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**GUIDELINES FOR THE ONLINE PUBLICATION OF JUDICIAL DECISIONS
AIMING AT FURTHERING LEGAL KNOWLEDGE**

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Guidelines for the online publication of judicial decisions and access to legal knowledge

I. Introduction

1. These guidelines address the design and implementation of an online legal database, in particular of judicial decisions, and public access to this database.
2. The publication by courts of last instance (supreme courts) of their decisions, in whole or in part, and possibly of a selection of "leading" cases from other lower courts, selected by the courts' relevant departments and/or at the suggestion of the judge who signed them, is a long-standing tradition in Europe. In common law countries, the publication of case law is naturally more widespread and is generally conducted by private or third sector operators. In the past, the difficulties involved in creating an exhaustive case law database (very large number of decisions, essentially paper-based nature of the documents, storage and publication problems) could lead to the creation of databases with limited content (for example, a selection of decisions of the Supreme Court, or their summaries) and search systems based on principles of law or summaries.
3. Today, the availability of judicial decisions in electronic form and the strong demand for transparency and full access to knowledge on the part of the public and legal professionals offers new possibilities.
4. These guidelines provide practical advice - methodological, technical and organisational – to States on the design, implementation and use of these databases, with the aim of establishing a common framework guided by respect for the rights guaranteed by the European Convention on Human Rights (ECHR), the Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS 225) the protection of personal data in the light of the Council of Europe's Convention for the Protection of Personal Data (CETS 108), as well as the principles set out in the European Ethical Charter on the Use of Artificial Intelligence (AI) in Judicial Systems and their Environment (the CEPEJ Charter), and Regulation (EU) 2024/1689 of the European Parliament and of the Council of June 13, 2024 laying down harmonized rules on artificial intelligence.
5. With this aim, these guidelines are addressed to authorities responsible for the administration of justice, courts and other competent authorities exercising judicial functions, professionals, including legal practitioners, and parties to proceedings.
6. These guidelines have been prepared by the CEPEJ Working Group on Cyberjustice and AI (CEPEJ-GT-CYBERJUST) based on the contribution of experts.¹ It is leaning on numerous texts relating to the digital transformation of justice and the use of AI drawn up by the various bodies of the Council of Europe and other international organisations. The analysis of a questionnaire distributed to member States through the European Cyberjustice Network (ECN)², has equally served as an important knowledge base.

II. Context

A. Open and transparent justice

7. Demonstrating openness and transparency in the exercise of judicial power is essential if the fundamental principles of democracy are to be respected, in particular the principles of

¹ The draft guidelines are based on the work of Rado Brezovar (Supreme Court of Slovenia), Agata Cevc (Supreme Court of Slovenia), Pietro Dunn (University of Bologna), Simone Ginzburg (independent consultant), Alexandre Palanco (Catholic University of Lyon), Monica Palmirani (University of Bologna), Salvatore Sapienza (University of Bologna), Giulia Venditti (University of Bologna).

² <https://www.coe.int/en/web/cepej/european-cyberjustice-network>

the rule of law and a fair trial. The ECHR stresses the importance of transparency in court proceedings by requiring that "everyone is entitled to a fair and public hearing", that "judgments shall be pronounced in public" and that the press and the public may be excluded from the trial only in limited cases (art. 6 ECHR).

8. Transparency guarantees scrutiny of the judicial system by the public, litigants and State institutions. It is for this reason that the constitutions of many states require judgments to be reasoned and published, enabling everyone to assess the reasons and logic behind a decision, as well as its consistency with the law. Transparency is essential if a court decision is to be challenged. The publication of judgments makes it possible to study the "law in action" and thus to understand the correct interpretation of the law and its application.

9. Open and transparent justice plays a central role in promoting and disseminating a correct understanding of the law, reinforcing the principle of legal certainty. The availability of judicial decisions to the public allows to understand the legal consequences of their actions, with beneficial effects for society and the economy.

10. Open and transparent justice is also important for legal professionals. Knowledge and understanding of case law is essential for judges to assess and decide cases correctly, for lawyers and jurists to assess and decide cases correctly, develop appropriate strategies and defend their clients.

B. Judicial legitimacy and public confidence in the judicial system

11. Judicial legitimacy is another prerequisite for the proper functioning of the judicial system. The CEPEJ has stressed that the lack of trust and legitimacy of the courts can have significant collateral effects: "judicial decisions are not respected, cooperation with the courts is not ensured and the rule of law is compromised" (European judicial systems CEPEJ Evaluation Report, 2022 Evaluation Cycle, p. 103).³

12. It is essential that the courts "respond to the needs and expectations of the users of justice", who include "the parties to the dispute, the perpetrators, the victims and the witnesses, but also the legal professionals such as lawyers, prosecutors, experts, etc." (ibidem).

13. Greater transparency, in particular by making judicial decisions available to the public, helps to increase public confidence, as it allows more extensive external checks on the proper functioning of the judicial system, while reducing the perception of the judiciary as an inaccessible and closed "caste".

14. The need to promote judicial legitimacy increased following the COVID-19 pandemic, which highlighted the need to invest in digitisation and the development of user-centred tools. Information technologies "can adapt the ways in which information is disseminated and create sustainable two-way communication with users", thereby improving user satisfaction and helping to provide a better and more efficient justice service while increasing the legitimacy of the justice system (ibidem, p. 110).

C. Better access to information, justice, and legal knowledge

15. Guaranteeing better access to information about the law and the application of the law is a necessary task for democracies. Accessibility to this information and to legal knowledge in general is a prerequisite for the proper functioning of society, as it guarantees a high degree of certainty as to the legal consequences of people's actions.

16. Access to information on the law, case law and the judicial interpretation of legal provisions is an important tool for the enjoyment of the right of access to justice, which is a

³ <https://rm.coe.int/cepej-report-2020-22-e-web/1680a86279>

fundamental principle of democracies.

III. General principles

17. The following principles underpin the online publication of case law and access to legal knowledge:

18. **human rights-based publication:** the publication of judicial decisions and their digital preparation should respect human rights as well as democratic principles and the rule of law, including the right to a fair trial, the independence of judges and the criminal procedure of each Member State. In particular, the online repository of decisions should not allow the manipulation or application of technical "filter bubbles" of information, nor limit autonomous access to legal information through search engines.

19. **access to decisions according to criteria that respect fairness between users, impartiality and non-discrimination:** access to judicial decisions should guarantee fairness between users, impartiality in the presentation of information, and non-discrimination whatever the pre-selection criteria or filters used by the search engine;

20. **responsible, explicable and transparent search criteria:** the search should be justifiable at all times from the point of view of reliability (e.g. the right to be forgotten), the criteria adopted by the search engine (e.g. classification) and transparency in the document management policy;

21. **user-centred publication:** the different needs of users - judges, lawyers, journalists, laypersons, etc. - in terms of access to legal information, accessibility, ease of search, transparency, easy viewing and comprehensibility must be taken into account;

22. **technical neutrality of the chosen solutions:** solutions should not favour a specific technology or supplier, but should be neutral, open, inclusive and geared towards minimising the digital divide.

IV. Guidelines

A. Ethics and sustainability

Guideline No. 1 on respect for human rights and the principle of transparency

23. *By respecting and promoting the principles of human rights and transparency, public confidence in the judicial system is strengthened. This ensures to preserve the integrity and legitimacy of the justice system, the predictability of the law and the equality of those subject to legal proceedings.*

24. States should ensure that human rights and fundamental freedoms are effectively protected in the digital environment, in accordance with Recommendation CM/Rec(2018)2 of the Committee of Ministers to member states on the roles and responsibilities of Internet intermediaries. To this end, a permanent working group should be established, to explore and monitor the risks and opportunities regarding ethical and human rights issues related to the sharing and re-use of judicial decisions and/or judicial information, with a particular focus on current and potentially future applications of AI, respecting Convention 108.

25. The methods and criteria used to select, label, summarise, categorise, aggregate or group similar judicial decisions, assign a relevance score and provide suggestions (including those generated by virtual assistants under the supervision of the user) should be explained transparently and as clearly as possible, and made available to end-users on the portal. In particular, any use of AI should be clearly notified.

26. The immediacy of publication is fundamental to the implementation of the principles of accessibility, transparency and consistency. Nevertheless, to ensure respect for the right to a fair trial, judicial decisions should not be published before they have been notified to the

interested parties.

27. The responsible authorities should promote and raise awareness among legal professionals and the public of the importance of publishing case law.

Guideline No. 2 on extraction and conservation

28. *Judicial decisions published online should be reliable and durable, by being extracted directly from court systems and accompanied by relevant metadata. The use of structured formats and long-term preservation standards to maintain the integrity of the information beyond the evolution of technologies should be encouraged, thus ensuring the continued accessibility of the data, but also its future interoperability.*

29. Judicial decisions should preferably be extracted from the case management system through which they were created as structured, machine-readable data⁴ and published in that format. The files should be accompanied by a set of relevant metadata.

30. Long-term preservation standards should be defined at national and international level to preserve digital decisions beyond the lifecycle of ICTs currently in use.⁵

Guidelines No. 3 on lean development and environmental sustainability

31. *Databases of judicial decisions should aim at sustainability over time of the provision of important volumes of legal decisions, particularly with regard to their ecological and economic footprint.*

32. In order to ensure that the provision of very large volumes of decisions does not entail disproportionate costs and consumption of resources, in particular by artificial intelligence algorithms, States should adopt a principle of leanness when designing tools: choice of technologies used, system architecture, size of documents (for example, by avoiding the provision of pdf documents as appendices), etc.

B. Availability and completeness

Guideline No. 4 on completeness of the information made available

33. *Comprehensiveness ensures that the relevant aspects of the judicial system are accessible to the public and legal professionals. This approach strengthens confidence in the judicial system and enables public scrutiny of the work of the courts.*

34. Online publication of all decisions from all courts should be an objective.

35. The unfiltered online publication of judicial decisions should enable users to identify from among all the published decisions those that are most relevant to them, via secure and authoritative categorisation and labelling.

36. The publication of documents other than judicial decisions themselves, such as decisions on proceedings, decisions on judicial measures (injunctions, seizure orders, precautionary measures, etc.), and non-final decisions (such as judgments under appeal or interim decisions) can make a significant contribution to ensuring that the work of the judiciary is well known and transparent and that case law is uniform.

37. The case law of European and international courts should also be published on national platforms.

38. Publication of the decision may be accompanied by a summary of the decision but should always include the full text.

⁴ Such as XML, HTML, ODF, JSON or RDF.

⁵ XML is a recommended standard for this purpose and for designing applications for future use by machines.

Guideline No. 5 on categorisation and labelling

39. *Minimum standards for **categorisation and labelling of judicial decisions published online should be put in place.** The definition of balanced vocabularies and their continuous updating ensure that legal information is labelled in a way that is relevant, adaptable, and evolutionary. These precautions not only ensure accurate and exhaustive categorisation, but also enhance access to and interoperability of legal data over time.*

40. Working groups at national and international level, including representatives of the legal professions, should encourage the adoption of standards for technical metadata. This includes the widespread application of tools such as the ELI (European Legislation Identifier) and the ECLI (European Case Law Identifier).

41. A thesaurus should be elaborated including mechanisms for continuous updating. This thesaurus should be consistent with existing legal qualifications and classifications, ensuring a balanced and exhaustive categorisation, avoiding focusing solely on the topics most frequently addressed in case law or most frequently searched for by users.

42. The basic thesaurus used by the national portals for categorisation should be approved and regularly reviewed by those responsible for the database in collaboration with representatives from the judicial system and legal professionals, so that it can evolve in line with new legislation.

43. Categorisation and labelling should be consistent across all related decisions (e.g. the life cycle of a case).

C. Accessibility

Guideline No. 6 on online publication

44. *A single national portal or website for consulting judicial decisions, guaranteeing effective and inclusive access should be put in place. Transparency and trust in the judicial system implies free public access to decisions, which contributes to the establishment of a justice system that is more comprehensible, open and connected to the needs of citizens and experts.*

45. Easy access to judicial decisions should be provided at national level by means of a single portal or website, for all judgements from all courts. This access should enable anyone, including people with disabilities or lacking technical skills, to search for and consult judicial decisions.

46. Portals should be easily accessible, without prior registration and free of charge. In accordance with the principle of proportionality and minimisation⁶, any user registration allowing access to certain advanced functionalities should only require the personal data that is strictly necessary.

47. Portals should make the status of a decision clearly visible - particularly if it is not final or has been overturned. Where possible, the status of the judicial decision should be updated automatically.

48. All previous decisions in the life cycle of a case, as well as any other decision that has changed the status of a published judicial decision, should be easily identifiable and accessible when consulting it online.

49. Decisions should be made available in a text searchable format (e.g. HTML, XML) with

⁶ See Article 5 c) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and Article 5 c) of Convention 108+.

hyperlink navigation mechanisms using persistent Uniform Resource Identifiers (URIs)⁷, referring to any decision or legal standard cited.

Guideline No. 7 on search functionalities

50. *High-performance search functions offering a variety of search options should be introduced. Optimising search functions is essential for effective access to online judicial decisions. It promotes transparency and efficiency in providing users with information that is exhaustive, relevant and in line with their needs.*

51. Search functionality should include multiple search channels, including free text and structured data searches combined with Boolean operators. Structured data should include detailed applicable national and international regulations, as well as categorisation vocabulary keywords and any available labels.

52. Decisions should also be searchable via their ECLI number, if available, and the corresponding metadata. To promote a unique reference system, judges are encouraged to use this number when citing other decisions in their rulings.

53. When creating search queries, users should be able to see immediately how many decisions match the given filters, so that they can decide, even before consulting the results, whether they need to refine the search.

54. Users should know whether free text searches are carried out on full texts or on summaries, and full text searches should always be possible.

55. When classification strategies are applied to the design of the search engine to facilitate the retrieval of information, it is important to ensure the exhaustiveness of the search results after filtering.

56. It should be possible to save and annotate search results.

57. Search tools and the presentation of results should be adapted to enable the inclusion of different users with different abilities, in accordance with the guidelines and standards of the Web Accessibility Initiative (WAI)⁸.

58. Users should know whether search systems are AI-driven and whether they have access to "search algorithms". In all cases, the model, approach and parameters of the search algorithm should be clearly stated and explained, in line with the principle of transparency.

Guideline No. 8 on advanced functionalities and user experience

59. *Advanced search functionalities should be introduced, primarily for registered users. The introduction of proactive and personalised search tools, as well as technologies that improve the user experience, contribute to the effectiveness of access to judicial decisions by optimising the relevance of search results and facilitating the exploration of judicial data, particularly with the help of AI.*

60. Registered users should be able to access advanced functionalities, make personalised requests and be able to receive alerts corresponding to these requests, by the means of communication of their choice, when new decisions meeting the requested criteria are made or the status of existing decisions changes.

61. Proactive communication channels, such as web feeds⁹ or emails, can also be made

⁷ Persistent means that the identifier never changes over time and that it follows certain rules. See:

<https://joinup.ec.europa.eu/collection/semic-support-centre/document/10-rules-persistent-uris>

⁸ <https://www.w3.org/WAI/standards-guidelines/fr>

⁹ The European Court of Human Rights uses RSS to distribute updates on decisions concerning each Council of Europe member state. A simple addition to the browser used to browse the Internet allows subscribers to receive updates and simply click on the hyperlinks to access the relevant decisions.

available to users, based on predefined categories (such as core thesaurus terms), possibly based on their saved queries.

62. Advanced tools should be provided (e.g. conversational chat bots) to enhance document retrieval or access to AI-generated summaries of decisions regarding a certain legal aspect or state of affairs. These tools should be based on a robust methodology that should be certified and tested in accordance with the standards of Council of Europe Convention 108 and Regulation (EU) 2024/1689.

Guideline No. 9 on making decisions available in machine-readable format

63. Decisions in machine-readable format and judicial metadata in open data should be made as accessible as possible, and their re-use should be governed by appropriate licences. This promotes transparency and open science, while guaranteeing respect for legal, ethical, and human rights principles, in particular the principle of equality of arms.

64. On an online platform, a dedicated section should enable decisions and metadata to be downloaded en masse.¹⁰ This access to all decisions and the corresponding metadata should, if possible, be provided via an application program interface (API).

65. The re-use of data and the computer analysis of information (including indexing by search engines) should be regulated by an open licence including a legal opinion guaranteeing compliance with legal, ethical and human rights principles. Licences for computer analysis should distinguish between commercial re-use and re-use for research and non-profit purposes.

66. Extending the metadata sets accompanying judicial decisions and refining the granularity of fields for decisions that are provided in machine-readable form can help to provide visualisation and statistics of valuable information and reveal hidden legal knowledge. All statistics and visualisation results should be accompanied by the original datasets/documents that generated them and an explanation of the methodology used to develop them.

D. Security

Guideline No. 10 on cyber security

67. *Preventive cyber-security measures for the online publication of judicial decisions should be put in place. Online decision publication sites or portals contain sensitive information. They can therefore be targets for malicious cyber-attacks: data theft, service interruption or sabotage, alteration or manipulation of the content of decisions for disinformation purposes, etc.*

68. Appropriate cybersecurity measures should be adopted to protect the tools for the publication of judicial decisions, in particular to be able to manage data breaches and avoid any potential alteration of case law. A business continuity plan and an emergency recovery service should be provided.

Guideline No. 11 on user data protection

69. *The personal data of users of online decision portals should be protected by limiting the risks of algorithmic profiling and unauthorised collection of search data by third-party tools, in order to protect privacy, unauthorised surveillance and potential discrimination linked to algorithmic systems. These measures must ensure compliance with human rights protection standards in order to strengthen user confidence in digital judicial systems.*

¹⁰ Preferably in accordance with the Application profile for data portals in Europe (DCAT-AP), based on the Data Catalogue vocabulary (DCAT) for describing public sector datasets in Europe, enabling cross-data portal search for data sets and making public sector data better searchable across borders and sectors.

70. The risks of unauthorised use of personal data collected by online decision portals, linked to the possibility of profiling made possible by algorithmic systems, should be identified and mitigated, in accordance with Recommendation CM(2020)1 of the Committee of Ministers to member states on the human rights impact of algorithmic systems .

71. It should not be possible for third-party tools, such as search engines, to obtain data on searches and the people who carry them out.

Guideline No. 12 on anonymisation and pseudonymisation

72. The rules for anonymising or pseudonymisation of judicial decisions published online must be applied to effectively protect the privacy and security of individuals while respecting the principle of transparency and access to information of public interest. In particular, it is important to reduce as much as possible any risk of re-identification and to pay particular attention to sensitive data and vulnerable individuals. The aim is to strike a balance between the protection of personal data and the need to understand judicial decisions, while offering review mechanisms where necessary.

73. The rules on anonymisation or pseudonymisation of judicial decisions published online should ensure a fair balance between the principle of open court, freedom of access to information of public interest and the protection of personal data and the right to security and privacy protected by Convention 108. Where sensitive data is concerned (sexual orientation, health, family issues, etc.) or where it is necessary to ensure special protection for vulnerable subjects (for example, minors or victims of sexual violence), particular attention should be paid to anonymisation/pseudonymisation.

74. Judges should always be aware that, even if personal data is subsequently deleted, the individuals mentioned are still likely to be identified. Thus, particular care should be taken in the ex-ante approach to the protection of personal data, avoiding mention of any sensitive material that is not necessary to understand the reasoning of the decision. They should also avoid including elements that may lead to the identification of the parties and that are not strictly necessary.

75. Anonymisation/pseudonymisation rules, in particular as regards natural and legal persons concerned, should be issued by the body responsible for governance of the judiciary, which is obliged to publish and explain them, so that they apply to anyone publishing judicial decisions.

76. Anonymisation/pseudonymisation should have as little impact as possible on the readability of the decision and should in all cases enable it to be understood.

77. Re-identification should be made as difficult as possible. The use of random initials or generic labels¹¹ shall be preferred to the real initials of the parties to the proceedings. Any possibility of finding non-anonymised personal data linked to a certain court case number should be avoided as far as possible.

78. A simple and rapid mechanism for requesting a review of anonymisation/pseudonymisation should exist and be adequately publicised on the publication portal.

79. In judicial systems in which judicial decisions are published without anonymisation or pseudonymisation, care must be taken to ensure the right to be forgotten and the principle of non-influence of entries deleted from criminal records.

E. Organisation

Guideline No. 13 on publication governance

¹¹ For example, "Accused #1" or "Witness #2".

80. *The establishment of sustainable organisational structures, consultation with legal professionals and cooperation between all the services involved should ensure the integrity, interoperability and compliance of publication with the applicable legal standards - particularly in terms of data protection.*

81. The national authority responsible for the organisation of justice should play a leading role in providing access to judicial decisions and take responsibility for the process of developing, processing and presenting case law. Where this authority is not the Council for the Judiciary, the latter should be involved in this process.

82. The entire publication process should be implemented by a competent and sustainable organisational structure. Internal rules should define the processes for the preparation, compilation, processing, dissemination and certification of electronic judicial documents, in order to guarantee their access, integrity and authenticity, and to ensure that they comply with legislation on the protection of personal data.

83. Judges should be involved in all decisions concerning the establishment, development and use of the case law publication system. Other professionals (prosecutors, bar, universities) should also be invited to participate in the development of the requirements of the case law publication system.

84. Cooperation with entities managing national legislative databases should be established in order to ensure common standards and approaches for reciprocal citations and to enable secure interoperability (for example, by linking case law searches to legislative provisions and vice versa).

Guideline No. 14 on design and development

85. *Emphasis should be placed on the need for the judiciary to strategically plan and assess requirements for the publication of judicial decisions, taking into account end-user specifications and technological developments. It is important to involve judges and to consult external experts to incorporate best practice and new technologies, such as AI, while respecting ethical principles and human rights. These measures ensure that systems remain adapted to the needs of the various categories of users and meet the challenges posed by technological developments.*

86. The competent national authority, where appropriate in consultation with the Council for the Judiciary, should be responsible for strategic planning, needs assessment and architectural design.

87. User requirements specifications should be developed by internal end-user groups with sufficient knowledge and practical experience. Whichever body is responsible for IT management, it is necessary to ensure that judges are actively involved in decision-making about ICT in the broadest sense.¹²

88. If AI is used by the case law publishing system, designers and developers should consider setting up independent expert panels in accordance with the Artificial Intelligence and Data Protection Guidelines¹³, to avoid any risk of bias and ensure ethical and human rights-based AI applications.

Guideline No. 15 on human capital and training

89. *The system for publishing judicial decisions online should have adequate and qualified*

¹² Consultative Council of European Judges (CCJE) Opinion No (2011)14 "Justice and Information Technology (IT)".

¹³ Guidelines on Artificial Intelligence and Data Protection, Advisory Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, 25 January 2019, T-PD(2019)01, see <https://rm.coe.int/lignes-directrices-sur-l-intelligence-artificielle-et-la-protection-de/168091ff40>

human resources to operate effectively. Ongoing specialist training and strategic skills management should ensure the sustainability and competence of the staff involved in the process.

90. A sufficient number of well-trained and committed staff and a long-term human resources policy should be in place to ensure the reliability, efficiency and sustainability of the case law publication system.

91. Specialised training on case law and the use of IT tools, as an integral part of continuing education, should be provided.

92. Training needs should be assessed at the earliest stages of a project and a programme should be planned in collaboration with user representatives, whose "front-line" experience is important.¹⁴

93. Training materials and user manuals for internal and external users and justice professionals are essential to ensure that the system is used to its full potential and achieves its objectives.

Guideline No. 16 on continuous process improvement

94. It is important to create a helpdesk, while incorporating monitoring mechanisms to constantly improve the quality and effectiveness of the system.

95. A helpdesk should be provided for both internal and external users. To ensure uniformity of the system, the organisation of the helpdesk should remain the responsibility of the highest national judicial authority.

96. The use of the case law publication system should be monitored and evaluated. Indicators such as the number of users, accesses, and enquiries, as well as the most frequently searched terms, should be taken into consideration. Frequent satisfaction surveys and the collection of suggestions for improvement can help to enhance the quality and effectiveness of the system.

¹⁴ Recommendation Rec(2001)2 on the cost-effective design and redesign of judicial systems and legal information systems.

APPENDIX I: Index

Council of Europe

Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, 17 May 2024

Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, 28 January 1981 (known as "Convention 108")

Recommendation CM/Rec(2018)2 of the Committee of Ministers to member states on the roles and responsibilities of Internet intermediaries

Recommendation CM/Rec(2020)1 of the Committee of Ministers to member states on the impact of algorithmic systems on human rights

Recommendation Rec(2001)2 on the cost-effective design and redesign of judicial systems and legal information systems

CEPEJ, European ethical charter for the use of artificial intelligence in judicial systems and their environment, 3-4 December 2018

CEPEJ, Guidelines on electronic court filing (e-filing) and digitalisation of courts, CEPEJ(2021)15, 8-9 December 2021

Consultative Council of European Judges, Opinion No. 14 (2011) for the attention of the Committee of Ministers of the Council of Europe, Justice and Information Technologies (IT)

Advisory Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, Guidelines on Artificial Intelligence and Data Protection, T-PD(2019)01, 25 January 2019

European Union

Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (known as the "AI Act")

Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (known as the "GDPR").

United Nations

UNESCO, *UNESCO Global Judges' Initiative: survey on the use of AI systems by judicial operators*, CI/DIT/2024/JI/01 Rev, 2024

ANNEX II: Glossary

(Search) Algorithm

An algorithm is a finite sequence of formal rules (logical operations, instructions) used to obtain a result from input elements. This sequence can be the object of an automated execution process and be based on models designed using machine learning.

Anonymisation

The process of processing personal data in order to completely and irreversibly prevent the identification of a natural or legal person. Anonymisation therefore assumes that there is no longer any possible link between the information concerned and the person to whom it relates. Identification then becomes totally impossible⁸⁴. The principles relating to the protection of data relating to an identified or identifiable natural person therefore no longer apply if the data is completely anonymised. See also "Pseudonymisation".

A search algorithm is software designed to search for documents or data following a specific request made by the end user. Sometimes this algorithm is opaque in its logic and mechanisms. In this context, the search algorithm must be transparent, well documented and explainable in order to preserve the end user's autonomy of decision.

API- Application Program Interface

Software module that enables dialogue between two or more different computer systems. It is used in the open data community to obtain the mass of data or information updated directly using machine communication, thus avoiding time-consuming human navigation.

Artificial Intelligence (AI)

A group of sciences, theories and techniques whose aim is to use a machine to reproduce the cognitive abilities of a human being. Current developments are aimed at being able to entrust a machine with complex tasks previously delegated to a human being. See also "*Artificial intelligence system*".

Artificial intelligence system

An automated system which, for explicit or implicit purposes, deduces, from inputs received, how to generate output results such as forecasts, content, recommendations or decisions which can influence physical or virtual environments. Different artificial intelligence systems have varying degrees of autonomy and adaptability once deployed (art. 2 of the Council of Europe Framework Convention on Artificial Intelligence).

Big Data (megadata, large set of data)

The term "big data" refers to a large set of data, from heterogeneous sources (open data, proprietary data, commercially purchased data). In the case of judicial data, big data could be a combination of statistical data, connection logs in business software (application logs), databases of court rulings, and so on.

Boolean operator

Boolean operators are logical constructs used to manage queries on a set of data or documents using the OR, AND, NOT or AND NOT operators. These operators can be used to combine terms in the search engine and make the query more effective for the end user's purposes.

Chatbot (conversational agent)

Computer programme based on artificial intelligence, capable of answering a web user's questions in real time, thus acting as a virtual advisor.

Data

Representation of information for automatic processing.

Database

A database is a "container" storing data such as numbers, dates or words, which can be processed by computer to produce information; for example, numbers and names assembled and sorted to form a directory.

Data Scrapping

The practice of automatically extracting data from a site from another site, programme or software with a view to reusing it.

Filter bubble (Filter bubble)

The filter bubble describes a situation in which someone only hears or sees news and information that supports what they already believe, in particular a situation created on the Internet as a result of profiling the end user's opinion and behaviour. This mechanism, if applied in the judicial database, could pre-filter case law based on the end user's previous browsing, thus masking relevant decisions that could help the operator find correct and complete information.

Free licence

For the purposes of Open Data, the term "Free Licence" refers to any legal instrument that allows users to access, re-use and redistribute a data set with few or no restrictions.

Metadata

Data used to define, contextualise or characterise other data. In most IT usages, the prefix meta means "definition or reference description". Metadata summarises basic information about data, making it easier to find and manipulate particular instances of data. Examples include the author, creation date, modification date and file size. Metadata and its corollary, data filtering, help to locate a specific document

Open data

The term refers to the public availability, by downloading, of structured databases. This data can be re-used free of charge under the terms of a specific licence, which may specify or prohibit certain re-use purposes. *Open data* should not be confused with single items of public information available on websites, where the entire database cannot be downloaded. It is not a substitute for the compulsory publication of certain administrative or judicial measures or decisions already provided for by certain laws or regulations.

Personal data

Any information relating to an identified or identifiable natural person (known as the "data subject"), whether directly or indirectly. Sensitive data includes genetic data, biometric data uniquely identifying an individual, data relating to offences, criminal proceedings and convictions and related security measures, and any data because of the information it reveals about racial or ethnic origin, political opinions, trade union membership, religious or other beliefs, health or sex life.

Profiling

An automated data processing technique which consists of applying a "profile" to a natural person, in particular in order to make decisions about them or to analyse or predict their personal preferences, behaviour and attitudes.

Pseudonymisation

Processing of personal data in such a way that it can no longer be attributed to a specific data subject without recourse to additional information, provided that this additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data is not attributed to an identified or identifiable natural person. See also "*Anonymisation*".

Right to be forgotten (right to erasure)

Right to obtain from the controller the erasure, as soon as possible, of personal data concerning him or her where there is a legitimate reason: the data is no longer necessary with regard to the purposes for which it was collected, the data subject withdraws the consent on which the processing is based, the person objects to the processing without there being a compelling legitimate reason for the processing, the data has been processed unlawfully, the data must be erased to comply with a legal obligation to which the controller is subject... (see Article 17 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data).

Uniform Resource Identifier (URI)

The Uniform Resource Identifier (acronym URI) is a sequence of characters that uniquely and universally identifies an abstract resource (e.g. a law) or a physical resource (e.g. a web page) on the Web. In the legal domain, the URI must be persistent and non-modifiable over time, meaningful to enable legal operators to use it easily, and transparent to promote the explicability of citations. An example of a URI is the nomenclature used in ELI and ECLI to designate legislation and case law respectively.

Thesaurus

A thesaurus is a controlled, structured vocabulary in which concepts are represented by labels. In the digital classification and categorisation of documents, a thesaurus is a controlled list of subjects or concepts including their semantic relationships. In this context, a vocabulary is an organised catalogue of legal concepts and their relationships (for example, a list of keywords).

ANNEX III: Abbreviations

AKN: Akoma Ntoso

International technical standard for representing executive, legislative and judicial documents in a structured manner using an XML vocabulary dedicated to the legal domain.

API: Application Programming Interface

Software interface that connects one software application or service to another software application or service in order to exchange data and functions.

ECLI: Identifiant européen de la jurisprudence / European Case Law Identifier

Unambiguous identifier used to make case law available online in a standardised format. It is designed to facilitate the search, citation and exchange of case law in Europe. It has been adopted by the Court of Justice of the European Union and by several EU Member States.

ELI: Identifiant européen de la législation / European Legislation Identifier

A unique identifier designed to facilitate the citation and retrieval of legislation in Europe. It has been adopted by the European Union and several EU Member States.

HTML : HyperText Markup Language

Markup language designed to represent web pages

JSON: JavaScript Object Notation

Text data format used to represent and transmit structured information)

ODF : OpenDocument Format

Open data format for office applications: word processing, spreadsheets, presentations, diagrams, drawings and office databases.

RDF : Resource Description Framework

A graph model designed to formally describe Web resources and their metadata, so that these descriptions can be processed automatically.

URI: Uniform Resource Identifier

A sequence of characters that uniquely and universally identifies an abstract resource - for example, a law - or a physical resource - for example, a Web page - on the Web.

WAI: Web Accessibility Initiative

Initiative launched by the World Wide Web Consortium (W3C) aimed at proposing technical solutions to make the Internet accessible to people with disabilities and, more generally, to anyone without specific technical skills.

XML : Extensible Markup Language

Data structuring language, used in particular for managing and exchanging information on the Internet.

ANNEX IV: Checklist on the organisational framework for online publication of judicial decisions and access to legal knowledge

	Tick (yes/no)	
Governance		
The Council for the Judiciary and/or judges must be involved in the publication policy.	<input type="checkbox"/>	<input type="checkbox"/>
Publication covers the entire lifecycle (development, deployment, setting up the appropriate organisational structure, publication and maintenance).	<input type="checkbox"/>	<input type="checkbox"/>
Interoperability with other judicial and legal information systems is envisaged.	<input type="checkbox"/>	<input type="checkbox"/>
A precautionary approach with preventive policies and risk assessment is adopted.	<input type="checkbox"/>	<input type="checkbox"/>
Binding rules apply to the publication of case law.	<input type="checkbox"/>	<input type="checkbox"/>
The necessary organisational structure is in place.	<input type="checkbox"/>	<input type="checkbox"/>
The internal rules relating to the internal organisational structure and processes are applied.	<input type="checkbox"/>	<input type="checkbox"/>
Cooperation with other communities is envisaged.	<input type="checkbox"/>	<input type="checkbox"/>
Cooperation with the legislative authorities is established and standards are harmonised and set.	<input type="checkbox"/>	<input type="checkbox"/>
Design and development		
Cutting-edge ICT solutions enable judicial decisions to be published and pseudonymised.	<input type="checkbox"/>	<input type="checkbox"/>
The file or document management system supports the collection process.	<input type="checkbox"/>	<input type="checkbox"/>
All areas of law and the case law of all judicial bodies are covered - no beneficiary is left behind.	<input type="checkbox"/>	<input type="checkbox"/>
The Council for the Judiciary or the judges are involved in the development of related functions (e.g. monitoring the consistency of case law, training, ICT system, common standards such as timeliness, anonymisation/pseudonymisation rules, organisational structure, helpdesk).	<input type="checkbox"/>	<input type="checkbox"/>
User requirements specifications are developed by internal end-user groups and judges are actively involved in IT decision-making.	<input type="checkbox"/>	<input type="checkbox"/>
Where AI is used, a committee of independent experts is set up in accordance with the guidelines on artificial intelligence and data protection.	<input type="checkbox"/>	<input type="checkbox"/>

The system for publishing case law is subject to a risk assessment.	<input type="checkbox"/>	<input type="checkbox"/>
Human capital and training		
A long-term human capital policy is in place.	<input type="checkbox"/>	<input type="checkbox"/>
Resource requirements in the form of qualified staff are constantly monitored.	<input type="checkbox"/>	<input type="checkbox"/>
A sufficient number of qualified, motivated and committed people is taken into account and guaranteed.	<input type="checkbox"/>	<input type="checkbox"/>
Judges, legal advisers and administrative staff involved in the whole process of publishing case law are taken into account and included in the training process.	<input type="checkbox"/>	<input type="checkbox"/>
Specialised training on case law and the use of IT tools are part of the regular training process for judges and court staff.	<input type="checkbox"/>	<input type="checkbox"/>
Training needs are assessed and taken into account at an early stage in the implementation process, and user representatives are involved in the training process.	<input type="checkbox"/>	<input type="checkbox"/>
Training activities are taken into account throughout the life cycle of the case law publication; the training needs and expectations of the various legal and lay communities are taken into account.	<input type="checkbox"/>	<input type="checkbox"/>
Justice professionals are involved in the training process.	<input type="checkbox"/>	<input type="checkbox"/>
Continuous improvement		
A help desk has been set up.	<input type="checkbox"/>	<input type="checkbox"/>
Promotional and awareness-raising activities are carried out on the platform.	<input type="checkbox"/>	<input type="checkbox"/>
The quality of the system for publishing case law is guaranteed in the long term.	<input type="checkbox"/>	<input type="checkbox"/>
Performance is monitored using key performance indicators (KPIs).	<input type="checkbox"/>	<input type="checkbox"/>