

# Implementing Technology in the Judiciary

- Modern courts face unprecedented technological challenges.
- Digital transformation requires careful implementation to preserve judicial independence and integrity.
- Digital transformation of the justice system is not just a technical exercise - it is a fundamental issue of safeguarding the rule of law.
- Judicial councils play a critical role as guardians of the justice system. They must maintain decisive control over all technology decisions, from infrastructure consent to data sovereignty. Only through this level of oversight can the judiciary ensure its core values and principles are upheld in the digital age.





Digital transformation offers powerful benefits but requires careful consideration on potential pitfalls

## Advantages

- Improved access to justice
- Streamlined case management
- Reduced backlogs
- Transparency through digital record-keeping
- Cost reduction in administrative processes

## Risks

- Unauthorized access to judicial data
- Cybersecurity threats compromising sensitive judicial data
- Over-reliance on automation in judicial decision-making
- Privacy concerns with electronic court records



# Judicial Councils: Guardians of Judicial Integrity

While digital transformation holds great promise, Judicial Councils play a critical role in ensuring new technologies align with the judiciary's core values and responsibilities. By carefully vetting proposed systems, Councils can help safeguard the independence, fairness and public trust that are the bedrock of the justice system.

# International Foundations for Judicial IT Governance

- **CCJE Opinion No. 24 (2021):** Judicial Councils must actively safeguard independence as courts undergo technological transformation
- **CCJE Opinion No. 26 (2023):** IT oversight must remain within judiciary control, as external governance threatens judicial independence
- **ENCJ Rome Declaration (2024):** Councils bear responsibility for evaluating and coordinating judicial technology solutions
- **ENCJ Executive Board Dublin Statement (2024):** Councils require decisive authority over judicial data and applications
- **GDPR Article 55(3)** - protects courts' judicial operations from external data protection oversight



# Digital Justice Forum Goal

**Creating guidelines** to support Judicial Councils in preserving judicial integrity and upholding the Rule of Law amid technological transformation.



# Stages of Judicial Councils Technology Oversight



## Building IT Infrastructure

- Councils should preserve judicial independence.
- Councils should be involved and have decision making powers in building IT infrastructure (consent where data is hosted, how is it accessed and how is it used)
- Judicial Data should remain under Judiciary's control



## Designing Applications for the Judiciary

- Judicial Councils should have decision making powers over the development of specialized software for the Judiciary.



## Continuous Oversight

- Ongoing monitoring ensures technology preserves core judicial values.
- Judicial Councils should have access to source codes

# Building IT Infrastructure for the Judiciary

## Main Goal: Judicial Independence

Councils must preserve the independence of the Judiciary.

## Data Sovereignty

What is a data base, what data does it contain, how may these data be used? Judicial data must remain under the judiciary's control.

## IT infrastructure Consent

Councils must approve IT Architecture, hosting, access, and usage protocols.

## Decision Authority

Potential affectation of constitutional principle such as independence of the Judiciary, State Power Separation



# Models of Judicial IT Governance

## Judiciary-Managed IT

**Judiciary maintain complete sovereignty over technological systems**

- Strongest protection of judicial independence
- Direct alignment with judicial needs
- Requires significant judicial IT expertise

## Executive Power (MoJ) Control

**Executive branch manages judicial IT infrastructure**

- Potential executive branch influence
- Risk for the independence of Judiciary
- Centralized resource efficiency
- Risk to separation of powers

## Independent Institution

**Autonomous body (Court Administration) manages judicial technology systems**

- Buffer against direct executive control
- Specialized IT expertise
- Requires clear judicial oversight mechanisms



# Selecting the Optimal Judicial IT Governance Model

**Each governance model offers distinct advantages and challenges for judicial technology implementation**

## Judicial Independence

Governance must preserve autonomy and prevent unauthorized interference with case data.

## Organizational Traditions

Consider historical governance patterns that have successfully preserved judicial independence.



## Administrative Efficiency

IT systems should enhance court operations while maintaining data sovereignty.

## Democratic Principles

Technology implementation must uphold separation of powers and constitutional safeguards.

# Key Considerations for Judicial Data Management

Implementing judicial technology requires careful consideration of several critical factors to preserve independence and security

- **Data Storage and Management:** Case management systems must maintain sovereignty over sensitive judicial information.
- **Secure Digital Environments:** Judges' and clerks' workspaces require specialized protection for confidential case materials.
- **Encryption Protocols:** Sensitive judicial data needs encryption with keys managed at judge or system level.
- **Application Approval Process:** Judicial Councils must assess and authorize justice system applications for rule of law compatibility.
- **Data Protection Authority:** Judicial authorities should serve as data protection enforcers in compliance with EU legislation.

# Judicial Councils' Essential Role in Technology Governance

- **Veto Authority:** Councils must maintain decisive power over IT architecture definition and implementation.
- **Specialized Oversight:** IT architecture require judicial perspective to protect court independence.
- **Financial Resources:** Adequate funding ensures technology governance isn't compromised by budget constraints.
- **Organizational Capacity:** Councils need dedicated structures to evaluate complex technology proposals.
- **Technical Expertise:** Councils must develop specialized knowledge or access trusted advisors on judicial IT.

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Your Attention!

