

# INTERNATIONAL ASSOCIATION OF JUDGES

## 2nd STUDY COMMISSION

### How data protection rules are impacting on the way judges work in civil litigation?

#### Response of the Republic of Azerbaijan

The previous questionnaire on this topic in 2020 investigated:

- Do you store data in your jurisdiction?
- How is it stored and for how long?
- Who had access to the data in your jurisdiction?
- Are there data protection rules in place in your jurisdiction?
- Who covers the costs relating to the storage and protection of the data in your jurisdiction?

The 25 responses received to the 2020 questionnaire were synthesised into principal conclusions published as the Report of the Second Study Commission 2021, which may be accessed on <https://www.iaj-uim.org/>. This year's questionnaire will seek to build on the responses received to the 2020 questionnaire and will focus on how data protection rules specifically impact on the way we as judges do our work.

The 2023 questionnaire asks for responses to the following questions:

1. In your jurisdiction is a court considered to be a data controller for data protection law purposes in all, or any, of the following situations:
  - a. When performing its judicial functions?
  - b. For purposes connected with the administration of justice, including the publication of a judgment or court decision, or a list or schedule of proceedings or of hearings in proceedings?
  - c. For purposes connected with the efficient management and operation of the courts and for statistical purposes?

- *In Azerbaijan, reforms in the field of electronic litigation are being successfully implemented. For the first question, the answer is option B, which means that the Data Protection Law is applied in litigation, including the publication of verdicts and other judicial decisions.*

2. In your jurisdiction does a data subject (e.g. a party to litigation, a witness, or a party whose interests may be affected by the litigation) have a right to information regarding the processing of their personal data by or on behalf of the courts?

- *In our country, personal data of the parties to the legal proceedings is accessible only to the judge and other participants in the process (lawyer, plaintiff, defendant).*

3. In your jurisdiction does a data subject whose personal data is published in a court document such as a judgment, have the right to seek rectification of allegedly inaccurate or inappropriately disclosed personal data?

- *If an error occurs during the placement of data in the electronic system regarding any of the parties, it is possible to rectify the error upon their notification.*

4. In your jurisdiction is personal data contained in a judgment or decision of a court, or in a list or schedule of proceedings or hearings, generally made accessible to the public? If so, are there exceptions and what are they? If not, is there a redaction requirement, or alternative requirement, to be implemented before a judgment / list /schedule can be published so as to safeguard the rights of data subjects?

- *Court verdicts and decisions are accessible to those who have access to the system. Ordinary citizens do not have access, only the participants of the process and the judges.*

5. How are complaints addressed in your jurisdiction concerning alleged breaches by the courts of the rights of data subjects? Does your jurisdiction have a person or body with special responsibility for the supervision of data processing operations of courts when acting in their judicial capacity?

- *In our country, if any issues arise in electronic litigation, it is possible to contact the Department of Information Technologies at the Ministry of Justice for assistance.*

6. In your experience have data protection rules impacted adversely on your judicial independence? If so, how have they done so?

- *If the data of the judge presiding over the process and the data of all participants become publicly accessible, it can pose a problem during decision-making.*