality of personal data, therefore not only for those expressly provided for by art. 52 of Legislative Decree no. 196 of 2003, while ensuring the full legibility of the document and the clear indication of the magistrates who drafted the act.



RESERVED DATABASE

The Ministry has also created a database reserved for judicial offices, which includes not only the civil measures and maxims, but also a part of the measures adopted in criminal proceedings.

Access to the reserved “Merito” Database (BDR) is only allowed to users in the National Active Directory (ADR).



“RESERVED” Merit Database: general overview

In the Merito Database it is possible to search on the measures and abstracts of the measures published by the Courts and Courts of Appeal in Civil, Criminal, Labour, Administrative and Conciliation matters.

Administration users will also be able to:

- 1 monitor the publication of measures and abstracts
- 2 manage the process of drafting abstracts of measures
- 3 manage the process of entering the measures, where there are no digitized flows (criminal area)

The screenshot shows the 'Banca Dati di Merito' website, a platform for legal research. The header includes the 'Ministero della Giustizia' logo and navigation links like 'Aiuto', 'Raccagni Davide', and 'Esci'. The main navigation bar features tabs for 'Ricerche', 'Cartelle personali', 'Archivio', 'Cruscotto di monitoraggio', 'Le mie attività', and 'Gestione dei permessi'. Below this, there's a search section with filters for 'PROVVEDIMENTI' and 'ABSTRACT', and a search bar with a dropdown for 'Area: CIVILE'. The main content area displays 'Le parole chiave più utilizzate in area civile' (Most used keywords in civil area) as a word cloud, including terms like 'DIRITTI DI ELETTORATO ATTIVO E PASSIVO', 'RETRIBUZIONE', 'SEPARAZIONE GIUDIZIALE', and 'DIRITTI DELLA CITTADINANZA'. To the right, there's a map of Italy titled 'I provvedimenti pubblicati in area civile' (Measures published in civil area). A chatbot window in the bottom right corner says 'Ciao, sono il tuo assistente virtuale, come ti posso aiutare?'.

Merit database and Artificial Intelligence.

The Merit Database makes use of Artificial Intelligence services known as Generative AI, capable of completing, with a probabilistic approach, a sentence or producing the synthesis of a text based on the information provided by the user and the content of a database. This technology therefore lends itself perfectly to the creation of:

- Virtual assistants (Chatbots) to which questions can be asked to make it easier to find the desired information: in the answers, sources are always provided through the indication "ref." with direct access to the cited document, reinforcing the reliability of the information provided, thus mediating the risk of AI Hallucination, i.e. that syntactically correct answers are produced, but whose meaning is incorrect.
- (AI) Abstract, i.e. the generation, in a few seconds, of a synthesis of large texts, in this case, of the content of the rulings: in practice, an accelerator for the user who can quickly consult the content of the measure, or use it as a draft for the drafting of the abstract. The probabilistic nature of the synthesis process means that the result is different each time.

(AI) ABSTRACT SENTENZA CORTE DI APPELLO DI PERUGIA N. 43/2023 DEL 17/01/2023 PUBBLICATA IL 03/04/2023 

Il 3 settembre 2015 si è svolto un processo presso la Corte di Appello contro quattro imputati, che erano dipendenti del Comune di un determinato luogo. Gli imputati erano stati accusati di truffa e falsa attestazione della presenza in servizio. Secondo l'accusa, gli imputati avrebbero utilizzato i badge di presenza in modo improprio, ottenendo un'indennità per le ore non lavorate. Le falsificazioni sarebbero state effettuate per un periodo di un mese, dall'8 febbraio all'8 marzo 2016. Il Tribunale, con una sentenza emessa il 26 marzo 2021, ha assolto gli imputati o ritenendo che il fatto non sussisteva o che era di particolare tenuità. Tuttavia, il Procuratore della Repubblica ha appellato la sentenza, sostenendo che i reati erano truffa aggravata e falsa attestazione della presenza in servizio. La Corte di Appello ha accolto in parte l'appello, ritenendo che entrambi i reati erano stati commessi dagli imputati. La Corte ha anche considerato la possibilità di una causa di non punibilità per particolare tenuità del fatto. Gli imputati sono stati condannati a pagare le spese processuali e il danno causato al Comune di Stroncone.

 Copia

Chiudi

The Supreme Court databases

- Italy's Supreme Court has a long tradition of public access:
- The official Cassation database is **free for all magistrates**.
- A paid version exists for lawyers and professionals.
- A **public archive** remains freely accessible online, covering the **last five years**, balancing publicity with the **right to be forgotten** (GDPR Art. 17).
- This approach reflects EU case law (Google Spain; GC v CNIL):
de-indexing may be required when public interest fades, but **public judicial archives remain accessible** as part of legal certainty and democratic scrutiny.

● Giurisprudenza

CIVILE Massime civili Corte Cassazione

AVVISO **SNCIV** Sentenze civili Corte Cassazione

AVVISO **RELCIV** Raccolte di giurisprudenza Civile

PENALE Massime penali Corte Cassazione

AVVISO **SNPEN** Sentenze penali Corte Cassazione

AVVISO **REL PEN** Raccolte di giurisprudenza Penale

AVVISO **MERITO** Giurisprudenza di Merito

ACQUE Tribunale Superiore delle Acque

COSTMS Massime Corte Costituzionale

COSTSN Sentenze Corte Costituzionale

COSTPEND Rimessioni alla Corte Costituzionale

CONSTA Massime Consiglio di Stato

TAR Massime Tribunali Amministrativi Regionali

AVVISO **CORTEC** Corte dei Conti

TRIBUT Commissioni Tributarie

EURIUS Sentenze Corte di Giustizia

AVVISO **CEDU** Sentenze ed abstract Corte Europea dei Diritti dell'Uomo

└ Novità giurisprudenziali e Bollettini CEDU

AVVISO **DISCIPLINARE** Sentenze CSM e Sezioni Unite



CORTE SUPREMA DI CASSAZIONE
Centro Elettronico di Documentazione

● Normativa

AVVISO **LEXS** Legislazione statale

└ Legislazione più recente

LEXR Legislazione regionale

AVVISO **CODICI** Codici e Regolamenti

CIR Circolari ministeriali

CIRMGG Circolari Ministero della Giustizia

EURLEX Normativa comunitaria

● Dottrina

DOTTRINA Riviste, monografie e sentenze edite

● Schemi

SCHEMB Schemi Classif. Corte Cassaz.

AVVISO **NOVITÀ MANUALE UTENTE**

SERVIZIO NOVITA'



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Help desk disponibile

dal Lunedì al Venerdì, dalle ore 8:30 alle ore 18:30 (+39 06 6883 3943)

Sabato dalle ore 8:30 alle ore 15:00

helpdesk.italgiure@giustizia.it

AVVISO

PER GLI UTENTI DI CASSA FORENSE:

Per utilizzare la banca dati tramite la Convenzione con la Cassa Forense è sufficiente **accedere** (e **non** registrarsi come nuovi utenti) cliccando su un archivio ed inserendo nella maschera di accesso le credenziali presenti sulla vostra area personale di Cassa Forense.

Per qualsiasi ulteriore informazione, contattare **esclusivamente** il Call Center di Cassa Forense, unico deputato a gestire le vostre richieste, al **06-51435340**.

Grazie per la collaborazione.

Cerca

Azzera Filtri

Parole o Numero/Anno sentenza

Riferimenti normativi

Ordina per

data pubblicazione (auto) v

Documenti	425.060
ARCHIVI SENTENZE	
CIVILE	185.791
PENALE	239.269
TIPO	
Decreto	30.423
Ordinanza	245.767
Ordinanza Interlocutoria	8.402
Sentenza	140.468
SEZIONE	
PRIMA	55.914
SECONDA	46.198
TERZA	40.819
QUARTA	16.810
QUINTA	78.413
SESTA	47.033
SETTIMA	108.839
FERIALE	343
LAVORO	27.601
UNITE	3.090
ANNO DECISIONE	
2025	67.188
2024	83.024
2023	88.409
2022	87.936
2021	89.592
2020	8.911

inserire una o più parole oppure numero/anno della sentenza; è possibile anche utilizzare l'asterisco come carattere jolly oppure racchiudere le parole esatte tra virgolette

indicare il riferimento normativo in formato libero (es.: art.18 statuto dei lavoratori ovvero legge 300/70 articolo 18 ovvero art. 18 stat. lav.)

click per attivare / disattivare uno o più filtri

SentenzeWeb

Ricerca libera tra le sentenze della Corte

L'apertura degli archivi delle sentenze civili e penali della Cassazione alla libera consultazione da parte del cittadino è coerente con l'obiettivo di rendere più trasparente e fruibile il servizio giustizia, perseguito nella realizzazione del nuovo sito; risponde inoltre ad una esigenza più volte segnalata dai cittadini ed in particolare dagli avvocati.

Il sistema di ricerca sulle sentenze, in fase sperimentale, è intuitivo e non necessita di specifiche competenze giuridiche.

Nella prospettiva di migliorare ulteriormente la trasparenza del sistema giustizia, è allo studio l'utilizzazione, per la rappresentazione dei documenti contenuti nel sito, del formato internazionale XML Akoma Ntoso, già adottato da istituzioni nazionali ed internazionali.

11/21/2025

Centro Elettronico di Documentazione - ItalgireWeb

Antonetta Ciriello

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Free search through the Court's decisions

- The opening of the civil and criminal judgment archives of the Court of Cassation to free public consultation is consistent with the objective of making the justice service more transparent and easier to use, an objective pursued through the creation of this new website. It also responds to a need repeatedly raised by citizens and especially by lawyers.
- The search system for decisions, currently in an experimental phase, is intuitive and does not require specific legal expertise.
- With the aim of further improving the transparency of the justice system, the use—within this site—of the international XML Akoma Ntoso format, already adopted by national and international institutions, is being studied for the representation of the documents contained in the archive.



The current problem

- Make jurisprudence accessible with controlled and at the same time effective tools that develop new technologies.
- And to offer this as a judicial organization.
- It cannot be prevented that other subjects, private individuals, provide for the creation of paid or free environments that offer the same advanced search utilities because the measures are all digital and known, more or less officially.
- But we need to provide public systems that comply with ethical principles, controlled and free of bias and hallucinations and free of charge

THE MATTER IS INFLUENCED BY CASE LAW

EVERYONE WANTS FREE ACCESS TO NON-ANONYMOUS AND UNANOMIZED CASE LAW

- A recent decision of the Administrative Court (TAR Lazio, 2025) confirmed that **generalised preventive anonymisation is unlawful** (because it makes the act incomprehensible)
- So now the problem, I think general, is to reconcile the right to access the jurisprudence and also allow private individuals to apply artificial intelligence systems to query it, and at the same time protect the personal data contained in it, also bearing in mind that big data are a different object from individual data.
- Transparency and public scrutiny must remain the rule, and administrative anonymisation cannot replace judicial discretion.
- Access for citizens is allowed through **strong digital authentication** (SPID, CIE, CNS), ensuring security and traceability.

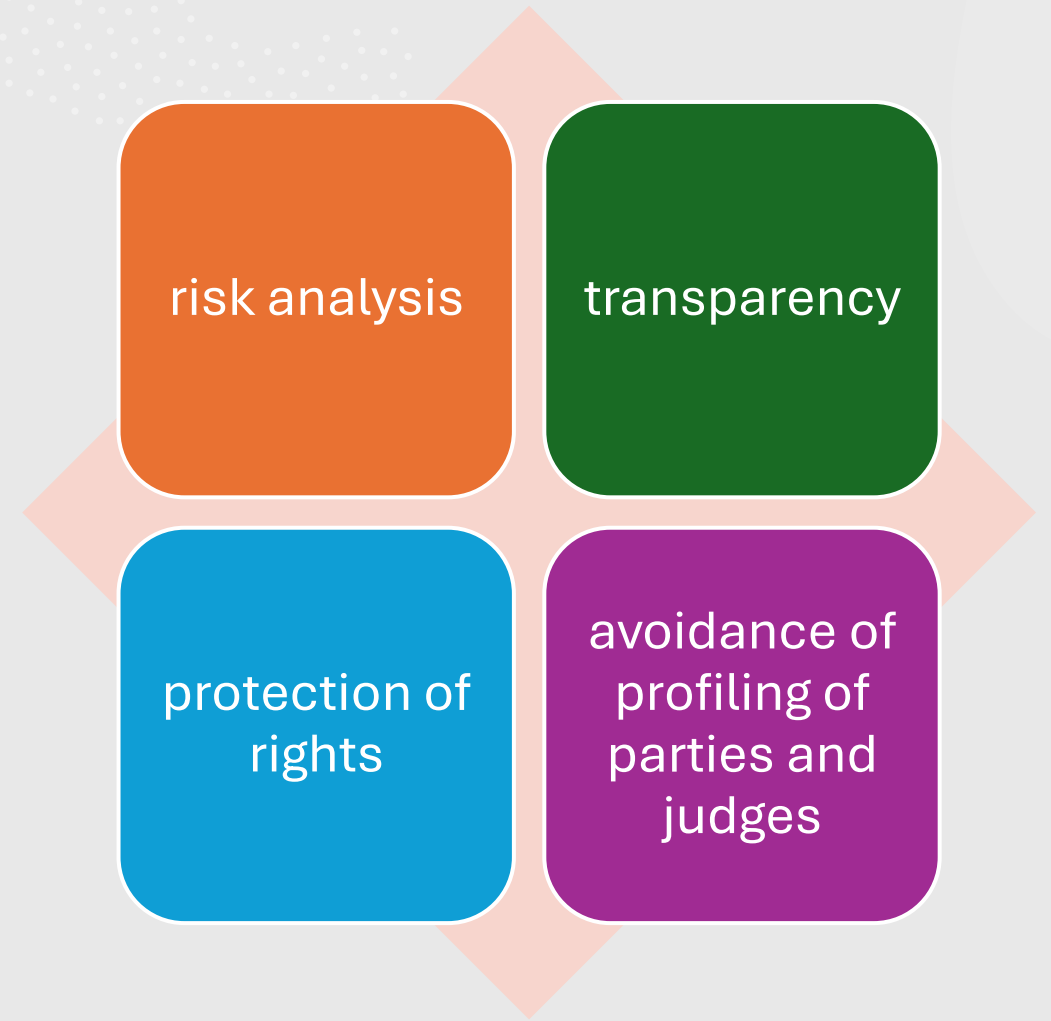
There have been legal disputes between the ministry and private individuals who want to access all the data

- The decisions of the administrative judges who will have to establish the balance between knowledge of jurisprudence, accessibility and privacy have not yet been defined and are highly anticipated

AI GOVERNANCE & IMPACT ASSESSMENT

- Justice is classified as a **high-risk sector** under the EU AI Act
(use requires: human oversight, traceability, certified systems from 2027)
- Art. 15 of Italian Law 132/2025:
 - human decision-making is always reserved to magistrates
 - Ministry defines uses for organisational and administrative tasks
 - AI experiments must be authorised and controlled
- CSM Resolution 8 October 2025:
 - authorises only protected, traceable, controlled experimentation
 - requires: data protection, transparency, human review, no hallucinations

Impact assessment is essential



AI for accessibility: opportunities and safeguards

- Italy is experimenting with responsible AI in several areas:
- **national AI-enabled search tools** (chatbot + abstracts within the restricted BDM);
- **local Copilot agents** for internal archives;
- **a national data lake**, where millions of documents are anonymised with AI and made searchable.
- But all deployments follow strict principles:
- no external training on judicial data;
- data sovereignty (public servers);
- constant human oversight;
- alignment with the AI Act and Italian Law 132/2025 on judicial AI.

National AI experiments (ongoing)

- **Copilot for Justice:** 800 users pilot (judges, RID, directors, SSM trainers)
→ secure environment, no data export
- **Bari Court of Appeal – AI agent for case law**
→ indexing, clustering, natural language search
- **Catania – AI-assisted legal workflows**
→ verified prompts, mandatory human review
- **Data Lake AI models:** pseudonymisation, classification, structured-data chatbot, semantic search

Local archives and AI-assisted judicial research

Several courts are experimenting with **local repositories** combined with **Microsoft Copilot**, integrated into our institutional accounts.

These environments allow judges to:

query internal case law using natural language,

extract reasoning points and legal references,

cluster similar decisions,

build thematic maps and “case law boxes”.

The goal is to enhance internal accessibility and consistency.

From “paper redaction” to “digital governance”

- Italy, like the rest of Europe, is transitioning from:
 - **paper-based black-marker anonymisation**, to
 - **“digital data governance”**, where:
- access is technically broad,
- but legally mediated through authentication, proportional anonymisation, and restrictions on search-engine indexing.
- This model aims to balance transparency, privacy, judicial independence and efficiency

Conclusion

- Accessibility today means much more than publishing judgments online.
It means creating a system where **citizens, lawyers, and judges** can access, understand and navigate case law in a safe, lawful and technologically advanced environment.
- Italy is moving decisively in this direction:
full digitalisation,
secure public access,
and **responsible AI**, always with the judge—and fundamental rights—at the centre.
- Thank you very much

The challenge of
artificial intelligence in
judicial training

"I'm not afraid that
artificial intelligence
will replace judges,
but that the judges
be replaced by those
who know how to
use it"