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**National Report of Finland**

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## 1. INTRODUCTION

### 1.1. First steps in using technology

The use of technology in the work of the courts dates back to the 1980's in Finland. The legal data bank *Finlex* was introduced in the beginning of that decade. The Court Decision System and the Real Estate Information System were implemented in some courts in 1986; at the same time, some courts began to use the first docket or case management systems. By the end of the 1980's all courts in Finland had installed personal computers, to be used mainly for word processing and for accessing the mainframe systems.

Thus, the first systems the courts used, besides the Finlex databank, were the Real Estate Information System and the Court Decision System (used in criminal cases only). Both were designed in the beginning of the 1980's and implemented in the later half of the decade.

The Court Decision System is still in use; notifications processed in that system are at present sent electronically to the prison administration, the enforcement service for the collection of fines, the criminal record, the motor vehicle authority (withdrawal of the right to drive), the customs authorities, as well as Statistics Finland. Certain information is also passed to the police for recording into their systems. It should be emphasized that the System is also used in the production of the hard copy decision of the court, at the same time as the notification is produced.

When the Real Estate Information System was brought into operation in the courts, it was also necessary to carry out a legislative amendment concerning the handling of the applications to register title or mortgage. The pertinent court decision is nowadays made by making an entry into the Real Estate Information System.

### 1.2. The basic infrastructure and registers in Finland

In order to use technology in the courts to the full extent, a basic infrastructure in the country is required so as to service the information needs of the courts. It is also essential that the other agencies and public authorities that are in interaction with the courts have the same level of technology and, most important of all, the same basic standards and codes in use.

The technical infrastructure in Finland is one of its greatest assets. Telecommunications come relatively cheap, as there is a genuine competition between many different service providers. Thus, for instance, Finland has one of the highest numbers of Internet users per capita in the world.

It is important to keep in mind that the basic registers in Finland are at of a high standard.

The basic registers are characterised by comprehensiveness, reliability, versatility of use and strict protection of personal data. Comprehensiveness means that all units in a given category are recorded and provided with an individual official code (identifier). Reliability is guaranteed by the fact that the basic registers are kept by the public authorities. The principle of versatility of use means that the data is collected only once, after which it should be available to other authorities and information consumers by means of information service. The protection of personal data means that access to and delivery of the data in basic registers are strictly regulated to ensure privacy.

The core of the basic registers is the standardised code system, e.g. the personal identity number and the real estate ID code. This allows the systems to communicate and change data. It presents also a challenge to the protection of privacy, as it is quite possible to make undesired combinations of the data.

The basic registers in Finland meeting the above criteria are:

- The Population Register System
- The Building Register System
- The Real Estate Information System
- The Enterprise Register System

The courts in Finland take full advantage of these basic registers; in most cases to the benefit of their customers. The District Courts update the Real Estate Information System as they register titles or mortgages over real property. A person who applies for the registration of his/her title only has to render the deed to the court, which can then get all the other information required from the Population Register and the Real Estate Information System. Later, a bank manager can access the information on the real estate and the mortgages on his/her computer while negotiating a loan with the customer. The information on divorces, custody, paternity and adoptions is updated to the Population

Register by the courts. Information on the addresses of the persons to be summonsed to court can be retrieved from the Population Register.

The main connecting key between autonomous systems is a person's identity number, which is given to every citizen at birth. The number stays unchanged throughout life. Privacy protection legislation restricts and controls the use of the identity number and registration and delivery of sensitive personal data.

The Real Estate Information System, for its part, uses a standardised real estate ID code. Only using a standardised code can the co-operation between the county survey offices, the towns and the courts be possible and the information needs of taxation, census, mapping and geographical information systems, the banks and brokers and a number of private enterprises be fulfilled.

### **1.3. Integration strategies**

Data systems in the courts cover the whole field of actions in judicial administration. The oldest systems in use date from the 1980's. Nevertheless, the integration of systems has been self-evident from the beginning. The tools and technologies have changed during the years, but the systems have been designed and programmed keeping in mind that the information, once registered in a system, should flow through the whole chain of activities and other organisations serving every user, both in the courts and other authorities, and also benefit the public.

The main concern in the data administration for the courts at present is the use of different technologies. The mainframes of the 1980's are fast becoming obsolete. Thus, integration of the mainframes of the past and the (2-tier or 3-tier) client-servers of today is a key issue. The same applies to the other agencies the courts interact with.

It is essential that the systems are planned in co-operation with users and other public or private agencies. It is also important to make full use of both technical standards and standardised code systems. The Commission for Information Management of the Public Administration in Finland has done important work in forming the standard code system for the public sector.

### **1.4. Development of infrastructure**

For the purposes of this report, infrastructure means the technical platforms for the data systems (equipment, software, networks and standard services). The aim is that the same standard platforms should serve all data systems that will be implemented in the coming years. These standards have been settled by the Ministry of Justice and they are common to all sectors and agencies of the judicial field. Standard services cover the office automation tools, electronic mail, Internet/Intranet and a set of standard application development tools.

As mentioned above, previous systems have been based on mainframes or 2-tier architecture. Mainframe applications are reliable owing to the mature technology, but they are expensive to maintain and use. Applications based on 2-tier architecture have had good functionality, but they are based on platforms which have come to a dead-end.

The elements of a strategic plan made by the Ministry of Justice are:

- 3-tier architecture, where the software and the data bases can be located in either in the workstation, a local or a distant server
- object-oriented programming
- software written in C++
- the main user interface is a browser
- relational data bases, DB/2
- NT or Unix servers, NT workstations
- TCP/IP -telecommunication
- Lotus Notes product family as the main office tool and Lotus Domino as an application development tool
- networked services instead of mainframes

Great emphasis is to be laid on the productivity of investments, manageability, undisturbed functionality and safety matters.

Resources will continue to be directed from buying hardware and software and doing-it-yourself to buying services.

## 1.5. The use of new technologies

The users in the courts nowadays require graphical user interfaces and expect easy-to-use systems. They must be integrated, so that the user does not have to learn different systems. The information, whether it is stored in the mainframe or the network should be just as easily accessible, preferably using only one easy user interface.

It has been planned that a separate layer be built to integrate the old systems and the new systems. The new Internet/Intranet technology would serve as that layer. The new case management system will use the possibilities of that technology. It has been planned that the documents (texts, pictures etc.) will be stored in the system in HTML format. Access to the information both in the new system and the old ones, e.g. the legal data bank, will be based on Internet technology used in a closed network (Intranet). Word processors or spreadsheets can be used, but the document would be stored in HTML format, which would mean that the users can choose the tools they like and that the documents stored will adhere to one standard only.

At the moment, the technical platform for the Intranet applications is already operational. Furthermore, the Finnish courts have been active in the Internet world. The Supreme Administrative Court has had its home pages, with detailed information on new judgments, since 1998 and the Supreme Court opened its home pages in early 1999. The Internet address of the Supreme Administrative Court is <http://www.kho.fi> and that of the Supreme Court <http://www.kko.fi>. Both of these sites contain information also in English. The Courts of Appeal have been active in the preparation of home pages, the first Court of Appeal to appear on the Internet was the Rovaniemi Court of Appeal, with the Internet address <http://www.rovahovi.oikeus.fi>. Links to the home pages of the other courts can be found in the Ministry of Justice home pages, <http://www.om.fi>. The new Internet portal of the whole of the Finnish judicial administration, <http://www.oikeus.fi>, was launched in the spring of 2001.

## 2. Technology in the judicial system

### 2.1 Case management systems

#### 2.1.1. Case management in the new court procedure in civil matters

During the planning of the new civil procedure in Finland (entry into force in 1992), it was realized that the most numerous cases would be simple, undisputed debt-recovery cases. If the claim were contested, the procedure could continue in an oral preliminary hearing. A separate procedure for debt-recovery cases would not be needed. It was also obvious that even the cases brought to court as disputes would in most cases not be contested, if the application was well argued and the evidence submitted already at this stage. Therefore, all civil cases could start the same way and most of them (about 90 per cent) could be decided in written proceedings. As the decision given by the court in the written proceedings would in most cases be based on the fact that the defendant does not contest it, the decision could be rendered summarily by the clerks in the court; a judge would not be needed.

It was deemed essential to install an automated case management system for the new procedure, as there were about 350,000 summary cases pending just before the reform. The procedure was also adapted to make it possible to take full advantage of the possibilities of automation and electronic communication.

In Finland the use of IT is very common in banking and commerce. Debt collection is also concentrated to few companies owned by banks or financial institutions. They all use IT systems in their invoicing and in debt collection. The information, the data in their systems, as in most similar systems in commerce, is basically the same as the data required for summary applications in court – and therefore could be used also in the case management system in the courts. These facts were observed when the procedure and the case management system were being planned. The procedural provisions were adjusted also for the use of information technology. In this, the main obstacles in the legislation were the requirements of original signature and submission of paper documents.

In the new procedure, the plaintiff in a summary case is not required to submit written evidence to the court as long as it (an agreement, invoice etc.) is specified in the written application. This means that, as the original document is not needed, the application can be transmitted to the courts electronically (e-mail, fax).

### 2.1.2. The TUOMAS and SANTRA systems

The rules mentioned made it possible to use ICT extensively in the written preliminary hearing. Two systems were developed, the TUOMAS case management system and the SANTRA electronic transfer system. The courts get about 40,000 applications a year electronically by way of the SANTRA system. Also electronic mail or fax can be used.

Plaintiffs using SANTRA transfer daily the data on all of their applications to the common "mailbox" of the courts. The data is usually an ASCII file, but other formats are also allowed as long as the file meets certain standards. The SANTRA system then forwards the applications to the individual mailboxes of the courts. The courts, then, up-date their own TUOMAS systems on the basis of data in their mailboxes.

It is also possible to send the application to the courts by electronic mail (X.400). The text of the application can then be used by the court during the process.

The court issues the summons to the defendant. Most often this is done by post. The Finnish Post operates an electronic posting service (EPS) which the court can use, as it is not required to sign the summons, and the original document of the application does not have to be sent in most cases.

The documents or files needed for summonses are produced by the TUOMAS system, which is currently integrated to WordPerfect word processing software. Sending the files to the Finnish Post is automated both in TUOMAS and in SANTRA.

TUOMAS will track the deadlines given to defendants for contesting. If the deadline has passed, TUOMAS and WP will be used to produce the decision of the court, which will be based on the data in the application and summons.

In many cases the court will have to contact the plaintiff. That can be done using electronic mail or fax, if the plaintiff has provided the court with an electronic mail address. In the later phases of the proceeding, in scheduling the hearing and summoning the parties to the hearing, electronic mail and calendar software can be used. It was hoped that lawyers would in the new proceedings use the possibilities of these systems to the full, as most of the debt-collecting companies have done already from the beginning. Finnish lawyers, regrettably, have to date used the systems very seldom.

In most of the contested cases, the judge will make a summing-up at the conclusion of the preliminary stage. TUOMAS stores and tracks all the documents in a case and if the document has been posted electronically, it can be used as a basis for later documents.

Testimony received in the main hearing is audio taped. Minutes of the hearing will be produced, but they no longer are verbatim transcripts of every word said in the hearing. Instead, they indicate what has happened in the hearing. If one wants to know what a witness has said, one listens to the tape. Naturally, the end result of a trial, i.e. the decision, is still a written document. The judge can use the texts of the application and the summing-up in writing the decision, as they are stored in the TUOMAS system.

In debt collection cases, a plaintiff using SANTRA will also receive the decision back to its data system via SANTRA. That data can be used to apply for enforcement. The automated enforcement system of the pertinent authorities can make direct use of the data. Also a hard copy of the decision is posted to the plaintiff, because it is still needed for the formal filing of the request for enforcement. The entire enforcement legislation in Finland is due to be reformed in 2003; at that stage, electronic filing will be adopted.

The TUOMAS system, although originally planned for summary civil cases, is at present extensively used for all types of civil cases. In 1993, the system only supported "regular" civil cases. There were only 14 standard court documents integrated to the system. Today there are some 200 (or 400, taking account of both official languages, Finnish and Swedish) different documents integrated to the system. Recent enhancements involve divorce, child custody, paternity and adoption cases, where notifications to the Population Register System are now sent electronically and not on paper forms. This frees the courts from filling in some 30,000 forms a year and the Population Register Centre from updating its systems manually.

The proceedings in bankruptcy cases were also reformed in 1993. About a year later, the TUOMAS system was adapted also for these cases, which unfortunately are numerous and need a lot of work. A public bankruptcy register was established, freeing the courts from issuing many notifications. The bankruptcy register is also used by the credit companies, freeing the courts from a great deal of public service by phone (for instance, the Helsinki District Court used to receive about 300 calls a day asking for information about bankruptcies).

### 2.1.3. The new criminal procedure and the SAKARI case management system

The Act on Criminal Procedure entered into force on 1 October 1997. A case management system for criminal cases was designed for implementation in 2000. In criminal cases, case management is more complicated than in civil cases, as it involves the police, the prosecutor, the injured parties and the courts. The SAKARI case management system covers the workflow of the prosecutors and the courts, and links to the systems that the police use. The flow of data starts in most cases from the information systems of the police, the data

SAKARI consists of two parts: the case management system (diary) and the Lotus Notes application for the production of and work flow of documents. These separate parts have integrated in an interactive manner: updates in either system will update the other, as well. In addition, for statistical purposes, the data of SAKARI system is transferred to a separate statistical database (DB2), for the production of statistics and reports for the Ministry of Justice and the State Prosecutors Office. The analytical tool is Business Reports. In the SAKARI system, over 1000 specific codes are in use for different crimes.

SAKARI will also, in the next phase, cover the court decision system and the authorities linked thereto. The new system has roughly the same case management features as the TUOMAS system in civil cases, but more emphasis has been given to the management of the information in a case (contrary to managing cases in the court). The new SAKARI system has been utilized in all criminal cases since 2001.

## 2.2 The electronic legal work-desk

The word processing software of choice in the courts in Finland is produced by Lotus Corporation. The SmartSuite package with the WordPro word processor has already been installed and in use in virtually all of the courts, with the significant exception of the District Courts. In the latter, where the OS/2 operating system has been in use, most of the word processing is done with WordPerfect 5.0. Also the District Courts are moving over to a NT environment, and begin to use WordPro. It is to be noted, however, that the SAKARI case management system is built on a LotusNotes foundation and utilises the word processing features of Notes.

Judges in Finland have PC access to a number of databases and other reference material from which to draw information in the drafting of judgments. The most important of these are FINLEX and the Parliament's databases.

The Finnish Ministry of Justice is responsible for the **FINLEX** legal data bank. Until April 2002, the FINLEX system has consisted of two parts, the original FINLEX with user fees and the new FINLEX Legislation Data Bank, which is free of charge. The first part of FINLEX was established in 1980, while the first database (decisions of the Supreme Administrative Court) was opened already in 1973. The FINLEX database service has been available on the Internet and WWW since May 1996. The classic Finlex with user fees was closed in April 2002.

The new FINLEX Legislation Data Bank (FINLEX säädöstietopankki/ FINLEX författningsdata) is a public system available free-of-charge on the Internet, with the Internet address <http://www.finlex.fi>.

The more recent Legislation Data Bank was opened in October 1997 and currently consists of ten databases.

- A comprehensive reference database of Finnish legislation with a list of changes made on any law or decree published in the Statute Book of Finland (the official gazette) since the year 1734
- A document database with texts of all laws and decrees published in the Statute Book of Finland since 1987 and a compilation of laws and statutes published before 1987 (in force)
- A document database with all laws and decrees published in the Statute Book of Finland since 1995, with the same lay-out as in the printed Statute Book, in Portable Document Format (PDF), which can be viewed with Adobe Acrobat Reader.
- Translations of Finnish laws into other languages (English, French, Spanish, German)
- Database of international treaties (mostly in the Finnish language, from 1999 also in the original languages as PDF documents)
- Database of all Sami language laws and decrees published in the Statute Book of Finland
- Database of administrative acts (secondary legislation)
- Database of the precedents of the Finnish Supreme Court
- Database of the precedents of the Finnish Supreme Administrative Court
- Cases of the Courts of Appeal and Administrative Courts

- Cases of certain special courts (Labour Court, Market Court, Insurance Court)
- Decisions of some administrative institutions and organizations (e.g., the Data Protection Board)

The literature and the EU section in FINLEX includes:

- References to case law in Finnish legal literature
- Summaries of EC Court of Justice case-law
- EC Court of Justice case-law concerning the Brussels and Lugano Conventions
- Summaries of the European Court of Human Rights cases

The prime contractor for the new data bank is Edita Ltd., a Finnish company specializing in electronic publishing. Edita (previously Government Printing Centre) also prints the official Statute Book of Finland.

The new Legislation Data Bank uses SGML as the standard of structured documents and DynaWeb and Solid SQL Server as the retrieval systems in the WWW service. The data system is free of charge for all users.

In the Finlex system, there are thousands of hyperlinks to other legal information sources

- to the home pages of the Finnish parliament (committee reports, parliamentary sessions)
- to the EUR-Lex-portal of the European Union (hyperlinks from national laws implementing EU directives)
- to the home pages of national authorities (hyperlinks to secondary legislation)

The database service of the Finnish Parliament is available free-of-charge in the Internet address <http://www.eduskunta.fi>.

In addition to the above main sources, the home pages of the Ministry of Justice contain over 1000 web pages, with information on the organization of the Ministry, of the activities during the EU presidency. Furthermore, texts of new legislative proposals and on the new Constitution of Finland can be found on these pages. The address is <http://www.om.fi>.

## 2.3 Courtroom technology

The main technical equipment in the courtroom is no doubt the audio recording system with which the testimony of witnesses and expert witnesses is recorded. The tapes are retained for a number of months, but they are no longer transcribed verbatim, as was the case especially under the old criminal procedure. Interested parties are allowed, upon request, to listen to the tapes in the court registry.

Most courtrooms have also a PC, equipped with a network connection. This is used by the court clerk, mainly for note-keeping during the hearings, but also for accessing criminal records and the recently introduced fine calculator. This is a web-based service where the fines imposed on a person are computed automatically on the basis of the person's tax record. (NB: The same service is available also to the police in their everyday work; there, the system is accessed by way of a mobile phone and SMS "text messages".)

The court record proper, or the "minutes", is produced after the hearing. It is not delivered to the parties as a matter of course, but it is naturally available to them upon request.

Should a party wish to make use of visual aids in the presentation of his case, overhead projectors and whiteboards are available in most courtrooms. More advanced devices, such as VDU projectors, may also be used, but these must be supplied by the party himself.

## 2.4 Telecommunications links to the courts

### 2.4.1 Electronic data interchange

A special Act on the use of telecommunications in judicial matters has been enacted. This Act states e.g. that:

- An application for a summons, a response and another comparable document may be delivered to a court by telefax or e-mail or by direct computer transfer into the data system of the court (*electronic message*).

- The Ministry of Justice may grant a party the permission to deliver the information required of an application for a summons by direct computer transfer into the data system of a district court.
- The electronic message has arrived to the court at the time it can be printed by the receiving device or when it has arrived to the court's system. In the case this time cannot be established the message is presumed to have arrived at the time, when it has been sent, if that time can be reliably established.
- The responsibility that the electronic message been delivered to the court lies on the sender (as it lies using normal post)
- The document does not need to be physically signed as long as there is sufficient information in the message to enable the court to contact the sender if it doubts the originality of the message.

Of the other use of ICT in the courts, the law states:

- The court has to make a hard copy of the message, if it is necessary according to the rules and regulations concerning the archives of the courts
- The court can send a notification to the parties in a case by sending an electronic message to the address given by a party
- the court does not have to sign the summons and the summons can be send by mail or given to the summoner to be serviced

#### **2.4.2 Video and audio conferencing**

So far, these technical means have been available in a couple of courts. There are plans for the introduction of audio conferencing as a part of the streamlining of the civil procedural rules. In the future, preliminary hearings that are mainly administrative in nature could be carried out by teleconference, instead of a meeting in person of the judge, the (highly-priced) advocates, the parties and others in court.

### **3. Strategy and governance of technology in the justice system**

Under the Rules of Procedure of the Finnish Ministry of Justice, it is the task of the Judicial Administration Department of the Ministry to see to the operating conditions of the courts of the country. Accordingly, the Department hears the requirements of the courts and prepares the annual budget of the court administration, within the framework set by the Government; it also conducts annual results negotiations with the courts, setting out the results expected of the court in question and the funds needed for the attainment of the results.

The administrative structure of ICT matters within the judicial system of Finland is divided along two lines, the strategic and the technical. For both lines, the main decision-making authority is the Ministry of Justice, and more precisely the Department of Judicial Administration in the Ministry. All matters pertaining to the strategy of data administration are discussed in the steering committee of the department, prior to an eventual decision by the Minister himself or a subordinate official. When it comes to purely technical matters, the department enlists the aid of the Data Administration Bureau of the Ministry, which is located in the town of Hämeenlinna. It should be noted, in addition, that more significant new acquisitions are normally outsourced from the private sector.

### **4. Successful project and emerging problems**

One, already a bit dated, project that can with some confidence be characterised as a success in the information technology efforts of the Finnish judicial administration is the implementation of the TUOMAS case management system, which was completed in 1993. This was, we believe, one of the first projects in the world that successfully opened the avenues of electronic service between the courts of law and their customers. TUOMAS allowed from the start for the filing of summary claims by way of EDI and for the delivery of the judgments in the same manner. In addition, it was a useful tool for the actual drafting of the judgment and the management of the cases, which of course are what the work of the courts is all about.