European Network of Councils for the Judiciary (ENCJ)

Reseau européen des Conseils de la Justice (RECJ)

Report of the ENCJ Digital Justice Forum

2025 - 2026

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Introduction[1]

This report, provides a general overview of the work the ENCJ Digital Justice Forum has carried over the years as well as outcomes of the discussions on specific areas, addressed when building guidelines for the Councils for the Judiciaries or alternative governance bodies.

This is an intermediary report. The findings are therefore not final, and alterations may occur in the final draft of the guidelines. **This report is therefore closed and not available for public use and distribution**. The ENCJ members and observers are welcome to use the outcomes in their activities.

Activities of the ENCJ Digital Justice Forum

The ENCJ Digital Justice Forum (DJF) was established in 2018 in Rome. With the aims: to promote access to justice in a digital age, identify the areas for improvement to allow for better access to justice and to provide a a platform for the exchange of information and advice. With an ultimate goal – to develop standards for the judiciaries in various areas linked to digitalization.

Its work became even more actual due to the challenges presented to the judiciary during the Covid-19 pandemic, when the emergency measures adopted in most countries created fundamental problems with regard to the functioning of judicial systems and to the operation of the courts.

During the first years of functioning the Forum dedicated its work solely on mutual exchange of best practices on specific topics. The work was structured through a one in-person meeting per year and numerous online meetings. During the time, mutual learning on the following topics was facilitated:

- **Data collection, algorithms, machine learning and AI (artificial intelligence)**: the use in judiciaries.

- **COVID 19 pandemics**: the soft spots of judiciaries revealed and the necessary steps for a proper way forward.

- **Issues concerning** GDPR: publication of court decisions, anonymisation and GDPR; balancing data protection and judicial transparency.

- **Digital domain and judicial independence**: possible implications of digitalization and AI tools on judicial independence.

In 2024, it became clear that the ENCJ engagement in this area has to become more meaningful and relate to all aspects related of digitalization of the judiciary. Digital transformation, in conjunction with the emergence and advancement of AI, required an even better platform for the exchange of best practices assist the Councils for the Judiciaries in the overall digitalization process. In addition, specific issues such as cyber security and the interoperability of systems has to be addressed. Therefore in 2024, the ENCJ DJF became a second long term project of the

[1] This report was assembled by Ms. Milda Treige (ENCJ Director) on the basis of the work of the project group carried out throughout the year. The Section on ‘Building technology for the Judiciary’ was prepared by Claudiu Dragusin and Cosmin Sterea (CSM Romania) and the Section on the ‘Reuse of judicial data’ by Joaquín Silguero Estagnan (CENDOJ, CGPJ Spain).

ENCJ. In 2025, the ENCJ Strategic plan for 2026-2029 laid down the strategic goal: to assist Councils for the Judiciary in the age of digital transformation.

In December 2024, the ENCJ DJF decided to work on comprehensive guidelines for Councils for the Judiciaries and alternative judicial governance bodies to address the digitalization from an institutional perspective. An outline of the guidelines was approved and is provided in Annex no. 1. In the course of the project year 2025-2026 the ENCJ DJF work on several of these topics. An overview is provided in the following sections. In March 2026, an in-person meeting was held in Dublin dedicated to 'The impact of Artificial Intelligence on the Judiciary'. The results of these discussions, still require approval of the project group and Will be provided in subsequent reports.

Building technology for the Judiciary[2]

Judicial Independence and Information Technology

Introduction

The digitalization of the judiciary is essential for increasing efficiency, transparency, and accessibility. At the same time, it is crucial to be mindful of the risks introduced by emerging technologies.

IT has been until recently considered just as a support tool, but from now on it is going to be a fundamental part of the way judiciary operates. For this reason it is inextricably linked to the fundamental values of the judiciary. Only if in full control of the data it produces, judges and the judiciary can keep their internal and external independence.

To ensure this, the Councils for the Judiciary should pay attention to three fundamental areas:

A) the architecture of the IT system (how the system should be built to ensure data protection);
B) the management of the IT system (who runs and who administers it) and
C) the governance of the IT system (who decides what and how the system should do) in principle in relation to:
- data protection
- use and reuse of judicial data
- applications used by the judiciary.

A) On the architecture of the IT system for the judiciary

Key issues that the Council should pay attention to:
1. How data from judicial procedures (case management systems) is stored and managed.
2. How the digital work environments (computer networks) of judges and clerks are organized and secured, as they may contain highly sensitive information.
3. The necessity of encrypting sensitive judicial data, with encryption keys managed either at the user level (judge / clerk) or at system level, depending on data categories.

Whichever the management approach is followed, Judicial Councils should be able to review how these issues are approached, be satisfied that the solution guarantees the necessary data protection and be in position to monitor how they are implemented.

Possible IT architectures are presented in a separate part of this chapter.

B) Management of the IT system for the judiciary

Key issues that the Council should pay attention to:

1. Which organization is responsible for running the whole IT system
Having Judiciary self-governance bodies (Judicial Councils or other judicial bodies) in charge of IT systems is the most natural solution as it allows to ensure functional and operational independence of IT systems. Therefore, this approach is encouraged, provided the Councils have

[2] Work on this topic was carried out at the ENCJ Digital Justice Forum meetings in May and October 2025 in Brussels. The work produced in this section was prepared by the coordinators Claudiu Dragusin and Cosmin Sterea of the SCM Romania together with the members of the project group.

competences and sufficient expertise. However, when choosing an approach to the management of IT, jurisdictions should also consider their organizational traditions and history, provided these have preserved the constitutional principles of judicial independence and separation of powers. A Comparative Analysis Based on three approaches that steam out of practise in the ENCJ members and observers is provided in the Annex.

2. Which is the process for selecting and authorizing administrators of the system, who have potentially access from inside to a big number of data Whichever is the approach to management chosen, there must be an unavoidable process for approval of new superusers involving also the judiciary, ultimately responsible for integrity of data.

3. Monitoring of the use of the system. Systems must log all transactions in a way which cannot be erased (immutable) and the judiciary should have access to such logs.

C) Governance of the IT system for the judiciary

Councils for the Judiciary or alternative governance bodies must have a clear decision-making role, including veto power over:
- the design, approval, and implementation of IT architecture and applications intended for court use, particularly in relation to data handling and the potential impact on the rule of law;
- the use and re-use of judicial data;
- the handling of personal data according to EU legislation, with judicial authorities ideally positioned to fulfil the role of data protection authority for users of the court and for judicial staff.

D) Conclusions

Each of the three analysed governance models described in the separate section of this chapter presents both advantages and challenges. Choosing the optimal IT governance model for the justice system must a balance administrative efficiency, judicial independence, and democratic principles.

Regardless of the chosen model, IT infrastructure and its management must strictly uphold the principle of judicial independence, prevent unauthorized interference in the handling or access to sensitive case data, and maintain the separation of state powers. The system must also be in conformity withh the principle that 'justice must not only be done, but see being done' (apparence of independence), as required by Article 6 of the European Convention on Human Rights and Fundamental Freedoms.

Governments and Judicial Councils must ensure the latter possess the organizational, financial, and professional capacities necessary to fulfil such highly specialized functions.

Models of Judicial IT Governance

On the basis of the answers to the questionnaire, circulated in spring 2025 among the ENCJ members and observers, discussions in the project group and analysis of the external data by the coordinators.

Approach 1:
Judicial IT Architecture Managed by the Ministry of Justice

Overview
The Ministry of Justice holds operational and strategic responsibility for IT systems, overseeing the development, maintenance, and integration of technology in courts and prosecution offices.

Advantages
- Direct access to public funding, enabling significant investments.
- Clear political and administrative accountability.

Disadvantages
- Risk of interference with judicial independence.
- Potential perception of compromised judicial autonomy from an informed external perspective.
- Threat to the separation of powers principle.
- Possible delays and prioritization misaligned with judicial needs.
- Lack of specialized understanding of judiciary-specific requirements.
- Slow response to urgent needs of the judicial system.

Approach 2:
IT Architecture Managed by the Judiciary
(e.g., through a Judicial Council or similar body)

Overview
Responsibility for IT architecture lies within the judiciary, under the coordination of a council or internal institution.

Advantages
- Ensures functional and operational independence of IT systems.- Fast adaptation to the real needs of courts and prosecutors.
- Increases internal accountability for the digital performance of the judiciary.

Disadvantages
- Possible difficulties in accessing funding and technical resources.
- Need to develop internal IT competencies within the judiciary, which is not typically accustomed to this role.

Approach 3:
IT Architecture Managed by an Independent Institution

Overview

Creation of an autonomous authority, separate from both the executive and the judiciary, to manage IT systems in the judiciary. This authority should be governed by a council with a variable composition, but with a majority of members from the judiciary.

Advantages

- Institutional stability, regardless of political or judicial changes.
- Specialized technical expertise and agile development.
- Potential for balanced cooperation with both the Ministry of Justice and the courts.

Disadvantages

- Requires a clear and newly defined legal framework.
- Risk of loss of direct accountability from the main stakeholders (executive and judiciary).
- Potential for bureaucratic inefficiencies and institutional isolation.

Reuse of Judicial Data[3]

Comparative Analysis of Questionnaire Responses[4]

Scope and method

This report extracts the twelve questions from the draft questionnaire and structures the submitted national answers in a comparable format. For each question, the report provides: (i) a cross-country synthesis; (ii) a country-by-country structured excerpt of the answer; and (iii) an evidence quote taken verbatim from the national submission (with a paragraph reference).

Executive summary

- **Balanced governance model:** respondents converge on an 'enable-and-control' approach where Councils promote reuse but also set binding safeguards (privacy, confidentiality, independence, fair trial). Spain expressly locates this role within a statutory mandate for publication and a dedicated reuse regulation under development.

- **Tiered openness:** aggregated statistics and non-personal metadata are widely treated as suitable for open reuse; case files are consistently restricted; case law can be reusable with dissociation/pseudonymisation and use-conditions.

- **Risk-based data protection:** publication and reuse are framed as conditional on re-identification risk, with an operational preference for pseudonymisation/anonymisation plus quality controls, rather than abstract guarantees. Several answers emphasise that downstream reusers remain responsible and re-identification must be prohibited.

- **Interoperability is welcomed with guardrails:** API access is broadly supported when lawful, but governance safeguards (auth, logging, rate limits, security, standards) are expected and technical details should remain adaptable.

- **Clear boundary for analytics/AI:** data and tools should support administration and ancillary functions; adjudication must remain under judicial control. Spain's position is particularly explicit: AI must not replace judicial assessment and must remain under effective human control with bias mitigation and traceability.

Limitations

- Sample size and representativeness: only seven jurisdictions responded; findings cannot be generalised to all ENCJ members.
- Self-reported practices: responses describe policy positions and national practices as reported by respondents; they were not independently validated.

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[3] Work on this topic was carried out at the ENCJ Digital Justice Forum meetings in October 2025 (in person) in Brussels and 20 February 2026 online. The work produced in this section was prepared by the coordinator Joaquín Silguero Estagnan (from CENDOC, CGPJ Spain).
[4] Countries analysed: Bulgaria, Italy, Lithuania, Netherlands, Portugal, Sweden, Spain

- Formatting and completeness: some answers are brief or refer to other questions (e.g., Italy Q8; Sweden Q8 provides no substantive text; Italy provides no answer to Q9 in the submitted file).
- Comparability: jurisdictions differ in legal frameworks, publication traditions and IT maturity; like-for-like comparison is therefore indicative rather than determinative.

Comparative findings per question

Question 1 - When should Judicial Councils intervene regarding data reuse? Should they actively promote it or limit themselves to a supervisory or regulatory role?

Cross-country synthesis:

Across respondents, Judicial Councils are generally expected to play an active but balanced role: promoting beneficial reuse (transparency, research, efficiency) while exercising supervisory/regulatory functions to protect privacy, confidentiality and fair-trial guarantees.

Country	Structured answer (normalised excerpt)	Source reference
Bulgaria	Judicial Councils should play an active but balanced role in data re-use, combining promotion with oversight and regulatory functions. The key is to find a balance between opening up data to the public and protecting confidentiality, the independence of the courts and fair trial. In this way, the councils act simultaneously as institutional promoters, technical advisors and ethical supervisors, in line with the European standards on open data and justice....	"Judicial Councils should play an active but balanced role in data re-use, combining promotion with oversight and regulatory functions." Source: Bulgaria submission, Q1, paragraph 18
Italy	Given that the Italian administrative justice system already has a freely accessible open data portal (called OpenGA) – the only body in Italy to have one, together with the Constitutional Court –, that the development of this portal was overseen by the technical office for information technology reporting to the Secretary General of Administrative Justice (external to the council body) and that the Council was informed of the activity carried out, the Council...	"Premesso che attualmente la giustizia amministrativa italiana si è già dotata di un portale open data (denominato OpenGA) liberamente accessibile – risultando l'unico plesso a essersene dotata in Italia, insieme alla Corte Costituzionale –, che..." Source: Italy submission, Q1, paragraph 24
Lithuania	The purpose of making judicial data open and reusable is to inform the public about the procedures before the courts, the practice of interpreting and applying the law in the courts and thus to ensure the publicity, transparency and openness of the activities of the courts to the public. Having regard to the requirements of the legal acts of the European Union, the Council of Europe and the Republic of...	"The purpose of making judicial data open and reusable is to inform the public about the procedures before the courts, the practice of interpreting and applying the law in the courts and thus to ensure..." Source: Lithuania submission, Q1, paragraph 18
Netherlands	We should only have an opinion about our own data like court decisions. And that opinión is to publish much as posible with regarding the privacy	"We should only have an opinión about are own data like court decisions." Source: Netherlands submission, Q1, paragraph 18
Portugal	First of all, it is necessary to distinguish between two distinct scenarios: on the one hand, the statistical data that judicial activity produces in large volumes; on the other hand, the data contained in judicial proceedings, which are essentially personal data. In the first case, metrics can always be improved and encompass new factors and elements of evaluation regarding the activity of the courts and how their performance is reflected...	"First of all, it is necessary to distinguish between two distinct scenarios: on the one hand, the statistical data that judicial activity produces in large volumes; on the other hand, the data contained in judicial..." Source: Portugal submission, Q1, paragraph 18
Sweden	The Swedish National Courts Administration makes available, as open data, both the official judicial statistics and selected case law from the courts (The	"The Swedish National Courts Administration makes available, as open data, both

	Supreme Court and Supreme Administrative Court). This initiative aims to enhance transparency, facilitate research, and support the development of digital justice solutions, while ensuring compliance with data protection and confidentiality requirements.	the official judicial statistics and selected case law from the courts (The Supreme Court and Supreme Administrative Court)." Source: Sweden submission, Q1, paragraph 17
Spain	In Spain, the General Council of the Judiciary carries out the re-use of data based on its powers in relation to the publication of judgments and other judicial decisions. The publication and reuse are provided for in the provisions of the Organic Law on the Judiciary (Article 560.1.10 and 560.1.16(e)). Therefore, we consider that the Council must be involved, as it is also competent to make available to the public...	"In Spain, the General Council of the Judiciary carries out the re-use of data based on its powers in relation to the publication of judgments and other judicial decisions." Source: Spain submission, Q1, paragraph 16

Question 2.- What types of judicial data or information should be subject to public reuse? Which ones should remain restricted or confidential?

Cross-country synthesis:

There is broad convergence on a tiered openness. Aggregated statistics and metadata are viewed as the most suitable for open reuse. Decisions/case law may be reusable when adequately anonymised/pseudonymised (often with additional terms of use). Case files and data exposing minors, victims, sensitive categories, investigative material or security-related information are consistently treated as restricted.

Country	Structured answer (normalised excerpt)	Source reference
Bulgaria	In the public part of the Unified Portal for Electronic Justice (UPEJ) there is access to all published cases with deleted personal data. With regard to judicial acts - by decision under Protocol No. 21/28.07.2025, item 16, of the Plenum of the Supreme Judicial Council on the basis of Art. 2, para. 2 of Regulation No. 4 of 16.03.2017 on the maintenance, keeping and access to the register of court...	"In the public part of the Unified Portal for Electronic Justice (UPEJ) there is access to all published cases with deleted personal data." Source: Bulgaria submission, Q2, paragraph 38
Italy	Given that in the current OpenGa portal developed by the Italian Administrative Justice system, the design of the datasets has been limited so as not to include the automatic acquisition of the contents of decisions or information on the magistrates who participated in the decision and that, similarly, the public portal where individual Administrative Justice decisions are published does not include the identifying details of minors or persons involved in related criminal proceedings, the...	"Premesso che nell'attuale portale OpenGa sviluppato dalla Giustizia amministrativa italiana, il design dei dataset è stato perimetrato in modo da non prevedere l'automatica acquisizione dei contenuti delle decisioni nè informazioni sui magistrati che hanno partecipato..." Source: Italy submission, Q2, paragraph 39
Lithuania	In the Republic of Lithuania, the following Lithuanian Courts Information System's (hereinafter – LITEKO) datasets are published for reuse on the Lithuanian Open Data Portal: extracts from case allocation protocols of Lithuanian courts, statistics of Lithuanian courts, decisions, rulings, resolutions of Lithuanian courts, schedules of Lithuanian court hearings with data on legal entities and initials of natural persons (https://data.gov.lt/datasets/?selected_facets=category_exact%3A139&selected_facets=organization_exact%	"In the Republic of Lithuania, the following Lithuanian Courts Information System's (hereinafter – LITEKO) datasets are published for reuse on the Lithuanian Open Data Portal: extracts from case allocation protocols of Lithuanian courts, statistics of..."

	3A90). In addition, judgments on the merits of the case in all...	Source: Lithuania submission, Q2, paragraph 27
Netherlands	In NL we distinguish 4 types of data: 1 Casefiles. Totally restricted. Even not possible to store them in the cloud 2 Court decisions. Publishing much as possible with pseudonymisation AND code of conduct for users 3 Part of court decisions. Publishing for public or share data with other authorities from court decisions (for example: insolvencies in a register). Strong regulated with policies for users 4 aggregated data like volumes...	"1 Casefiles." Source: Netherlands submission, Q2, paragraph 32
Portugal	Already answered in Q1. Statistical data is of significant importance in evaluating the functioning of the courts and the judicial system. This is carried out by the Ministry of Justice and the Superior Council of the Judiciary through the extensive reports of the courts published in their annual activity report (published online). Regarding the content of judicial decisions, the council approved the criteria for selecting decisions and pseudonymization techniques, in...	"Already answered in Q1." Source: Portugal submission, Q2, paragraph 39
Sweden	Example: Official judicial statstics Anonymized case law, apart from the case number and the name of the judge. (In Sweden, by contacting the court directly, the general principle is that it is posible to obtain an unmasked version of the judgement) Open metadata	"Anonymized case law, apart from the case number and the name of the judge." Source: Sweden submission, Q2, paragraph 25
Spain	Not only judgments and court rulings should be subject to reuse, but also the analysis, research and statistical data they contain, giving rise to specific regulatory treatment of advanced technological uses, especially those linked to artificial intelligence. On the other hand, those established by law and, in particular, those covered by procedural laws must remain restricted or confidential. Both criteria are provided for in the draft Regulation on reuse and...	"Not only judgments and court rulings should be subject to reuse, but also the analysis, research and statistical data they contain, giving rise to specific regulatory treatment of advanced technological uses, especially those linked to..." Source: Spain submission, Q2, paragraph 29

Question 3.- How can Judicial Councils encourage data reuse? What incentives and safeguards should accompany such initiatives?

Cross-country synthesis:

Incentives centre on making high-quality datasets discoverable and usable (portals/catalogues, standardisation, APIs, documentation) and building capacity (training, guidance). Some responses detail concrete 'general conditions' for reuse (source citation, no endorsement, metadata preservation) and anticipates licence-specific conditions. Safeguards recur: privacy-by-design redaction/anonymisation, ethical and legal review, clear licensing/terms of use, and monitoring of downstream reuse.

Country	Structured answer (normalised excerpt)	Source reference
Bulgaria	Councils for the Judiciary can promote the reuse of judicial data through a combination of institutional, technical and ethical measures, while ensuring the protection of citizens' rights and the independence of the Judicial System. 1. Institutional incentives: • Development of guidelines and standards; • Financial and organizational support; • Regulatory and strategic approach. 2. Technical incentives and tools: • Provision	"Councils for the Judiciary can promote the reuse of judicial data through a combination of institutional, technical and ethical measures, while ensuring the protection of citizens' rights and the independence of the Judicial System."

	of infrastructure; • APIs and data catalogues; • Support for...	Source: Bulgaria submission, Q3, paragraph 80
Italy	Given that the technical offices have informed the Council that they are proceeding with the installation of special software for joining the National Digital Data Platform (PDND) – where the individual databases of public administrations will not be merged, but interoperability will be guaranteed through the display of the connector catalogue (API catalogue), the Council considers, in general, that in order for judicial councils to play an effective institutional promotion role, it is essential...	"Premesso che gli uffici tecnici hanno informato il Consiglio di stare procedendo all'installazione di un apposito software per l'adesione alla Piattaforma Digitale Nazionale Dati (PDND) – ove non confluiranno le singole banche dati delle pubbliche..." Source: Italy submission, Q3, paragraph 59
Lithuania	Judicial Councils can encourage data reuse through targeted, neutrality-preserving measures that focus on quality, safety, and clarity rather than on stimulating exploitation. Incentives must be paired with strict safeguards to protect rights and judicial independence. Section II — Data-driven approach	"Judicial Councils can encourage data reuse through targeted, neutrality-preserving measures that focus on quality, safety, and clarity rather than on stimulating exploitation." Source: Lithuania submission, Q3, paragraph 52
Netherlands	It is the duty of the judicial councils to publish court decisions much as possible For data of type 3 such data must be the single point of truth (there only one source for insolvency), so using those registers must be stimulated Section II — Data-driven approach	"It is the duty of the judicial councils to publish court decisions much as possible" Source: Netherlands submission, Q3, paragraph 51
Portugal	Making data publicly available online, free of charge, is the greatest incentive that can be given for its reuse by researchers, academics, and law enforcement agents. Improving statistics is also a key factor in gaining broader perspectives and providing more 'working material' for those who wish to explore this data. Preferably, intermediaries should not be involved in this purpose, but rather the data should be disseminated freely. Section II —...	"Making data publicly available online, free of charge, is the greatest incentive that can be given for its reuse by researchers, academics, and law enforcement agents." Source: Portugal submission, Q3, paragraph 52
Sweden	The Swedish National Courts Administration is responsible for the part of Sweden´s official statistics that concerning the operations of the courts. The judicial statistics include data on cases and meatters handled by the general courts, the administrative couts, as well as the rent and tenancy tribunals. Furthermore, The Swedish National Courts Administration, offers an IT service for publishing precedential decisions, acting both as a technical enabler and as the entity...	"The Swedish National Courts Administration is responsible for the part of Sweden´s official statistics that concerning the operations of the courts." Source: Sweden submission, Q3, paragraph 36
Spain	The Council can encourage data reuse by establishing a clear legal framework that, on the one hand, ensures proper compliance with legal obligations regarding the publication of case law and reuse; and, on the other hand, to ensure that such compliance is in line with technological developments — including the use of automated systems and artificial intelligence —, the requirements of integrity, authenticity and equal access to judicial information, and...	"The Council can encourage data reuse by establishing a clear legal framework that, on the one hand, ensures proper compliance with legal obligations regarding the publication of case law and reuse; and, on the other..." Source: Spain submission, Q3, paragraph 40

Question 4.- Do you consider a data-driven approach useful for judges and magistrates? Can you provide examples from your jurisdiction?

Cross-country synthesis:

Most jurisdictions consider data-driven approaches useful for judicial administration (workload allocation, resource planning, monitoring delays and backlogs). A recurring boundary is drawn around adjudication: analytics should support management and consistency analysis, but should not displace the judge's independent decision-making or become a de facto performance metric.

Country	Structured answer (normalised excerpt)	Source reference
Bulgaria	• A data-driven approach would be useful for judges and magistrates in managing various court proceedings. • An example of a data-driven approach is the Centralized Allocation of Warrant Cases (order-for-payment cases), which led to a more even distribution of work among judges from different courts. The data-driven approach is extremely useful for judges and magistrates, providing a tool for informed decision-making, better workload management and resource optimization. This approach...	"• A data-driven approach would be useful for judges and magistrates in managing various court proceedings." Source: Bulgaria submission, Q4, paragraph 105
Italy	In general, the Council considers an approach based also (though not exclusively) on data to be useful for the purposes of performance management and proceedings. In order to make this data available, both individual magistrates and the presidents of judicial offices can consult statistics relating to their own activity (for individual magistrates) and that of the entire office (for the president) in real time, including with reference to the timing of decisions and...	"In linea generale, il Consiglio ritiene utile un approccio basato anche (seppure non esclusivamente) sui dati ai fini della gestione della performance e dei procedimenti." Source: Italy submission, Q4, paragraph 73
Lithuania	The Constitutional Court of Lithuania in the ruling of 24 October 2007 noted that one of the necessary conditions for ensuring the uniformity (consistency, non-contradiction) of court practice, and thus the continuity of jurisprudence, is the availability of precedents of all branches of general competence and specialized courts, which is determined by the creation of relevant information systems, ensuring organizational and technical opportunities for courts to familiarize themselves with previously...	"The Constitutional Court of Lithuania in the ruling of 24 October 2007 noted that one of the necessary conditions for ensuring the uniformity (consistency, non-contradiction) of court practice, and thus the continuity of jurisprudence, is..." Source: Lithuania submission, Q4, paragraph 62
Netherlands	Not for decision making, That's the authority of the judge. The only data the judge should use is caselaw. Data driven workload distribution can be very helpful	"Not for decision making, That's the authority of the judge." Source: Netherlands submission, Q4, paragraph 64
Portugal	As a model for strategic decision-making, we must agree that the justice system would greatly benefit from being based on data analysis. The council currently sets procedural benchmarks per judge. This analysis is based on the selection of task types considered most relevant and on specific statistics for each type of court. However, there are limitations associated with the quality and timeliness of the data. The design of the procedural...	"As a model for strategic decision-making, we must agree that the justice system would greatly benefit from being based on data analysis." Source: Portugal submission, Q4, paragraph 62
Sweden	The Swedish National Courts Administration provides a centralized IT system for judicial case management.	"The Swedish National Courts Administration provides a

	When a case is initiated, the system allocates the cases based on predetermined parameters. The IT system enables the extraction of reports containing data such as case processing times and case inflow and outflow, which are utilized by court management for planning and follow-up. It is also used by individual judges to monitor the cases for...	centralized IT system for judicial case management." Source: Sweden submission, Q4, paragraph 47
Spain	Yes, a data-driven approach can be very useful for judges and magistrates, as long as it is framed as decision support and court management support, not as a substitute for judicial reasoning or independence. In Spain, procedural management systems collect data on the number of cases filed and their distribution among the courts. This makes it possible to determine the duration of proceedings and the workload of the courts. Through...	"Yes, a data-driven approach can be very useful for judges and magistrates, as long as it is framed as decision support and court management support, not as a substitute for judicial reasoning or independence." Source: Spain submission, Q4, paragraph 71

Question 5.- Does data reuse improve citizens access to justice and their perception of the judiciary's work? Why?

Cross-country synthesis:

Respondents generally see positive effects on transparency and trust, particularly through accessible publication of decisions and meaningful statistics. It is possible to link reuse to reduced information asymmetry, guidance tools, and verifiable transparency via objective indicators (files/resolved/pending, rates, duration). Several answers stress that benefits depend on understandable, contextualised presentation and avoidance of privacy harms.

Country	Structured answer (normalised excerpt)	Source reference
Bulgaria	Reuse of data can improve both citizens' access to justice and their perception on the work of the Judicial System, provided that it is done responsibly, with proper protection of personal data and with clearly defined objectives. It reduces information asymmetry, supports transparency, facilitates legal orientation and enables the creation of new public services. The open and methodologically substantiated judicial statistics allow citizens, lawyers, journalists and researchers to better understand...	"Reuse of data can improve both citizens' access to justice and their perception on the work of the Judicial System, provided that it is done responsibly, with proper protection of personal data and with clearly..." Source: Bulgaria submission, Q5, paragraph 123
Italy	The Council considers that the reuse of data—naturally balanced with confidentiality requirements and safeguards that prevent profiling of judgments—is essential to strengthen public trust, increase accountability, and reduce information asymmetries. Please refer to the above comments regarding judicial data already available to citizens, lawyers, and journalists. The Council considers that the reuse of data—naturally balanced with confidentiality requirements and safeguards...	"Il Consiglio ritiene che il riutilizzo dei dati – ovviamente bilanciato con esigenze di riservatezza e garanzie che evitino profilazione dei giudizi – sia essenziale per rafforzare la fiducia pubblica, aumentare la responsabilità e ridurre..." Source: Italy submission, Q5, paragraph 88
Lithuania	Judicial data reuse can improve citizens' access to justice and their perception of the judiciary, but its benefits depend on careful implementation and strong safeguards. 1. Improved access to justice: – Reuse of case-law, statistics, and procedural data enables clearer, more accessible explanations of how courts function and what outcomes are typical. This helps individuals understand rights, procedures, and have	"Judicial data reuse can improve citizens' access to justice and their perception of the judiciary, but its benefits depend on careful implementation and strong safeguards." Source: Lithuania submission, Q5, paragraph 74

	realistic expectations. – Open, well-structured judicial data reduces information asymmetries...	
Netherlands	Agree but only publishing is not enough. Most courtdecisions are not understandable for people without a legal background. We should do more. In NL we're experimenting with interaction chatbot in 'normal Dutch' and translating court decisions into 'normal Dutch'	"Agree but only publishing is not enough." Source: Netherlands submission, Q5, paragraph 81
Portugal	To a certain extent, yes, depending on the type of reuse that is made of the data. There may be reuse of data targeted at 'niches' of people, which do not influence the perception or knowledge of the general public. If we refer to the availability of quality statistical data useful for understanding judicial work, without a doubt, this stance of transparency helps citizens to better understand the functioning of...	"To a certain extent, yes, depending on the type of reuse that is made of the data." Source: Portugal submission, Q5, paragraph 72
Sweden	Transparency generally fosters public trust in the judiciary and is essential for legal certainty, as it enables oversight and scrutiny of the courts' work. However, courts must exercise great care in handling personal data and refrain from disclosing such information beyond what is necessary and permitted by law. Failure to do so may have the opposite effect, reducing public confidence and discouraging individuals from seeking recourse through the courts.	"Transparency generally fosters public trust in the judiciary and is essential for legal certainty, as it enables oversight and scrutiny of the courts' work." Source: Sweden submission, Q5, paragraph 56
Spain	Yes, absolutely: 1) The reuse of judgments and rulings reduces information asymmetry and improves the identification of relevant criteria. All of this makes it easier for citizens to understand which criteria are accepted by the courts and which are not. 2) With structured data, guidance tools can be developed (e.g., identifying the frequent causes of appeal rejection). These tools should help to reduce failed procedures and improve the access experience....	"1) The reuse of judgments and rulings reduces information asymmetry and improves the identification of relevant criteria." Source: Spain submission, Q5, paragraph 92

Question 6.- What types of indicators derived from data reuse could improve judicial efficiency and quality (e.g., case duration, appeal rates, workload ratios)?

Cross-country synthesis:

Commonly cited indicators include time-to-disposition/case duration, clearance and disposition/resolution rates, backlog, workload ratios, hearing adjournments, appeal rates and consistency measures. Spain adds usability-oriented metrics (queries/search usage, clear-language indicators) alongside procedural-stage congestion analysis.

Country	Structured answer (normalised excerpt)	Source reference
Bulgaria	The indicators derived from data reuse that could help improve judicial efficiency and quality are the following: average duration of cases; indicators of relative weighting of cases; relative share of resolved cases (cases disposed); measurement of workload by quantitative and qualitative indicators. Section III — Open Data Policy	"The indicators derived from data reuse that could help improve judicial efficiency and quality are the following:" Source: Bulgaria submission, Q6, paragraph 133
Italy	Given that the OpenGA administrative justice portal already provides the data referred to in Annex II of the CEPEJ guidelines on the subject and indeed provides additional information (with reference to the type of litigation by subject matter, the number of appeals received and processed by each individual judicial	"Premesso che il portale OpenGA della giustizia amministrativa rende già disponibili i dati di cui all'annex II delle linee guida CEPEJ in materia e che anzi fornisce

	office, and the number of hearings held); the Council generally considers the aforementioned indicators to be useful, together with data relating to the number...	informazioni aggiuntive (con riferimento alla tipologia di contenzioso..." Source: Italy submission, Q6, paragraph 102
Lithuania	Every year in Lithuania, a report on the activities of the courts of the previous year is prepared and presented to the public. It analyses and assesses the following key criteria and indicators for the functioning of courts: - trends in the formation of the judicial corps (number of judicial posts occupied, average age of judges, number of judges duly appointed and dismissed in a given year); - trends in...	"Every year in Lithuania, a report on the activities of the courts of the previous year is prepared and presented to the public." Source: Lithuania submission, Q6, paragraph 89
Netherlands	By far the most important: case duration Section III — Open Data Policy	"By far the most important: case duration" Source: Netherlands submission, Q6, paragraph 93
Portugal	Official justice statistics utilize the main criteria defined by CEPEJ (resolution rate, disposition rate, disposition time, etc.). The categorization currently used by the CEPEJ is also followed, indicating efficiency categories with the median as a reference. Section III — Open Data Policy	"Official justice statistics utilize the main criteria defined by CEPEJ (resolution rate, disposition rate, disposition time, etc.)." Source: Portugal submission, Q6, paragraph 85
Sweden	The response to this question partly overlaps with the answer to Question 4. Efficiency indicators could be for example avarage case duration, number of cases and matters filed and determined, age percentage of pending cases and matters and performance of the time targets set by the government. Section III — Open Data Policy	"The response to this question partly overlaps with the answer to Question 4." Source: Sweden submission, Q6, paragraph 65
Spain	Indicators can be very useful for measuring the impact of reuse on judgments and other court decisions, on the functioning of the courts through case law, statistical data, and even on citizens' trust and perception. Currently, these indicators can improve judicial efficiency and quality: 1) In terms of case law, measure the supply, scope, and duration of proceedings. It is also necessary to consider aspects related to the usability of...	"Indicators can be very useful for measuring the impact of reuse on judgments and other court decisions, on the functioning of the courts through case law, statistical data, and even on citizens' trust and perception." Source: Spain submission, Q6, paragraph 108

Question 7.- Should Judicial Councils promote specific open data policies for the judiciary? What would be the legal or institutional justification?

Cross-country synthesis:

Most respondents support judiciary-specific open data policies, justified by transparency, legal certainty, accountability and (in some answers) fair-trial/open-justice principles.

Country	Structured answer (normalised excerpt)	Source reference
Bulgaria	Councils for the Judiciary can and should promote specific open data policies, but only those that are adapted to the specificities of the judiciary and take into account its unique legal and institutional constraints. Such a policy does not mean "full opening" of judicial information, but a regulated, proportionate and balanced form of openness that strengthens trust, transparency and efficiency, without threatening the independence of the judiciary or personal privacy....	"Councils for the Judiciary can and should promote specific open data policies, but only those that are adapted to the specificities of the judiciary and take into account its unique legal and institutional constraints."

		Source: Bulgaria submission, Q7, paragraph 150
Italy	Judicial councils should promote specific open data policies that balance the need for transparency with the need for confidentiality of data relating to individuals who use the justice system, but also to prevent profiling and commercialisation of data relating to individuals involved and judges. The Council believes that decisions on strategic choices in this area should be taken by the High Councils of the Judiciary, after they have been informed...	"I consigli giudiziari dovrebbero promuovere specifiche politiche di open data che possano bilanciare le esigenze di trasparenza con quelle di riservatezza dei dati dei soggetti che fruiscono del servizio giustizia, ma anche per evitare attività..." Source: Italy submission, Q7, paragraph 119
Lithuania	Article 119(1) of the Law on the Judiciary of the Republic of Lithuania provides that the executive body of judicial self-government, which ensures the independence of courts and judges, is the Judicial Council. Thus, it is Article 120 of the Law on the Judiciary which confers on the Judicial Council the competence to decide on matters relating to the operation of the courts provided for in the Law on the...	"Article 119(1) of the Law on the Judiciary of the Republic of Lithuania provides that the executive body of judicial self-government, which ensures the independence of courts and judges, is the Judicial Council." Source: Lithuania submission, Q7, paragraph 108
Netherlands	No promote, just do it. Institutional justification lies not in the Open Data directive but in art 6 ECHR 'Right to a fair trial' which includes an open trial.	"No promote, just do it." Source: Netherlands submission, Q7, paragraph 110
Portugal	Despite the public nature of the processes, their availability in cyberspace does not enjoy this openness; on the contrary, there is a legal framework that imposes restrictions on the reuse of data, within which there are legal competences specifically attributed to the CSM (Superior Council of the Judiciary). However, there are statistical elements and data from anonymized decisions that should be as widely disseminated as possible. The fact that it...	"Despite the public nature of the processes, their availability in cyberspace does not enjoy this openness; on the contrary, there is a legal framework that imposes restrictions on the reuse of data, within which there..." Source: Portugal submission, Q7, paragraph 99
Sweden	Indirectly, the Swedish National Courts Administration does so by providing IT services to the courts (se comments to question 1 and 3). The design of each such service is based on an analysis grounded in the applicable legal frameworks at both the national and EU levels.	"Indirectly, the Swedish National Courts Administration does so by providing IT services to the courts (se comments to question 1 and 3)." Source: Sweden submission, Q7, paragraph 77
Spain	Yes, Councils should promote specific open data policies regarding the judicial information they generate and hold. The aim is to improve transparency, reuse, quality of public service, and institutional accountability, without affecting judicial independence. From a legal standpoint, the Constitution establishes the rule of publicity with limits based on privacy and other protected interests, and with the requirement of judicial independence. It is necessary to balance transparency and guarantees, without...	"Yes, Councils should promote specific open data policies regarding the judicial information they generate and hold." Source: Spain submission, Q7, paragraph 127

Question 8.- Should access to reusable judicial data be fully open, or subject to certain conditions (licenses, accreditation, terms of use)?

Cross-country synthesis:

The prevailing stance is conditional openness rather than full openness: 'open by default' is accepted mainly for aggregated statistics, whereas decision and case-related data typically require licensing, codes of conduct, tiered access, or accreditation. Spain proposes a licensing model including differentiated licences (open justice; R&D; digital content) and, in some cases, fees to offset marginal dissociation/secure-environment costs.

Country	Structured answer (normalised excerpt)	Source reference
Bulgaria	Access to reusable judicial data should be conditional, multi-level and proportionate, and not fully open. • Fully open - only low-risk and well-anonymized data. • Licensed/accredited - data for researchers and institutions. • Restricted - more sensitive content, audited and controlled. Such an approach fulfils: • the EU's principle of "openness by default", • legal limitations to protect personal life, • the case law of the CJEU and the ECtHR,...	"Access to reusable judicial data should be conditional, multi-level and proportionate, and not fully open." Source: Bulgaria submission, Q8, paragraph 184
Italy	See the response to the previous question, from which it appears that the Council is of the opinion that a full opening of the data is not possible.	"Vedi risposta alla domanda precedente, dalla quale si evince che è opinione del Consiglio che non sia possibile un'apertura totale dei dati." Source: Italy submission, Q8, paragraph 132
Lithuania	Access to reusable judicial data should be as open as possible in order to ensure transparency and promote innovation. However, legal restrictions protecting privacy, confidential information, state or commercial secrets must always be applied. Therefore, access should not be completely unrestricted, but provided under certain conditions: through data anonymization, the use of licenses or other terms of use, the possible requirement of accreditation, or the clarification of the purpose of...	"Access to reusable judicial data should be as open as possible in order to ensure transparency and promote innovation." Source: Lithuania submission, Q8, paragraph 117
Netherlands	Like I said before, the must be restrictions in using this data. For example the need for corrections, prohibition of reconstruct personal data with other datasets or profiling judges	"Like I said before, the must be restrictions in using this data." Source: Netherlands submission, Q8, paragraph 121
Portugal	Regarding statistical data, the principle should be 'open by default'; regarding other data that cannot be anonymized (irreversibly), the principle should be restricted or highly restricted access, in accordance with the applicable legal framework, which also stems from Directive 2019/1024. However, in some cases, it may be possible to define the scope of restrictions in similar situations and facilitate data reuse that balances all the interests and rights involved, in...	"Regarding statistical data, the principle should be 'open by default'; regarding other data that cannot be anonymized (irreversibly), the principle should be restricted or highly restricted access, in accordance with the applicable legal framework, which..." Source: Portugal submission, Q8, paragraph 109
Sweden	No substantive answer provided in the submitted file.	"No substantive evidence excerpt available (no substantive answer text

		detected)." Source: Sweden submission, Q8, paragraph 86
Spain	We consider that access to reuse should be subject to licences and, in some cases, to the payment of a fee to offset the residual costs of processing (e.g. anonymisation of information). Within this framework, ordinary access to case law, publications and statistical data will be free of charge when it does not generate additional costs. Notwithstanding this, reuse for commercial purposes is subject to a fee per document, in...	"We consider that access to reuse should be subject to licences and, in some cases, to the payment of a fee to offset the residual costs of processing (e.g." Source: Spain submission, Q8, paragraph 148

Question 9.- Should automated access and interoperability through APIs be allowed for judicial data (when legally permissible)? What standards or safeguards should apply?

Cross-country synthesis:

Most respondents support API-based access when legally permissible, provided that privacy, security and governance safeguards are in place (authentication, logging, rate limits, standards, and avoidance of hard-coding technical specifications in law). Some responses support APIs and bulk download for certain reuse types, coupled with safeguards addressing fundamental rights, security, prohibitions on dignity/independence harms, and requirements for transparency/traceability when AI is used.

Country	Structured answer (normalised excerpt)	Source reference
Bulgaria	Enabling automated access and interoperability through API for judicial data can be extremely useful – but only under strictly defined conditions that ensure legality, personal data protection, security and preventing misuse. APIs should be seen as a tool for transparency and efficiency, but not for the unlimited extraction of sensitive information. Automated access is acceptable if: • the data are already legally intended for publication (e.g. anonymized court decisions); •...	"Enabling automated access and interoperability through API for judicial data can be extremely useful – but only under strictly defined conditions that ensure legality, personal data protection, security and preventing misuse." Source: Bulgaria submission, Q9, paragraph 200
Italy	No substantive answer provided in the submitted file.	"No substantive evidence excerpt available (no substantive answer text detected)." Source: Italy submission, Q9 (no paragraph reference available)
Lithuania	Automated access and interoperability through APIs to judicial data should be permitted when it does not conflict with applicable laws and when proper data security and privacy measures are ensured. Implementing APIs aligns both with EU legal requirements and the overall objectives of transparency, innovation and open data. However, robust standards and safeguards are necessary. Such standards and safeguards should include: Secure authentication and authorization, ensuring that only authorized users,...	"Automated access and interoperability through APIs to judicial data should be permitted when it does not conflict with applicable laws and when proper data security and privacy measures are ensured." Source: Lithuania submission, Q9, paragraph 126
Netherlands	yes, an using API is a good idea. It is a bad idea to lay down technical requirements in law because they	"yes, an using API is a good idea." Source: Netherlands

	change quite quickly. Section IV — Data reuse and case law	submission, Q9, paragraph 132
Portugal	It is reiterated that this depends on the type of data, that is, on the distinction between the scenarios described in Q1. Regarding statistical data, there is nothing to oppose the use of APIs for (near) real-time collection of certain metrics. As for data contained in legal proceedings, this will not be possible, at least not instantaneously, due to existing legal restrictions. APIs can be used in certain situations –...	"It is reiterated that this depends on the type of data, that is, on the distinction between the scenarios described in Q1." Source: Portugal submission, Q9, paragraph 123
Sweden	Yes, where legally permitted, automated access via APIs should be allowed. Section IV — Data reuse and case law	"Yes, where legally permitted, automated access via APIs should be allowed." Source: Sweden submission, Q9, paragraph 97
Spain	Yes, the use of appropriate application programming interfaces (APIs) should be promoted and, where appropriate, in the form of bulk downloads for types of reuse that require it. In such cases, the following safeguards should apply: a) Minimise risks to fundamental rights, especially in large-scale data processing and in high-risk activities. b) Keep data secure, preventing unlawful processing. c) Any computer analysis or exploitation that compromises dignity or judicial independence...	"Yes, the use of appropriate application programming interfaces (APIs) should be promoted and, where appropriate, in the form of bulk downloads for types of reuse that require it." Source: Spain submission, Q9, paragraph 167

Question 10.- How should personal and sensitive data contained in judicial decisions be protected?

Cross-country synthesis:

Protection measures converge on robust redaction/anonymisation or pseudonymisation processes, organisational controls (roles and responsibilities, quality checks), and secure publication workflows. Some responses are explicit that reuse requires dissociation/anonymisation, that reusers remain responsible for downstream processing, and that re-identification (reversal of dissociation) is prohibited.

Country	Structured answer (normalised excerpt)	Source reference
Bulgaria	The protection of personal and sensitive data in judicial decisions requires a strict legal, technical and organisational framework that ensures compliance with the GDPR, the case law of the Court of Justice of the EU and the ECtHR, as well as the principles of proportionality and data minimisation. The main elements of such a framework are: 1. Clearly defined responsibilities for anonymization 2. Strict application of the principles of the...	"The protection of personal and sensitive data in judicial decisions requires a strict legal, technical and organisational framework that ensures compliance with the GDPR, the case law of the Court of Justice of the EU..." Source: Bulgaria submission, Q10, paragraph 225
Italy	In administrative justice, the data controller for the administration is the Secretary General (who is not a member of the Administrative Justice Presidential Council). Within the framework of institutional cooperation, the Secretary General reports to the Council (when requested to do so) on decisions taken on privacy and the right to be forgotten. It is the Council's opinion that, also for the assessment of the possible implications of the decisions taken on the activity and independence of the judiciary, ...	"Nella giustizia amministrativa il titolare dei dati dell'amministrazione è il Segretario generale (figura estranea al Consiglio di Presidenza della Giustizia amministrativa)." Source: Italy submission, Q10, paragraph 151

Lithuania	During an anonymisation process a semi-automatic tool is used which detects and highlights data to be anonymised in the text. However, the final decision on what data is to be anonymised is made by the person responsible for an anonymisation. It is planned to update (modernise) the anonymisation tool of courts' decisions, currently used in courts, so that the names and surnames of natural persons are changed to randomly selected...	"During an anonymisation process a semi-automatic tool is used which detects and highlights data to be anonymised in the text." Source: Lithuania submission, Q10, paragraph 145
Netherlands	With pseudonimisation. And when the risk is to high in terms of possibility of recognition (the description of the cases without personal data is to explicit) or the possible damage is to high (like child abuse)	"With pseudonimisation." Source: Netherlands submission, Q10, paragraph 147
Portugal	Through pseudonymization techniques, when anonymization is not possible, in order to preserve the intelligibility of the decision. Regarding the content of judicial decisions, the council approved the criteria for selecting decisions and pseudonymization techniques, in accordance with the guidelines of CEPEJ. The Council also approved the deadlines for the publication of judicial data on public portals (insolvency notices, for example). The Council aproved the deadlines for deleting data from the...	"Through pseudonymization techniques, when anonymization is not possible, in order to preserve the intelligibility of the decision." Source: Portugal submission, Q10, paragraph 137
Sweden	In court decisions that have not yet been delivered, i.e., in ongoing cases, personal data, sensitive information, and the outcome of the case should be protected through technical measures that control authorization and access to the case management system. Logging functions should be in place to record when a user accesses information. Furthermore, there should be functionality to mark information as confidential where secrecy applies. The only way in Sweden...	"In court decisions that have not yet been delivered, i.e., in ongoing cases, personal data, sensitive information, and the outcome of the case should be protected through technical measures that control authorization and access to..." Source: Sweden submission, Q10, paragraph 107
Spain	In Spain, all judgments and other judicial decisions provided for reuse purposes will require dissociation, anonymisation or other measures to protect the personal data they contain, in accordance with the provisions of Spanish data protection regulations (Organic Law 3/2018, of 5 December, on the protection of personal data and the guarantee of digital rights). These protection measures do not, under any circumstances, exempt reusers from their responsibility, bearing in mind...	"In Spain, all judgments and other judicial decisions provided for reuse purposes will require dissociation, anonymisation or other measures to protect the personal data they contain, in accordance with the provisions of Spanish data protection..." Source: Spain submission, Q10, paragraph 191

Question 11.- What level of anonymization or pseudonymization is acceptable to preserve analytical value while protecting individual identities?

Cross-country synthesis:

Anonymisation/pseudonymisation is treated as risk-based. Pseudonymisation of direct identifiers is widely accepted to preserve analytical value, while full anonymisation is often considered impractical for complete decisions because context can reveal identities. Some responses state an operational baseline of anonymised decisions for dissemination, with deeper redaction for high-risk contexts (minors, sexual/domestic violence) and quasi-identifier reduction.

Country	Structured answer (normalised excerpt)	Source reference

Bulgaria	An acceptable level of anonymization is one that minimizes the risk of identification to “acceptably low” without eliminating key analytical features of the data. An acceptable level of anonymization is one that: 1. removes all direct identifiers, 2. limits the risk of re-identification through aggregation and grouping, 3. preserves analytical relations, 4. meets criteria such as k-anonymity, l-diversity, or t-closeness. This provides maximum protection for personal data without losing the...	"An acceptable level of anonymization is one that minimizes the risk of identification to “acceptably low” without eliminating key analytical features of the data." Source: Bulgaria submission, Q11, paragraph 251
Italy	The Council considers that the approach adopted to date by the technical offices of the Administrative Justice System is acceptable, providing, on the one hand, for the disclosure of aggregated data in anonymous form (OpenGa platform) and, on the other hand, for the possibility of consulting all administrative justice decisions from a different portal (search engine for decisions open to the public), provided in anonymised form when required for reasons of confidentiality. The decision to... is acceptable.	"Il Consiglio ritiene che sia condivisibile l’approccio sinora adottato dagli uffici tecnici della Giustizia amministrativa, che prevede da un lato l’apertura di dati aggregati in forma anonima (piattaforma OpenGa) e dall’altro lato la possibilità di..." Source: Italy submission, Q11, paragraph 164
Lithuania	The risk of re-identification is being reduced by deleting all non-public data, as well as by changing the names and surnames of natural persons to randomly selected letters/numbers/words. However, courts’ decisions, taking into account the purpose of their public announcement, in the sense of GDPR, in practice can hardly be anonymised in such a way that the determination of an identity of the data subject is absolutely ruled out, -...	"The risk of re-identification is being reduced by deleting all non-public data, as well as by changing the names and surnames of natural persons to randomly selected letters/numbers/words." Source: Lithuania submission, Q11, paragraph 161
Netherlands	For caselaw pseudonymisation of direct personal data is needed. Anonymisation is not suitable because the essence of reading a case files is to know with consideration of the judge led to this decision. If you remove that (for example by aggregation) the case is useless for case law research	"For caselaw pseudonymisation of direct personal data is needed." Source: Netherlands submission, Q11, paragraph 161
Portugal	It is reiterated that anonymization is not possible in a complete judicial decision. Regarding pseudonymization, the level must be high, but it varies according to the context of the events and the real possibilities of re-identifying the data subjects. In any case, the ideal is to have uniform criteria that respect the data protection regime, as foreseen in Directive 2019/1024. It is worth highlighting the principle referred to in Article...	"It is reiterated that anonymization is not possible in a complete judicial decision." Source: Portugal submission, Q11, paragraph 157
Sweden	See the response to Question 10.	"See the response to Question 10." Source: Sweden submission, Q11, paragraph 123
Spain	In Spain, the operational baseline is that judicial decisions disseminated are made available only after anonymization of personal data. Names are replaced and other personal data of natural-person parties are concealed so they are not identifiable. The Spanish supervisory authority on data protection (AEPD)	"In Spain, the operational baseline is that judicial decisions disseminated are made available only after anonymization of personal data."

	considers that anonymized data fall outside data protection rules, whereas anything reversible/attributable remains personal data. Practically, for open reuse this typically means: a) Remove direct identifiers...	Source: Spain submission, Q11, paragraph 207

Question 12.- How should algorithmic systems or judicial decision-support tools be regulated to prevent bias, opacity, or unfair outcomes?

Cross-country synthesis:

There is strong support for stringent governance of algorithmic tools: transparency, auditability, bias mitigation, human oversight, and clear limits on use-cases (supporting tasks like redaction or administrative triage rather than substituting judicial reasoning). Some approaches are explicit on the 'AI does not decide' principle and describe ex ante/ex post bias evaluation, corrective measures, and prohibition of substituting judicial assessment.

Country	Structured answer (normalised excerpt)	Source reference
Bulgaria	Regulation of algorithmic systems and tools to support judicial decisions should be particularly stringent because they affect fundamental rights, access to justice and the fairness of the trial. For algorithms in the judiciary to be fair, they must be: transparent, explainable, auditable, under human supervision, legally regulated and ethically controlled. In the judiciary, decisions must be the result of human judgment and have a clearly defined holder of responsibility. Algorithms...	"Regulation of algorithmic systems and tools to support judicial decisions should be particularly stringent because they affect fundamental rights, access to justice and the fairness of the trial." Source: Bulgaria submission, Q12, paragraph 265
Italy	At present, the Council is not aware of any projects within the administrative justice system aimed at classifying or explaining decisions using AI. The task of summarising only the most relevant decisions is currently carried out entirely by magistrates appointed for this purpose and made available on the public website, in a form related to the relevant decision. At present, the Council is not aware of any projects within the administrative justice system aimed at classifying...	"Allo stato attuale, non risulta al Consiglio che nella giustizia amministrativa siano in discussione progetti di classificazione o spiegazione delle decisioni tramite AI." Source: Italy submission, Q12, paragraph 174
Lithuania	Algorithmic systems and judicial decision-support tools in the justice sector must be subject to clear and robust regulation to prevent bias, opacity, or unfair outcomes. Given the ethical and legal risks associated with the use of AI—such as unintended discrimination, lack of transparency, and difficulties in assigning accountability—it is essential that any deployment of these tools adheres to high standards of transparency, fairness, and human rights protection. Key regulatory requirements...	"Algorithmic systems and judicial decision-support tools in the justice sector must be subject to clear and robust regulation to prevent bias, opacity, or unfair outcomes." Source: Lithuania submission, Q12, paragraph 169
Netherlands	This is a very important part of the models you want to use in decision making. However, the rest of the questions in this document is about publishing. The decision is already made. So, I do not see why this is an question in this survey. It a whole new discussionpoint.	"This is a very important part of the models you want to use in decision making." Source: Netherlands submission, Q12, paragraph 171
Portugal	Development of proprietary AI models, based on closed systems with source control for reliability reasons. Allows for effective knowledge of the algorithm, which must be explainable and verifiable internally and by third parties regarding any potential biases (which can always occur). Effective human control Restricting its use to	"Development of proprietary AI models, based on closed systems with source control for reliability reasons." Source: Portugal submission, Q12, paragraph 166

	support mechanical tasks; Leveraging computing power to organize and research jurisprudence, doctrine, detect repetitions or contradictions; Use of customized functionalities for specific...	
Sweden	The Swedish National Courts Administration has developed a redaction tool that assists courts in redacting documents. Beyond this, no AI-based decision-support tools have yet been implemented within the Swedish courts, although projects in this area are currently underway. One way to minimize the risk of bias is to mandate discrimination risk assessments prior to the deployment of any AI system. To prevent the reinforcement of existing societal inequalities, it is...	"The Swedish National Courts Administration has developed a redaction tool that assists courts in redacting documents." Source: Sweden submission, Q12, paragraph 130
Spain	In accordance with Instruction 6/2026 approved by the General Council of the Judiciary, the regulation of algorithmic systems or tools to support judicial decision-making must be based on their consideration as high-impact technologies. The fundamental principle is that AI does not decide. In particular, its use to replace the judicial function, the assessment of facts or evidence and the interpretation/application of the law must be prohibited, requiring effective human control...	"In accordance with Instruction 6/2026 approved by the General Council of the Judiciary, the regulation of algorithmic systems or tools to support judicial decision-making must be based on their consideration as high-impact technologies." Source: Spain submission, Q12, paragraph 226

Overall conclusions

The seven submissions converge on a coherent governance architecture for judicial data reuse. The dominant model is tiered openness: **open-by-default** for aggregated statistics and non-personal metadata, **conditional reuse** for decisions/case law (typically with dissociation and enforceable terms) and **restriction** for case files and protected procedural materials.
Governance expectations cluster around: (i) clear institutional ownership and classification rules; (ii) privacy-by-design publication workflows; (iii) licensing/terms that prevent endorsement, re-identification and harmful profiling; and (iv) strict guardrails ensuring that analytics and AI support - but never replace - independent adjudication.

Key takeaways for judiciary policy design:

- Adopt a judicial data taxonomy (open / conditional / restricted) with documented criteria and a repeatable classification process.

- Operationalise dissociation/anonymisation: standard workflows, tooling, quality control, and risk-based decisions not to publish where needed.

- Use licensing and enforceable terms: source attribution, prohibition on implied endorsement, metadata preservation, and bans on re-identification.

- Provide API access under governance controls (authentication, logging, rate limits, standards) and avoid hard-coding technical specifications in law.

- Set judiciary-specific AI rules: transparency and auditability, bias testing and mitigation, human oversight, and a categorical bar on automated adjudication.

Annex - Extracted questions

- Question 1 - When should Judicial Councils intervene regarding data reuse? Should they actively promote it or limit themselves to a supervisory or regulatory role?
- Question 2.- What types of judicial data or information should be subject to public reuse? Which ones should remain restricted or confidential?
- Question 3.- How can Judicial Councils encourage data reuse? What incentives and safeguards should accompany such initiatives?
- Question 4.- Do you consider a data-driven approach useful for judges and magistrates? Can you provide examples from your jurisdiction?
- Question 5.- Does data reuse improve citizens access to justice and their perception of the judiciary's work? Why?
- Question 6.- What types of indicators derived from data reuse could improve judicial efficiency and quality (e.g., case duration, appeal rates, workload ratios)?
- Question 7.- Should Judicial Councils promote specific open data policies for the judiciary? What would be the legal or institutional justification?
- Question 8.- Should access to reusable judicial data be fully open, or subject to certain conditions (licenses, accreditation, terms of use)?
- Question 9.- Should automated access and interoperability through APIs be allowed for judicial data (when legally permissible)? What standards or safeguards should apply?
- Question 10.- How should personal and sensitive data contained in judicial decisions be protected?
- Question 11.- What level of anonymization or pseudonymization is acceptable to preserve analytical value while protecting individual identities?
- Question 12.- How should algorithmic systems or judicial decision-support tools be regulated to prevent bias, opacity, or unfair outcomes?

Final word

The ENCJ Digital Justice Forum was created as a result to the challenges presented to the judiciary during the Covid-19 pandemic, when the emergency measures adopted in most countries created fundamental problems with regard to the functioning of judicial systems and to the operation of the courts. This situation gave a spur to digitalization, which coupled with breakthroughs in AI, has led to a rapid acceleration in the development of digital justice.

One of the strategic goals of the ENCJ in this area is to assist Councils for the Judiciary in the age of digital transformation. Digital Justice Forum contributes to this aim through preparation of the comprehensive guidelines for Councils for the Judiciaries and alternative governance bodies in this regard. The ENCJ Digital Justice forum, therefore, will continue its work towards the finalization of the guidelines, at the same time, serving as a forum for the mutual exchange of practices.

Annex 1

Proposed outline for the Recommendations for the proper use of technology for the Judiciary

I. Introduction:

a) Purpose and scope of the recommendations
b) Responsibilities of the Councils for the Judiciary (ensuring the quality of the administration of justice, ensuring the efficiency of the justice system, ensuring the protection of personal data, etc.);
c) General use of technology by the judiciary (supportive technologies – administrative, repetitive; assistive technologies; decision building technologies);
d) Principles on the use of technology by the judiciary (ensuring access to court, ensuring respect for human rights; ensuring respect for the rule of law; real involvement of judicial councils in the activity of technology design, management, etc.);

II. System architecture

a) Description of a computer system:
- databases – hosting; administration of data base
- application – design, use

b) Recommendations for the architecture of information systems in the judiciary
- judicial councils, where they exist, should have decision-making power on the architecture of information systems, whether those be managed by the Council or managed by an independent institution (independent from the Executive)
- judicial councils, where they exist, should have decision-making power over the design of technologies
- where judicial councils decide, either due to lack of professional capacity or for other reasons, the design and management of the architecture of information systems may be transferred to other institutions with such capacity, including from the executive power

III. App design

a) Repetitive technologies
b) Assistive Technologies
- Case Management System
- Electronic file
- Electronic communication
- videoconference, etc.

c) Decision technologies
- Judge Decision Support Technology
- Decision technology

IV. Use of technology

a) Data reuse (open data, with the particularities of the judiciary):

- Judicial councils should have decision-making power over information produced by the judiciary and its reuse to prevent unauthorized access and prohibited activities (e.g. profiling)
- Terms and conditions

b) protection of personal data;

V. Final provisions

Annex 2

Members of the ENCJ DJF 2025-2026

First name	Family name	Institution: ENCJ Members/Observer
Souad	Bourrid	NCA Denmark
Aurimas	Brazdeikis	Judicial Council of Lithuania
Claudiu	Dragusin	SCM Romania
Mary Rose	Gearty	Judicial Council of Ireland
Thomas	Gottwald	MoJ Austria
Ruben	Juvandes	CSM Portugal
Dora	Kardos	OBT Hungary
Tony	Kelly	Judicial Council of Scotland
Saskia	Kerkhofs	High Council of Justice of Belgium
Niklas	Lundsten	NCA Sweden
Daniela	Marcheva	Supreme Judicial Council of Bulgaria
Jonika	Marflak Trontelj	Sodni Svet Slovenia
Domenica	Miele	CSM Italy
Gergana	Mutafova	Supreme Judicial Council of Bulgaria
Brian	O'Moore	Judicial Council of Ireland
Ingrid	Olsen	NCA Norway
Laura	Patelli	CPGA Italy
Madars	Plepis	Judicial Council of Latvia
Dario	Scaletta	CSM Italy
Joaquin	Silguero Estagnan	Spanish General Council for the Judiciary
Tim	Smith	Judges' Council England and Wales
Jos	Smits	Raad voor de rechtspraak Netherlands
Cosmin	Sterea	SCM Romania
Rana	Sufiyan	Judges' Council England and Wales
Vasileios	Trizonic	Supreme Judicial Council Greece
Edurne	Uranga	Spanish General Council for the Judiciary
Madeleine	Mathieu	ENCJ President
Milda	Treige	ENCJ Director
Aleksandra	Switalska	ENCJ Senior Policy Advisor
Alberto	Manicardi	ENCJ Intern