

Second Study Commission

Civil Law and Procedure

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How Data Protection Rules are Impacting Civil Litigation

ISAREL

Introduction

In the Israeli court system, as in all of the government offices in the country, there is an Information Technology department that is responsible for programming, producing, managing, and operating the courts' computer system, including communication and technical infrastructure, information systems, security and cyber control and inspection systems, mobile and stationary phone communications, and other advanced communication and amplification technological solutions such as Audio and Video.

The IT department promotes and fulfills strategic and operative targets of improving public services (among others). All in accordance with the principles of transparency and accessibility of information, which are based in the Freedom of Information Act-1988, while maintaining the privacy and confidentiality of the information. The IT department is authorized to operate under international standards of information security (ISO-27001) and cyber (ISO-27032) known as high standard of managing sensitive information.

The IT process of the court system began in the early 90's. In the late 90's the decision was made to establish a new information system

based on the notion of "paperless courts" – **The "Net Hamishpat"¹ system.**

Net Hamishpat system was developed in 2010 by the Courts Administration and is still in use. Its purpose is to enable managing electronic files and other processes relating to the courts' daily tasks – without paper, while all the documents are scanned to the electronic case file. The system serves different judges of various ranks and their administrative workers, internally, and lawyers, interested parties and the public, externally. The usage of the system is regulated by the Electronic Signature Act, the Regulations for Civil Procedures, the courts systems' protocols and the Lawyers Association's protocols. Using the Net Hamishpat system, lawyers and interested parties may:

- View court cases in which they represent their clients and the cases' respective files such as statement of claims, court protocols, and court decisions. In addition to viewing the files, the system supports other information such as trial dates and court summons.

- File statements of claims, including requests, messages and responses to requests, in addition to other files and appendices.

- Open new cases and court processes.

The storage of all our digital information, including the core system – Net Hamishpat – is kept and stored in one unified unit based on advanced technology, as will be specified in the following answers.

1. Do you store digital data in your jurisdiction?

The court system of Israel is managing data digitally since the new CMS system "Net Hamishpat" was launched in 2010.

¹ 'Net Hamishpat' in Hebrew means an 'on line' court hearing/law.

All the files are either being submitted digitally through an e-filing system, or are scanned into the electronic court cases when the cases are submitted in paper form to the court.

Nowadays all the data is managed digitally except in cases instituted before the Supreme Court.

2. How is it stored and for how long?

The data is stored on our Data Centers, using a robust infrastructure, and managed in "Documentum", an enterprise content management platform.

In accordance with efficiency policy, all the data is stored in perpetuity and is not archived. The data is backed-up continuously, while several backup layers are being maintained at any given point.

In addition, the data is replicated periodically and on a regular basis to a backup DR (Disaster Recovery) site.

3. Who has access to the digital data in your jurisdiction?

Digital data is accessible online to users (either in Israel or abroad), subject to their role in the court system or to their interest in a certain case.

The public may access any information that is categorized as open for the public.

Interested parties may access the data related to their court cases. The access channels are websites and mobile applications, which were developed for this particular purpose of accessibility. There is a wide set of interfaces including various government offices and entities, which is used for enabling access to data and transferring data digitally.

In addition, we are managing a court rulings and decisions

repository, which is used by legal research and repository companies, external to the court system.

4. Are there digital data protection rules in place in your jurisdiction?

There are data protection rules in place, which relate to the following:

a) **Privacy protection** – similar to the GDPR (General Data Protection Regulations of the European Parliament), there are privacy protection regulations in Israel. All data is managed as a digital data repository and subject to these regulations.

b) Some of the data that is managed as a part of a court case is not accessible to the public but only to the case's interested parties.

c) Cases and certain files and documents that are defined as confidential are accessible only to defined relevant interested parties.

d) Cases and data that are very sensitive (e.g. national security or family law cases) are managed under strict access guidelines.

In accordance with the above, we are managing an extensive access permissions system, and data is managed in different segments, infrastructure wise.

5. Who covers the costs relating to the storage and protection of the digital data in your jurisdiction?



ILAJ

The Israeli Association of Judges

All costs are covered by the Courts Administration of Israel, on behalf of the Israeli Judicial Authority.

On behalf of the Israeli Judge Association

Judge Israela Kray Gueron