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Addressed to:

The International Association of Judges - IAJ-UIM

The Romanian Magistrates' Association (AMR), professional and national, apolitical, non-governmental organization, started to be a “public utility” entity by the Government Decision no. 530/2008 - with the headquarter in Bucharest, Regina Elisabeta Boulevard no. 53, District 5, e-mail amr@asociatia-magistratilor.ro, tax registration code 11760036 - legally represented by Judge dr. Andreea Ciucă - President, sends the following

**ANSWERS TO THE SECOND STUDY COMMISSION QUESTIONNAIRE
"HOW DATA PROTECTION RULES ARE IMPACTING ON
CIVIL LITIGATION"**

1. Do you store digital data in your jurisdiction?

Each court uses a computer data system that has been developed at the level of the Ministry of Justice to be used uniformly in all courts in the country. The computer system has been used since 2006 in all courts in Romania. It stores data on all court files, from the beginning to the end of each court proceeding.

Stored data includes, for example, documents submitted by the parties to the case file and documents issued by the court. If the parties do not send the documents in electronic form, they are scanned by the court so that they can be entered in the database.

This computer system is called ECRIS (Electronic Court Register Informational System). Each court, regardless of the level of jurisdiction at which it is located, has its own database that it manages directly, having responsibility in this regard. There are IT departments in the courts of appeal and in the county courts, the IT specialists being the ones in charge of the administration of the ECRIS IT system.

2. How is it stored and for how long?

There is a database in each court. Using the interface of the ECRIS information system, data are entered in this database by the clerks who have job responsibilities in this respect.

Provisions regarding the ECRIS computer system are included in Law no. 304/2004 regarding the judicial organization and in the Regulation of internal order of the courts, approved by the Decision of the Section for judges of the Superior Council of Magistracy no. 1375/2015.

The data is stored automatically at the time it was entered. Regarding the administration of the database, we mention that the daily backup is done automatically. Also, all data saved daily is automatically replicated on that day. Replication is made from each court to the centralized database of the Ministry of Justice.

The data is stored in the database for an indefinite period. Some of this data can be transferred to the "archive" so as not to overload the current database. And the data transferred to the archive is kept indefinitely.

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

All judges and clerks of the court have access to the information in the ECRIS computer system of that court.

There is also a separate portal, created and developed by the Superior Council of Magistracy, called EMAP. By this web portal, judges and clerks of a court have access to certain information from the database of other courts.

In 2005, at the Ministry of Justice, the court portal (portaljust.ro) was created, which gives the public access to the information stored by each court. In 2013, the web portal interface was upgraded. It is necessary to emphasize that the public has limited access, being able to see only certain information (file number, object, dates on which the trial hearings were scheduled, the decision delivered by the court).

In most courts, another web portal is used that allows only the access of the parties to the documents in the file in which they have the position of parties. The access is made on the basis of a password that is generated automatically and is communicated to the parties shortly after the registration of the file in court.

Basically, it is an electronic file, as all the documents in the file can be viewed by the parties in that file. As we have shown, if the documents are not sent to the court in electronic form, they are scanned so that they can be entered into the database. The daily scanning of the documents requires a very good organization of the activity of each court because an additional distribution of the job responsibilities is necessary. The web portal was created by a court of appeal and it is used since 2013. Subsequently, it was extended to most courts in the country.

The Romanian Magistrates' Association (AMR) has carried out and is carrying out a series of actions with the purpose of stimulating the Ministry of Justice to support the courts, so that the "Info dosar" portal can be implemented in all courts in Romania.

Another court of appeal created another portal ("TDS - electronic file"), similar to the one above. The difference is that access is granted to the parties in the file in a "Two-Factor Authentication" mode. The effect is the same, the parties being able to see the documents in their own file.

The "File info" and "TDS - electronic file" web portals were later developed by other courts that implemented them. They continue to be developed even today.

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

There are a number of security and confidentiality rules for the protection of data stored by the computer system of courts.

The administrator of the IT system of each court implements the decisions of the court management regarding the categories of information in the database to which each judge and clerk of the court has access.

Access is achieved by granting access permissions to certain interfaces of the IT system. For example, judges and clerks in the civil section of the court do not have access to information in the criminal section and vice versa. However, access granted immediately, in situations where access is necessary for the fulfilment of professional obligations.

Data in files that are confidential (for example, all cases with underage children, both civil and criminal) are not public. Therefore, no information in these cases appears on the court web portal. For these cases, the clerk ticks the "confidential" field in the court's computer system, according to the judge's order.

As we have shown, the public's access to the documents from the electronic file of the court is limited only to the documents from the file in which they have the position of party.

In the "TDS - electronic file" the parties must request access in writing. In this regard, they have an electronic form available. In "Info dosar", with the first communication sent by the court, the parties receive confidentially the access password to the documents in their file.

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

The costs necessary to carry out the activities described above are borne both from the budget of the Ministry of Justice and from the budget of each court.

For example, the courts received software servers and licenses from the Ministry of Justice, as well as certain IT equipment. In turn, the courts maintain the IT equipment and purchase most of this equipment. The courts are also the ones that buy firewall equipment for data protection that can be accessed by the portal "File info" and "TDS - electronic file".

Judge dr. Andreea Ciucă
Romanian Magistrates' Association (AMR)