



Judges Association of New Zealand  
TE HUNGA KAIWHAKAWĀ O AOTEAROA

## **INTERNATIONAL ASSOCIATION OF JUDGES**

### **STUDY COMMISSION 2**

**SUBMISSION OF: TE HUNGA KAIWKAWA O AOTEAROA  
THE JUDGES ASSOCIATION OF NEW ZEALAND**

### **HOW DATA PROTECTION RULES ARE IMPACTING ON CIVIL LITIGATION**

#### **1. Do you store digital data in your jurisdiction?**

Yes. The New Zealand Courts store digital data primarily about judicial proceedings via a Central Management System that is server and not cloud based (although restricted work can and is attended to in on-shore cloud storage facilities.) Judges are maintained in a digital format via our Judicial Decisions Interface (JDI) application that make them electronically available where appropriate for anonymisation and/or publication. Some authoritative court records for example the District Courts record of appearance sheet is maintained in a hard-copy but information from it is stored digitally in the Central Management System. Court transcripts are recorded on the in-court FTR (For The Record) application and transcribed in to a digital document that is processed through JDI. Within the senior courts, there is a process available around electronic case-book and filing.

#### **2. How is it stored and for how long?**

All digital file storage is not destroyed and retained digitally. All data is backed up to a central storage facility. Where a hard-copy file is kept upon the usual process what is retained is singularly the Record of Appearance sheet. FTR recording are also never destroyed and are retained.

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

Members of the Judiciary and Ministry of Justice (MoJ) Registry Staff have access to the judicial information stored in CMS. This information is not published and is not available to anyone else. There are interfaces to intersection (justice) organisations sharing permissible information only. Members of the Judiciary and the Publications unit have access to the digital decisions. The public have access to decisions via a managed public portal of decision only approved to publish. Members of the Judiciary and MoJ Registry Staff have access to the FTR in-court recordings. Parties and/or Members of the Public can seek access to the court record via the following legislation.

District Court Access to Court Documents Rules 2017 and  
Senior Courts (Access to Court Documents) Rules 2017

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

In addition to the Privacy Act 1993 and the above-mentioned access regulations (see para 3), it is appreciated that Judges personal information is not available to others, that Judicial Information requires tight and comprehensive Judicial control and that all other information is overseen by the Ministry of Justice that supports the New Zealand Judiciary in its work. The MoJ operates significant and comprehensive, fire-walls, system protection and security protocols and procedure to prevent unauthorised access and or distribution.

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

All costs are covered by the Ministry of Justice.

Judge Noel Cocurullo for  
**Judge Gerard Winter**  
**President J.A.N.Z.**  
**Te Hunga Kaiwhakawa o Aotearoa**  
**Judges Association of New Zealand**