

INTERNATIONAL ASSOCIATION OF JUDGES

STUDY COMMISSION 2

AUSTRALIA'S ANSWERS

The answers below only cover the Commonwealth court system. The systems used by state courts are separate and are not addressed.

1. Do you store digital data in your jurisdiction?

Yes, data in respect of matters (parties, legal representatives, etc) as well as listing information (time and place, outcomes and orders) have been maintained in a database for more than 20 years. Similarly, all judgments of the courts are maintained in a digital format. The Federal Court of Australia, and the general federal law jurisdiction of the Federal Circuit Court of Australia, moved to a digital court file in 2014. All matters since then are maintained as a digital record. The Family Court of Australia, and the family law jurisdiction of the Federal Circuit of Australia, moved to digital court files in 2020. Transcripts are initially captured as an audio recording of the hearing and then transcribed to a digital document.

2. How is it stored and for how long?

The court files are stored in digital format within document management systems maintained by the Federal Court of Australia's Information Technology group. The retention of the court file is governed by the records authority of each court under the *Archives Act 1983* (Cth). In simple terms, certain portions of the court file defined within individual court's records authority are required to be retained forever and the remainder of the court file is retained for between 10-25 years depending on the matter.

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

Members of the public have access to the Commonwealth Courts Portal which is an Internet based information system. The publically available information on this portal includes information on parties, listings, and filed documents (but not the document itself) for all general federal law matters; the public can also view orders made. Parties to matters can use the commonwealth courts portal to access filed documents.

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

The storage systems are hosted on infrastructure maintained by the court's IT department. Rules governing the protection of this infrastructure, and the related data assets, are included in the commonwealth protective security policy framework and related information security manual.

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

All costs are covered by the IT department of the entity (i.e. within the court's overall budget).