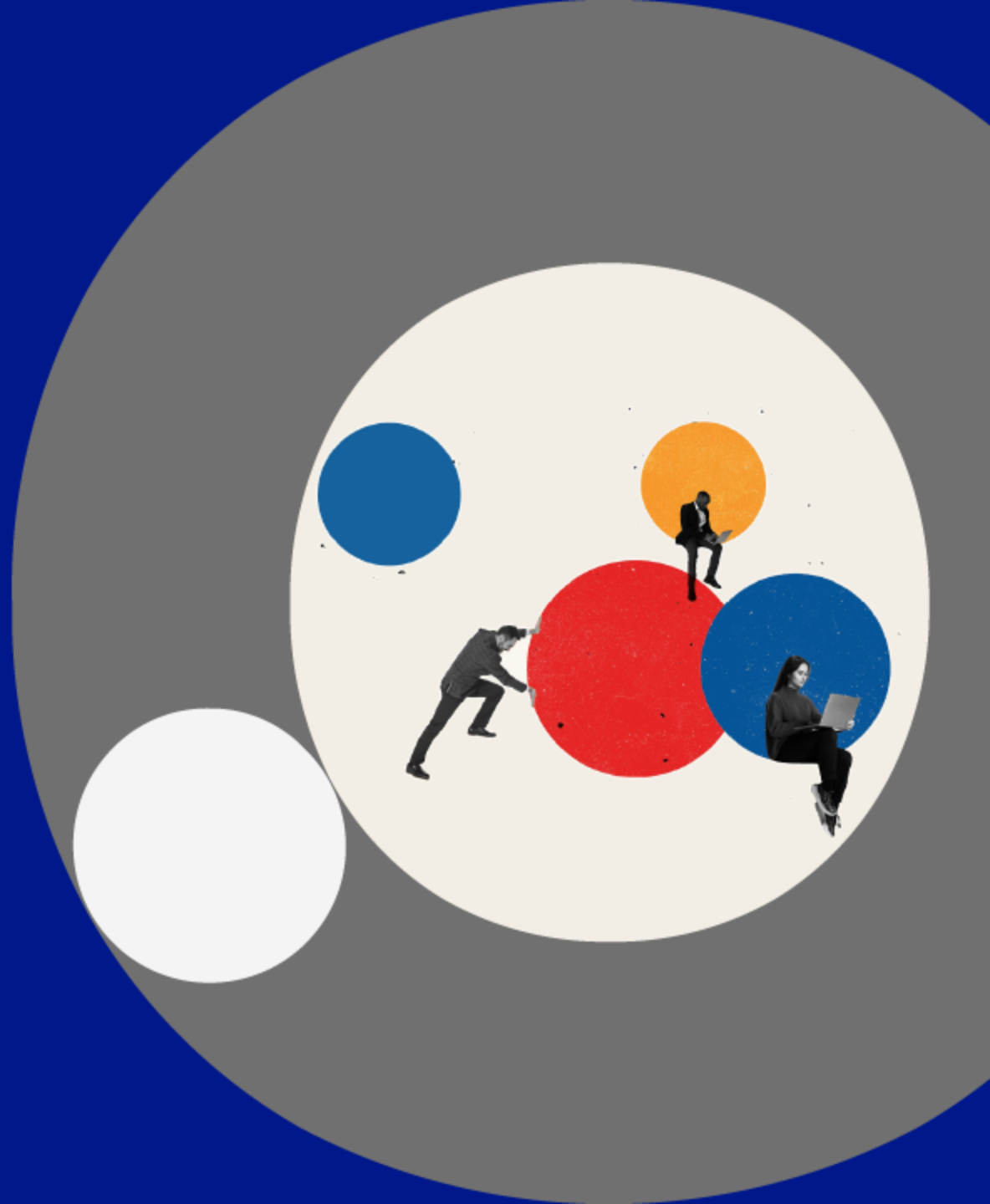


WEBINAR

Open judicial data, AI, and transparency in the digital age



data.
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academy

16 May 2025

10:00 – 11:00 CEST

Rules of the game



The webinar will be recorded and published on the data.europa academy



For questions, please use the ClickMeeting chat



Please reserve 3 min after the webinar to help us improve by filling in our feedback form



Agenda

10.00 – 10.05	Opening and introduction – <i>Flora Kopelou</i>
10.05 – 10.25	Open judicial data for justice transparency and accessibility – <i>Elena Yurkina</i>
10.25 – 10.45	Best practices for licensing and reusing judicial decisions in Europe – <i>Malcolm Langford</i>
10.45 – 10.55	Q&A session
10.55 – 11:00	Closing remarks



Today's speakers



Flora Kopelou
data.europa.eu,
Publications Office of the
European Union



Elena Yurkina
Head of Unit Innovative
Solutions for Human Rights and
Justice, Directorate General of
Human Rights and the Rule of
Law, Council of Europe



Malcolm Langford
Professor, Faculty of Law,
University of Oslo



OPEN JUDICIAL DATA FOR JUSTICE TRANSPARENCY AND ACCESSIBILITY

Elena Yurkina

Council of Europe

Established on 5 May 1949 (Treaty of London) by 10 states

Comprises 46 member states today

Based in Strasbourg (France)

Intergovernmental political Organisation,
founded on three main values:
human rights, democracy and the rule of law

INSTITUTIONS AND BODIES

[Secretary General](#)

[Committee of Ministers](#)

[Parliamentary Assembly](#)

[Congress of Local and Regional Authorities](#)

[European Court of Human Rights](#)

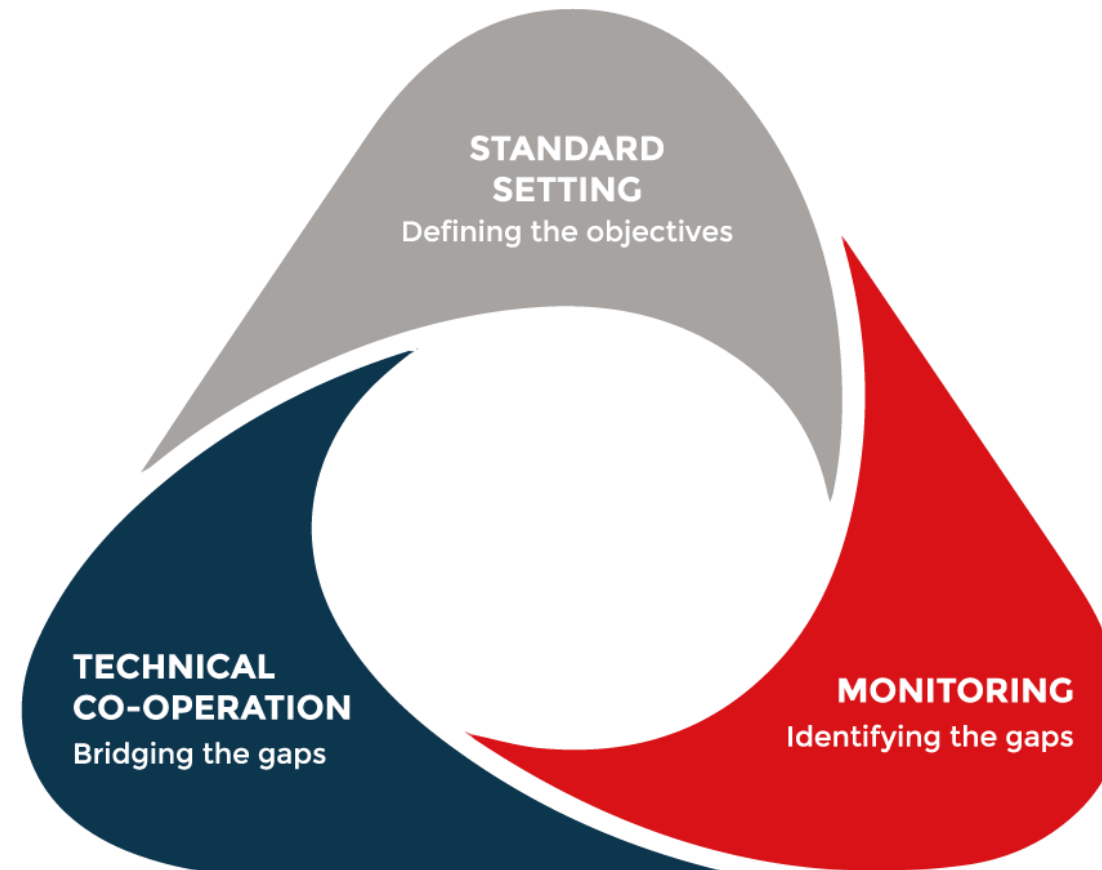
[Commissioner for Human Rights](#)

[Conference of International Non-Governmental Organisations \(INGO\)](#)

MAIN AREAS

the protection of journalists
migrants rights
support to Ukraine
education for citizenship money laundering
artificial intelligence and human rights
the efficiency of justice protecting public health
fight against terrorism environment overcrowded prisons
match fixing
counterfeit medical products
the fight against discrimination youth internet governance
intercultural dialogue

COE dynamic triangle



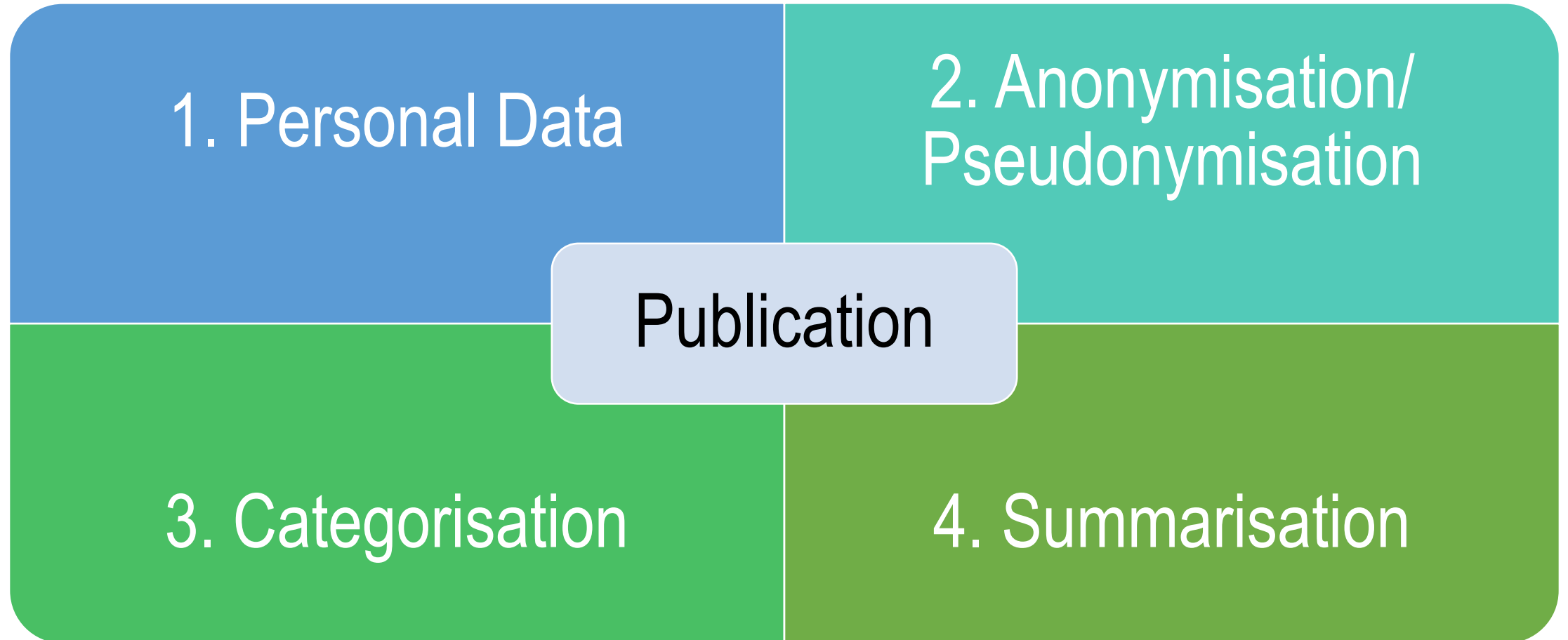
TJENI Project

Foster transparency of judicial decisions and
Enhancing the national implementation of the ECHR

Transparency of
judicial
decisions

National
implementation
of ECHR

TJENI project focus



TJENI project focus



Publication of judicial decisions

1. Online publication of judicial decisions:

- Who?
- What?
- How?
- Risks?

What to publish?

1. What judicial decisions: first, second, third instance?
2. All decisions or only final?
3. Which type of cases: civil, criminal, administrative, labour, etc.?
4. All decisions or only selected (with novelties in jurisprudence)?
5. Who will decide on the publication (presiding judge or several judges (collegial decision))?

COE Committee of Ministers Recommendations

- No. R (83) 3 concerning the protection of users of computerised legal information services
- No. R (83) 10 on the protection of personal data used for scientific research and statistics
- No. R (95) 11 concerning the selection, processing, presentation and archiving of court decisions in legal information retrieval systems
- Rec(2001)3 on the delivery of court and other legal services to the citizen through the use of new technologies
- Rec(2003)14 of the Committee of Ministers to member states on the interoperability of information systems in the justice sector
- Rec(2003)15 on archiving of electronic documents in the legal sector

TJENI project focus

1. Personal Data

Publication

2. Personal Data: ECtHR case law

L.B. v. Hungary

National Tax Authority published the applicant's personal data (including his name and home address) on its website in a list of major tax defaulters - a tool to tackle non-compliance with tax regulations

Vicent Del Campo v. Spain

a teacher was accused of psychological harassment by a colleague who instituted judicial proceedings against the regional administration, seeking compensation for its failure to prevent the harassment. The applicant was identified by name in the judgment and only knew about the proceedings from a local newspaper

A.P. v Armenia

Publication of applicant's name and address and texts of judicial decision on civil damages claim for sexual abuse on the publicly accessible online official judicial database

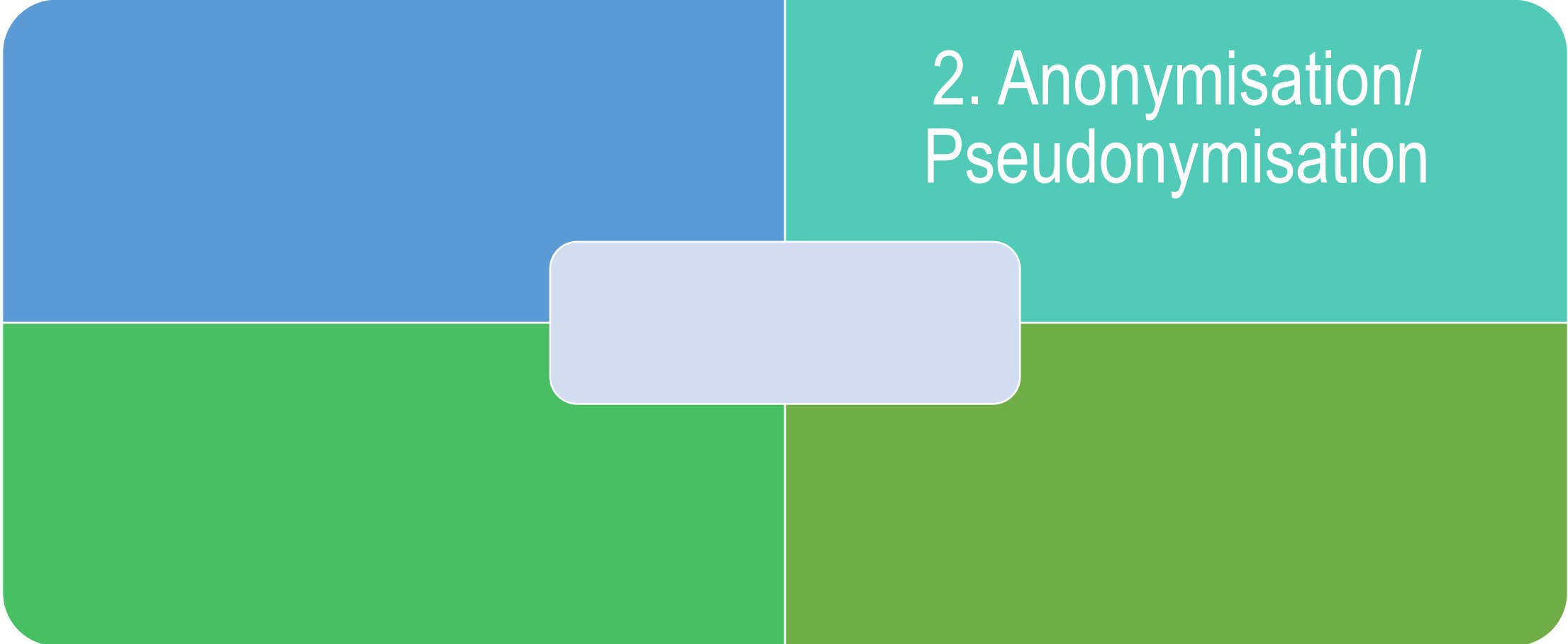
2. Personal Data

Online CoE HELP course



available in English, French, Bosnian, Greek, Hungarian, Lithuanian, Polish, Romanian, Slovenian

TJENI project focus



2. Anonymisation/
Pseudonymisation

1. Anonymisation?

- first name, last name, address, ID number, etc.?
- legal entity data, business secrets, state secrets, etc.?
- special categories of data be anonymised/pseudonymised and published?
- data of defendant, witness, judge, lawyer, expert witness, third party, etc.?

TJENI project focus



3. Categorisation

3. Categorisation

- Report on semantic categorisation of judicial decisions in the case law databases
- Report on categorisation (existing categorisation in legal databases)
- French Court de Cassation project

Digital future of Justice hackathon

IT solution to analyse
judicial texts and proposed
keywords (human rights)



TJENI project focus



4. Summarisation



To draft judgment (documents in the case file)



To publish judgments



To analyse: jurisprudence, its consistency or possible reforms (or friendly settlement)

4. Summarisation

- **Extractive:** lose of logical chain between elements of reasoning
- **Abstractive:** misinterpretation of the reasoning or replacement of established legal terms

Testing AI tool

Scoring methodology:

Each part scored separately:

- Topic/Labelling

- Facts

- Law

- Conclusion

- Remedies

2 dimensions:

- Correctness

- Completeness

3-steps scale:

- 0: wrong information/incorrect language

- 1: needs improvement

- 2: correct information/clear language (understandable)

Results: English

ENGLISH (N = 11)		Summary A (original)	Summary B (chat-GPT assisted)
Topic / labelling	correct	1,6	1,7
	clear	1,4	2,0
Facts	correct	1,7	1,4
	clear	1,7	1,5
Law	correct	1,7	2,0
	clear	1,3	2,0
Conclusion	correct	1,8	1,8
	clear	1,9	1,6
Remedies	correct	1,5	1,9
	clear	1,6	1,9
Average	overall	1,6	1,8
	correct	1,7	1,8
	clear	1,6	1,8

Results: Greek

GREEK (N = 3)		Summary 1 (chat-GPT assisted)	Summary 2 (original)
Topic / labelling	correct	1,3	1,7
	clear	1,7	1,7
Facts	correct	1,3	2,0
	clear	0,7	2,0
Law	correct	1,7	1,7
	clear	1,7	1,7
Conclusion	correct	1,7	1,7
	clear	1,3	2,0
Remedies	correct	2,0	2,0
	clear	1,0	2,0
Average	overall	1,4	1,8
	correct	1,6	1,8
	clear	1,3	1,9

Conclusions

1. Automated summarisation - great potential for fast and effective legal research and judgment preparation by judiciaries
2. The results shall be verified by the legal professionals who are / were involved in the preparation of the judgment in the case
3. Limitations for non-Latin scripts
4. Risks of commercial tools: human rights compliance (personal data) due to lack of transparency and potential bias

How to address possible risks?

CM Recommendation CM/Rec(2020)1 on the human rights impacts of algorithmic systems

In judicial contexts, where algorithmic systems are used for legal analysis or risk assessment, **adherence to fair trial guarantees is paramount**. The term '**high risk**' applies when these **systems may lead to serious consequences or infringements on human rights**, particularly in situations lacking alternatives or where distributive injustice may occur.

Conclusions

Keep in mind fundamental rights and the rule of law

COE instrument provide guidance and recommendations

Effective remedy shall be available

Reports and papers

- Compilation of various recommendations in the field of online publication of judicial decisions
- AI tools for the automatic summarisation of judicial decisions: a testing methodology
- Report on semantic categorisation of judicial decisions in the case law databases
- Report on categorisation (existing categorisation in legal databases)

SEMANTIC CATEGORISATION OF JUDICIAL DECISIONS IN THE CASE LAW DATABASES WITH RECOMMENDATIONS

Foster transparency of judicial decisions and enhancing the national implementation of the European Convention on Human Rights





Thank you!
Elena.Yurkina@coe.int

Open Justice Data

Malcolm Langford

Professor, Faculty of Law, University of Oslo



Puzzle

Why are so few national judgments published online & made available with APIs?

Especially given:

- Democracy and rule of law demands
- Legal research demands
- Legal technology demands
- Digitalisation expectations



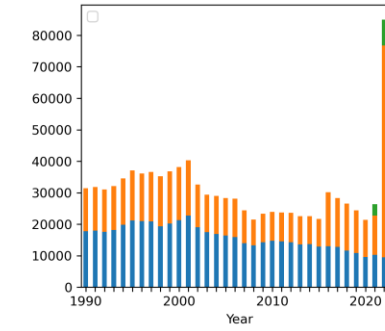
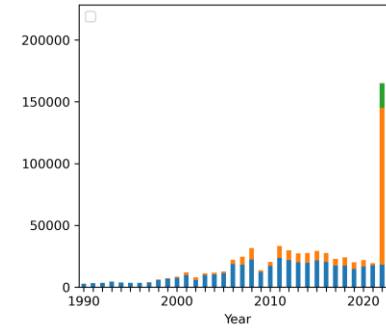
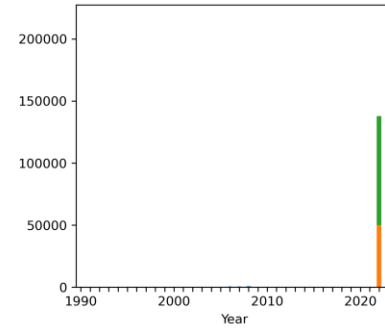
Number of court cases published at selected online sources,
divided by country and instance level.



France

Sources: Légifrance
[<https://www.legifrance.gouv.fr>]
Database of Judiciary Decisions Judilibre
[<https://www.courdecassation.fr/acces-rapide-judilibre>]
Open Database of Administrative Decisions
[<https://opendata.justice-administrative.fr>]

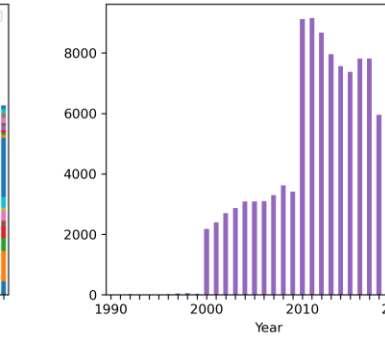
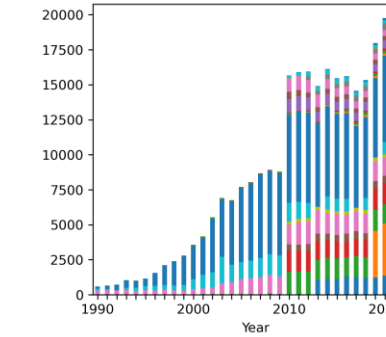
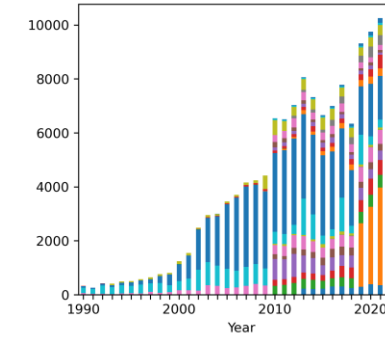
■ Légifrance
■ judilibre
■ opendata



Germany

Sources: Judgments published by both federal and state courts on the search portals listed on
<https://justiz.de/onlinedienste/rechtsprechung/index.php>

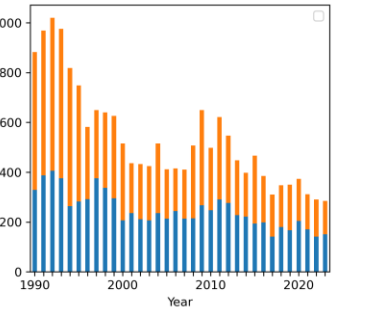
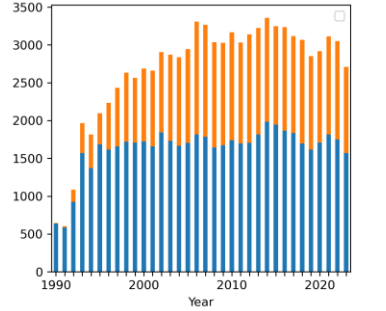
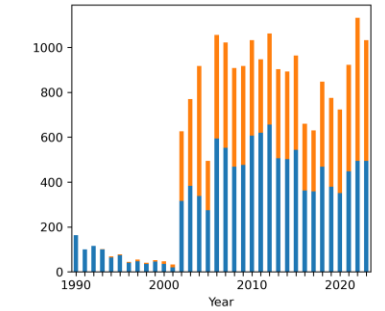
■ Baden-Württemberg
■ Bayern
■ Berlin
■ Brandenburg
■ Bund
■ Hamburg
■ Hessen
■ LAG Bremen
■ Mecklenburg-Vorpom.
■ Niedersachsen
■ Nordrhein-Westfalen
■ OLG Bremen
■ OLG Dresden
■ OVG Bremen
■ Rheinland-Pfalz
■ Saarland
■ Sachsen-Anhalt
■ Schleswig-Holstein
■ Sächsisches OVG
■ Thüringen
■ VG Bremen



Norway

Sources: Lovdata Pro Database
[<https://lovdata.no/pro>]

■ civil
■ criminal

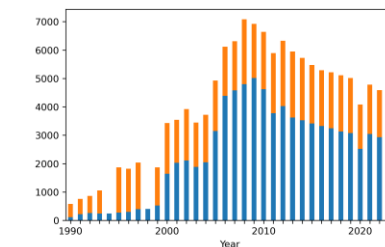


Number of decisions published by the European Court of Human Rights and the Court of Justice of the European Union

ECtHR

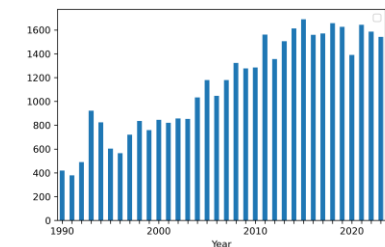
Sources: HUDOC Database
[<https://hudoc.echr.coe.int>]

■ judgments
■ decisions



CJEU

Sources: CURIA Database
[<https://curia.europa.eu/juris>]



Is it:

- Privacy constraints?
- Lack of legal obligations?
- Private monopolies on legal information provision?
- Lack of political will or interest?

Puzzle



The CLEANUP Project



Anonymisation & Judgments

- **Techniques to anonymise, including judgments**
 - Pilán, I., Lison, P, Øvrelid, L., Papadopoulou, A., Sánchez, D. & Batet, M. (2022) [The Text Anonymization Benchmark \(TAB\): A Dedicated Corpus and Evaluation Framework for Text Anonymization](#). *Computational Linguistics*, 48(4): 1053-1101.
 - Manzanares-Salor, B., Sánchez, D., & Lison, P. (2024). [Evaluating the disclosure risk of anonymized documents via a machine learning-based re-identification attack](#). *Data Mining and Knowledge Discovery*, 1–36.
- **Can automatisation tools satisfy GDPR requirements?**
 - Weitzenboeck, E., Lison, P., Cyndecka, M. & Langford, M. (2022) [GDPR and unstructured data: is anonymization possible?](#) *International Data Privacy Law*, 12(3).



A close-up photograph of a yellow pencil with a silver-colored metal ferrule and a red eraser. The pencil is positioned diagonally, with the eraser tip touching the word "impossible" which is printed in a bold, black, sans-serif font on a white background. The eraser is in the process of removing the word, with small red eraser shavings scattered around the letters. The word "impossible" is partially obscured by the eraser and the shavings.

impossible

Open Justice Data in Europe: A Patchwork

26 Pages • Posted: 28 Apr 2025 • Last revised: 4 May 2025

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OsloMet - Oslo Metropolitan University

Date Written: April 07, 2025

Abstract

The publication of court judgments has been long viewed as essential to upholding rule of law and democratic norms. In recent years, there has been also a demand for online publication. This would enhance public access, improve the quality of legal research, and help facilitate new legal technologies. However, across the European continent, many states have struggled to transition to online publication at scale. In this article, we ask therefore three questions: what are the obligations of states to publish judgments; which states are making progress and why; and what are the challenges and solutions in ensuring greater publicity? To answer these questions, we examine the overarching duties in the European Convention on Human Rights and EU law and the relevant legal requirements and practice in 12 national jurisdictions and two regional courts. Our findings show tremendous variation in both duties and practice, and we identify a series of barriers to progress (legal, organisational, and budgetary) but also promising and replicable innovative solutions in select jurisdictions. The paper concludes that while this publication diversity provides a useful form of experimental governance, it would be timely to move towards common standards and approaches.

Keywords: Legal information, Online publication of judgments, Data privacy, Access to justice, Open data licences, Legal technology, Artificial intelligence, Access to information, Judicial accountability

Licensing of Reuse of Judgments: Analysis of Selected European Jurisdictions

Fostering transparency of judicial decisions
and enhancing the national implementation
of the European Convention on Human
Rights





Research Questions

1. Is there a duty to publish?
2. What are the practices of publishing?
3. Is there a duty to anonymise or de-identify?
4. What are the methods for de-identification and their timing?
5. How is online publication regulated?

Research Method

- Regional requirements
- Comparative law
- Doctrinal analysis
- Descriptive statistics



1. Duty to publish?

- European Convention on Human Rights:
 - Article 6: “Judgment shall be pronounced publicly”
- EU Charter on Fundamental Rights
 - Article 47 (2): “Everyone is entitled to a fair and public hearing”
- But no specific requirement to publish in paper format or online
 - Although online publication is arguably a superior way to fulfil these obligations

National Duties

	Apex Courts	Lower Courts
Comprehensive Duty		
Online	Croatia Czech Republic (SC) France Italy ECtHR (Grand chamber, 3 member) Estonia	Croatia France Italy ECtHR system (single judge) Estonia
Any Medium	Czech Republic (CC) Italy (CC)**	
Limited duty		
Online	Poland (SC and CT) CJEU Sweden*	Czech Republic CJEU (General Courts) Poland
Any Medium	Germany Poland (SAC***)	Germany
No Duty or Mere Policy	England/Wales Norway Malta Ireland	England/Wales Norway Sweden Malta Ireland

2. Online Publication in Practice



	Strong Duty	Weak Duty
Strong practice	I. Compliers	II. Proactive publishers
Weak practice	III. Poor compliers	IV. Reactive publishers

	Strong Duty	Weak Duty
Strong practice	ECtHR Estonia France Croatia	Malta CJEU England/Wales
Weak practice	Italy Czech Republic Poland Germany	Ireland Norway Sweden

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CASTLE ACRE



The National Archives

Cape Intermediate Holdings Ltd v Dring [2019] UKSC38

PRACTICE

One fifth of judgments missing from national database

By [Michael Cross](#) | 15 September 2023

ALPHA

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Filter by court, date or person

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[Anthony Henry and another v Attorney General of St Lucia \(Saint Lucia\)](#)

[2023] UKPC 41

Privy Council

27 Nov 2023

[Ruth Munn & Anor v ETL Holdings \(UK\) Limited](#)

[2023] EWHC 2998 (Ch)

High Court (Business and Property Courts)

27 Nov 2023

[John Bruce v Wychavon District Council](#)

[2023] EWCA Civ 1389

Court of Appeal (Civil Division)

24 Nov 2023

[Karen Shanks v Lothian Health Board](#)

[2023] EAT 148

Employment Appeal Tribunal

24 Nov 2023

[Nigel Freeborn & Ors v Emery House Property Limited & Anor](#)

[2023] EWHC 3009 (Ch)

High Court (Business and Property Courts)

24 Nov 2023



France



Croatia

3. Privacy

A duty to anonymise or de-identify?

GDPR privacy requirements for judgments

Article 5: Compliance with the data protection principles

- e.g. fair, lawful and transparent processing; purpose limitation; data minimisation)

Article. 6: Need legal basis for processing of personal data

- e.g., duty to publish

However:

- In Norway and Iceland, the GDPR does not apply when courts are acting in their judicial capacity (Article 2(2)(a) GDPR)



ECHR privacy requirements for judgments

ECHR Article 8: right to "private life" includes protection of reputation and honour

Vincent del Campo v. Spain (2018):

- Cannot be relied on in order to complain of a loss of reputation which is the **foreseeable** consequence of one's own actions, e.g. commission of a crime and subsequent judgment.
- If not **foreseeable**, naming in judgment could be in breach of Art. 8, as the court had the ability to adopt protective measures to preserve the applicant's anonymity.



Selected European jurisdictions

- Occasional duties to anonymise, e.g., UK's Children Act 1989
- Duty of the courts to de-identify, e.g., in Poland and France
- Duty of legal information providers to de-identify, e.g., Sweden
- Duty to de-identify in cases involving certain sensitive matters, e.g., minors, victims of sexual offence: e.g., Ireland, UK, Malta
- Not *de jure* but *de facto* de-identification in certain cases, e.g., Norway.
- Duty where data subject exercises right to be forgotten, e.g., Malta, Italy



Publicity &/vs Privacy

	Strong Privacy	Weak Privacy
Strong publicity	Balancing	Liberal openness
Weak publicity	Minimal Openness	Liberal – Anything Goes

**Privacy = De-identification duties*

4. De-identification methods and timing

Method

- Manual
- Partially automatic
 - Search and replace tool
 - Automated suggestions
- Fully automatic

Timing

- Before judgment issued
 - By judge, assistant, court administration
- After judgment issued
 - By judge, assistant, court administration, legal info provider, library service, researcher

De-identification methods and timing: When vs How

	Pre-Judgment	Post-Judgment
Manual	Conscious Court	Human Cleanup
Automatic	Computational Court	Computational Cleanup

5. Licensing of Re-Use of Judgments

Licensing of Reuse of Judgments: Analysis of Selected European Jurisdictions

Fostering transparency of judicial decisions
and enhancing the national implementation
of the European Convention on Human
Rights



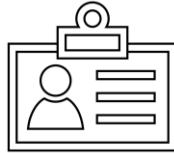
Top ten open government data licences in EU

Licence Type	Usage count
1. Creative Commons Attribution 4.0 International	79330
2. Data licence Germany – attribution – Version 2.0	60201
3. Data error – no structured usage conditions.	42084
4. Creative Commons Attribution 4.0 International (in German)	35785
5. French Permissive Licence	27053
6. UK Open Government Licence	25340
7. Creative Commons Attribution 4.0 International (in Italian)	18545
8. Licence of the Spanish Statistical Office	15976
9. Inspire Licence – No conditions	14075
10. Creative Commons CC0 1.0 Universal	9176
<i>25% of the 1552 471 datasets in the portal</i>	

Country Review



**Context: Open or
Closed Publishing?**



Licence



Approval process



**Terms & conditions in
the licence***

*May include repetition of
relevant legal provisions



**Technical conditions
for users**



C. Terms and Conditions in Licences

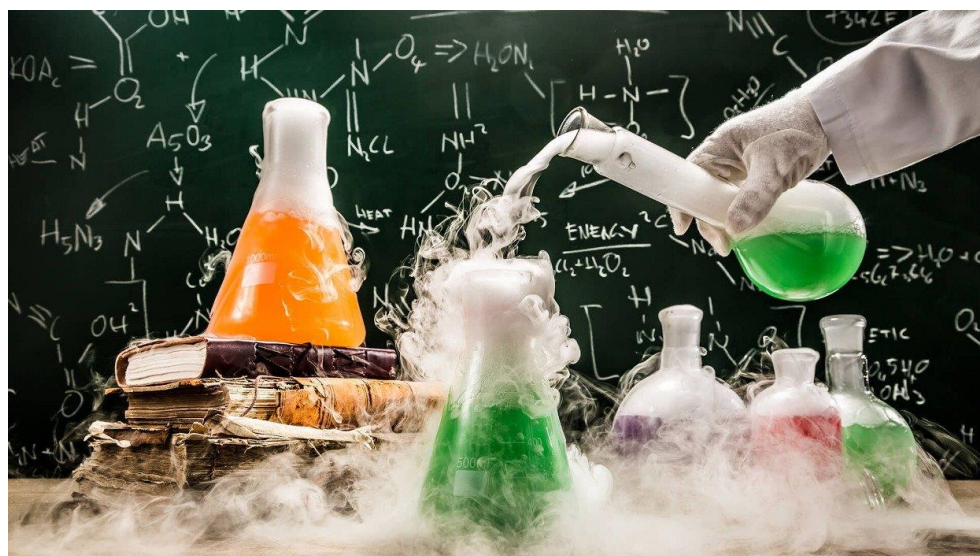
	Data Privacy	Responsible AI	Administration of Justice	Data integrity	Warranty	Restrictions for Commercial Re-Use	No profiling of judges
England & Wales - Gen							
England & Wales: Comp							
France							
Estonia							
Estonia: API Access							
Finland							
Austria							
Norway							

Open Data Directive

- Scope
 - Minimum rules for public government data
 - Without prejudice to national access regimes
- Prohibition on licensing unless:
 - “objective, proportionate, non-discriminatory and justified on grounds of a **public interest objective**” Art. 8(1)
- *Public interest* (rec. 44):
 - liability
 - the protection of personal data
 - the proper use of documents
 - guaranteeing non-alteration
 - the acknowledgement of source



Way forward?



Experimental Model



European regulatory
framework for open
justice data

Thank you



Q&A



Flora Kopelou
data.europa.eu,
Publications Office of the
European Union



Elena Yurkina
Head of Unit Innovative
Solutions for Human Rights and
Justice, Directorate General of
Human Rights and the Rule of
Law, Council of Europe



Malcolm Langford
Professor, Faculty of Law,
University of Oslo

Stay up-to-date on our
2025 activities!

The logo for Data.europa academy is located in the bottom left corner. It features the text "data.europa academy" in white, with "data" on the top line, "europa" in the middle, and "academy" on the bottom line. The text is set against a dark blue circular background. To the right of this circle is a larger, light gray semi-circle, and further right is a small white circle.

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Continue the discussion on our collaboration channel!

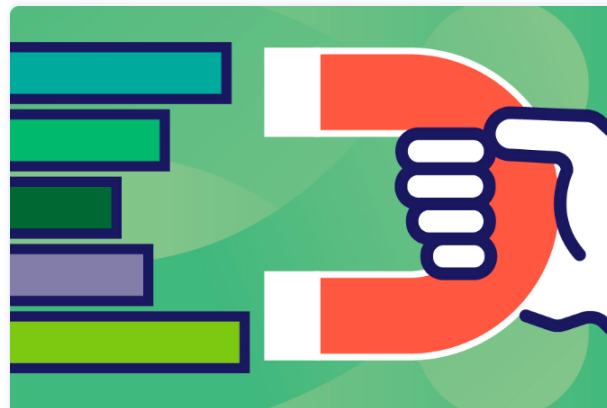
Collaboration channel

Connect with a vibrant community of data enthusiasts!

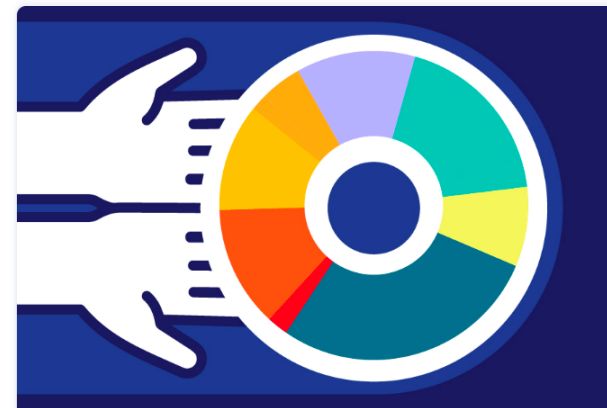
This space is designed for users to share ideas and exchange challenges and opportunities in the scope of the constantly evolving data landscape. You can join the group and topic you prefer, follow and be updated on ongoing conversations and participate in discussions on topics that matter to you.

Whether you are a data provider or a data reuser, you will find a dedicated space for collaboration where you can foster meaningful discussions.

If you are an official data provider, you can request access to this restricted forum, and we will carefully analyse your request. If you are a data reuser, you can join and will have direct access to this community to connect and engage with other members.

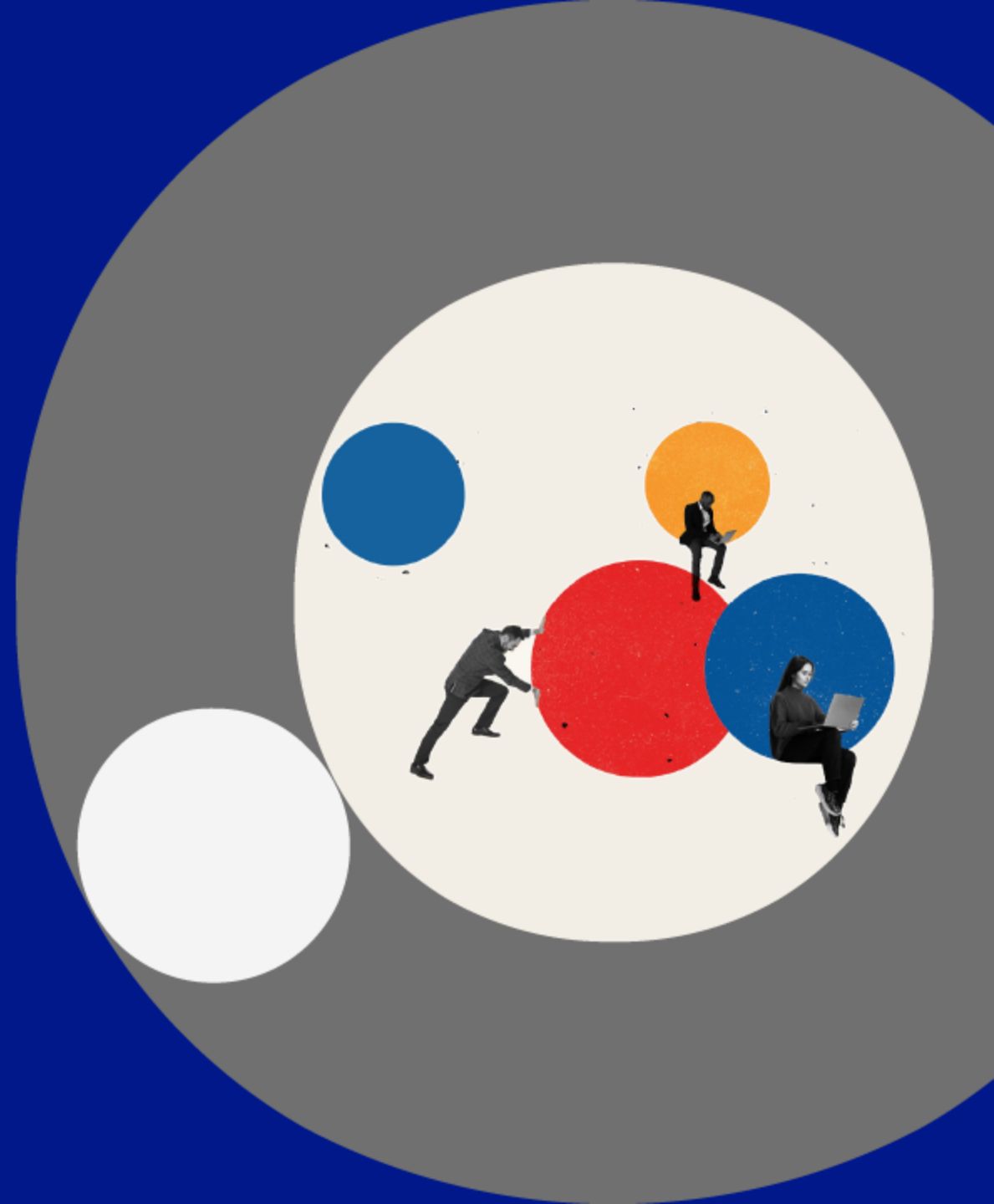


Data reusers



Data providers

Your opinion is important to us!



Thank you!

