



QUESTIONNAIRE
SEMINARE – 27 SEPTEMBER 2017

ELECTRONIC ACCESS TO THE COURTS

1. The implementation of your electronic document system

- What is it hoped to achieve through the digitisation of proceedings?
We hope to achieve an increased speed of proceedings, greater efficiency of proceedings, saving of financial resources and the impact on the environment.
- Must court documents be transmitted electronically?
Only to legal entities from 1.7.2017
- If that is the case:
 - which players are involved? – *legal entities*
 - are certain aspects reserved for these players? - *no*
 - what are the consequences if an application is not sent electronically? – *there are none*
- Can litigants consult their files and track their progress online?
No
- Are the application and the law firms' internal software interoperable? Is it envisaged to make them interoperable?
Not at present. It is planned to implement a new central information system in the future.
- What feedback have you had about the use of these methods by the litigants, practitioners and authorities?
There are none because we do not use these methods yet.

2. Statistics

- What percentage of applications are filed electronically per annum?
Up to 5%
- What percentage of users (law firms, authorities and litigants) are now using this method?
1%
- Have you estimated the total cost of setting up an electronic working system in your court or your type of court?
We expect that the amount will be around 5 million EUR, funded from European funds.

3. Observing the adversarial principle

- How does your system ensure that the parties' statements are exchanged?
The system does not ensure that
- How are the parties and the court registry notified that a document has been filed or consulted by the opposing party?
In general, it is not mandatory to inform the opposing party, however, in regards to filing documents, the opposing party may be informed based on the consideration of the judge.
- Is the authenticity of electronic documents ever challenged before the courts?
We are not aware of such a challenge.
- Can third parties also intervene in proceedings electronically?
They can.

4. The acceleration of proceedings and urgent proceedings

- Have you found that cases have been processed more quickly due to the introduction of this technology?
No, since it has not been introduced yet.
- What have been the consequences, on the work of the courts, for the staff of the court registry, for the judges and other members of the court, and for the organisation of the court?
None, since it has not been introduced yet.
- When a procedural time limit is subject to a limitation period, when does it begin to run (when a document is put online or when it is actually seen by the staff of the court registry or by the judge or other member of the court)?
Procedural time limit begins to run on the day after it was delivered to the court, even electronically.

5. The technical aspects of your electronic document system

- Have you experienced any major technical malfunctions (e.g. non-availability of the application for several days)? How did you tackle the problem?
We have not experienced such malfunctions. Non-availability took several minutes at most.
- What consequences can malfunctions have on the proper running of proceedings?
None, unless they cause a violation of the rights of the party or incur damage.
- Have courts had to deal with disputes relating to the use of the electronic document system? If so, of what type?
We are not aware of such disputes.
- If it is impossible for a party to file a statement or other documents for practical reasons, what does the court do with respect to the time limits within which documents must be submitted?
There is such a possibility but it must be proved that the document was sent and not delivered.

6. Keeping information secure

- How are the security, confidentiality, integrity and traceability of the exchanges ensured? How do you control access to the files and documents that pass through the system? Have you put in place degrees of authorisation or clearance?
The primary information system of the court is the “Register of the Supreme Court”, which records all changes in the files that may be retrospectively rechecked to the time of the implementation of the system (2009). We log in receiving files, sending files, changes to the work schedule, randomly assigning files, database entries, database errors. The system is accessible only from the local network. Confidentiality is verified through multi-stage approval process of the responsible employees. Users are assigned to groups for which they have specific access rights and have access only to the relevant data, which they need to perform their work.
- Are judges and other members of the court able to access the electronic files in their own homes? on a dedicated professional computer or on a personal computer? from any location?
They are not.
- Are judges and other members of the court able to access all the electronic files dealt with by their court?
They are not.

7. Notification of decisions to the parties

- Are decisions notified through the court's electronic system? If so, when are the parties deemed to have taken cognisance of the decisions?
Decisions are not notified through the electronic system.
- Is it possible to bring an action for negligence if the court's electronic document service malfunctions?
It is, if the rights of the party have been violated or damage has been incurred.

8. The influence of electronic document systems on the courts' operating methods

- Does the use of an electronic document system cause the supreme administrative court or the ministry of justice to require users to comply with technical standards relating to the adoption of administrative measures?
There is a requirement to have an electronic mailbox, electronic signature as stipulated in the Law on E-government.
- Has electronic working contributed to a change in the role of the administrative courts?
It is too early to say. There is only a trial version in use, therefore, we have no knowledge of such a change.

- Has electronic working contributed to a change in the working methods of the administrative courts? Particularly collegial working?

It is too early to say. There is only a trial version in use, therefore, we have no substantive knowledge of such a change. There is a pioneer project to have a shared disk for a senate.