

The Unified State Register of Court Decisions: legal regulation of functioning in Ukraine and experience of similar registers

O Registo Estadual Unificado de Decisões Judiciais: regulamentação jurídica do funcionamento na Ucrânia e experiência de registros semelhantes

*Nataliia Sergiienko(1), Vladyslav Teremetskyi(2), Serhii Suslin(3), Vira Pyrohovska(4),
Liubov Maliarchuk(5), Oleksandr Snidevych(6)*

1 Doctor in Law, professor at the Department of Public Law at the Faculty of Law and International Relationships
Borys Grinchenko Kyiv Metropolitan University, Kyiv, Ukraine.

E-mail: n.serhiienko@kubg.edu.ua | ORCID ID: <https://orcid.org/0000-0002-6681-5961>

2 Doctor in Law, Professor, leading research scientist of the Department of International Private Law, Academician
F.H. Burchak Scientific Research Institute of Private Law and Entrepreneurship, National Academy of Legal Sciences
of Ukraine, Kyiv, Ukraine.

E-mail: vladvokat333@ukr.net | ORCID ID: <https://orcid.org/0000-0002-2667-5167>

3 PhD in Law, Professor at the Department of General Legal Disciplines, National Academy of the Security Service of
Ukraine, Kyiv, Ukraine.

E-mail: suslin@meta.ua | ORCID ID: <https://orcid.org/0000-0003-3155-958X>

4 PhD in Law, professor of the department of Journalism and Linguistic Communication, National University of Life
and Environmental Sciences of Ukraine, Kyiv, Ukraine.

E-mail: Pyrohovskav@ukr.net | ORCID ID: <https://orcid.org/0000-0003-3339-8417>

5 PhD (Law), Associate Professor at the Department of justice at the Educational and Scientific Institute of Law Taras
Shevchenko National University of Kyiv, Kyiv, Ukraine.

E-mail: mlsergiivna@gmail.com | ORCID ID: <https://orcid.org/0000-0002-0169-0272>

6 Candidate of Science of Law, Associate Professor at the Department of justice at the Educational and Scientific
Institute of Law Taras Shevchenko National University of Kyiv, Kyiv, Ukraine.

E-mail: snidevych.o.s@gmail.com | ORCID ID: <https://orcid.org/0000-0002-4255-3194>

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Abstracts

The purpose of the article is to develop proposals for improving the functioning of the Unified State Register of Court Decisions on the basis of a study of the legal regulation of the work of this register under the legislation of Ukraine and a review of the operation of similar registers of foreign countries. Research methods are: analysis, synthesis, induction, deduction, comparative legal and hermeneutic methods. The legal regulation of the functioning of the Unified State Register of Court Decisions under the legislation of Ukraine is considered. The role of this register in ensuring the transparency of the functioning of the judiciary in Ukraine is characterized, in particular, the presence in it of court decisions of courts of general jurisdiction. The functioning of the registers of court decisions of foreign countries is considered. It is proven that there is a problem of protecting personal data contained in the texts of court decisions located in the Unified State Register of Court Decisions, which are freely accessible. The expediency of the operation of the Unified State Register of Court Decisions is substantiated not as an independent database, but as a subsystem of the Unified Judicial Information and Telecommunication System. Amendments to the legislation defining the procedure for the functioning of this register are proposed.

Keywords: register; court decision; Unified State Register of Court Decisions; access to court decisions; personal data.

Resumos

O objetivo do artigo é desenvolver propostas para melhorar o funcionamento do Registro Estadual Unificado de Decisões Judiciais com base em um estudo da regulamentação legal do trabalho deste registro sob a legislação da Ucrânia e uma revisão do funcionamento de similares registros de países estrangeiros. Os métodos de pesquisa são: análise, síntese, indução, dedução, métodos jurídicos comparativos e hermenêuticos. É considerada a regulamentação jurídica do funcionamento do Registro Estadual Unificado de Decisões Judiciais ao abrigo da legislação da Ucrânia. O papel deste registro na garantia da transparência do funcionamento do sistema judiciário na Ucrânia é caracterizado, em particular, pela presença nele de decisões judiciais de tribunais de jurisdição geral. É considerado o funcionamento dos registros de decisões judiciais de países estrangeiros. Está comprovado que existe um problema de proteção dos dados pessoais contidos nos textos das decisões judiciais localizados no Cadastro Único Estadual de Decisões Judiciais, de livre acesso. A oportunidade de funcionamento do Cadastro Único Estadual de Decisões Judiciais é fundamentada não como uma base de dados independente, mas como um subsistema do Sistema Unificado de Informações Judiciais e Telecomunicações. São propostas alterações à legislação que define o procedimento de funcionamento deste registro.

Palavras-chave: registro; decisão judicial; Registro Estadual Unificado de Decisões Judiciais; acesso a decisões judiciais; dados pessoais.

Introduction

The digital revolution, globalization, and the development of modern communication and information technologies have led to a rethinking of their use in the judiciary. The introduction of e-justice and the creation of the Unified Judicial Information and Telecommunication System were an important step in the development of the Ukrainian judicial system (Teremetskyi & Duliba, 2023, p. 131).

In addition, since the end of 2006, the Unified State Register of Court Decisions (hereinafter - the Register, USRCD), an automated system for collecting, storing, protecting, recording, searching and providing electronic copies of court decisions, has been operating in Ukraine. The Register is maintained by the State Judicial Administration of Ukraine to provide access to court decisions of general jurisdiction courts (Law of Ukraine “On Access to Court Decisions”, Article 3, parts 1-2). Court decisions entered in the Register are open for free round-the-clock access on the official web portal of the judiciary of Ukraine (Law of Ukraine “On Access to Court Decisions”, Article 4, part 1). The main idea behind the creation of the USRCD was to ensure that anyone interested in a court decision could freely find, review, copy and print it through the Register’s public web portal (Moskvych, 2018, p. 19).

We should agree with the opinion of R. Arsiryi and other scholars regarding the attribution of electronic review of court acts to certain elements of court informatization (Arsiryi, 2019, pp. 6-7). Interesting statistics are provided by G. Blinova: during a survey in certain areas on the state of information support of public administration bodies, to the question “What elements of the system and mechanism of information support of public administration bodies, in your opinion, are most in demand in the field of law enforcement, judiciary, defense and national security”, the answer “Unified State Register of Court Decisions” was among the leaders of the proposed options by the number of votes of respondents (Blinova, 2019, pp. 497-499). Thus, the USRCD is an element of court informatization that has already shown its demand among users.

Everyone has the right to reproduce court decisions pronounced by the court in public in full or in part in any way, including through publication in printed publications, media, and creation of electronic databases of court decisions (Law of Ukraine “On Access to Court Decisions”, Article 6, part 1). This is in line with the constitutional right of everyone to collect, store, use and disseminate information orally, in writing or in any other way of their choice (Constitution of Ukraine, Article 34, part 2).

According to information from the Ukrainian Judiciary resource of February 14, 2024, from the beginning of the Unified State Register of Court Decisions to the present, the administrator has depersonalized about 115 million court decisions (Rules for working with the Unified State Register of Court Decisions - reminder from State

Enterprise “Information Court Systems”). The dynamics of replenishment of the Register is significant, because if we take into account that in 2022, almost 2.9 million cases were considered in the courts of Ukraine, more than 70,000 were considered by the Supreme Court (Kravchenko, 2023), and if at least one court decision is made in each case (and usually more than one court decision is made during the course of a case in courts, in particular, these may be decisions to open proceedings, to request evidence, to postpone consideration of the case, a court decision on the merits, court decisions based on the results of review of court decisions by higher courts - and all in one court case), it turns out that the Register is a truly powerful repository of court decisions. With the help of the USRCD, it became possible to ensure free access to court decisions for all interested parties in order to exercise the right of litigants to appeal a court decision (Pryvalikhina, 2020, p. 154). According to international experience, the best way to solve the problem of ensuring the publicity of court proceedings is to publish a court decision (Demchenko, 2010, p. 25).

The openness of court decisions to the public contributes to a broader study of judicial practice and its application. According to R. Sabodash, there is no doubt that it is the publication of court decisions that leads to their rapid dissemination in the professional community as a “convincing precedent”. And if earlier (before the Unified State Register of Court Decisions came into force) the citation of practice was rare, then after the beginning of its dissemination through public registers, the nature of its application becomes widespread (Sabodash, 2019, p. 198).

Literature Review

In recent years, many scientific works of Ukrainian scholars have been devoted to the issues of legal regulation of the Register’s functioning.

V. Teremetskyi and Ye. Duliba analyzed the genesis of the construction and implementation of the investigated system in Ukraine has been analyzed, the peculiarities of this process have been emphasized, as well as the current problems and challenges (Teremetskyi & Duliba, 2023, pp. 130-143).

V. Teremetskyi, in co-authorship with other scholars, investigated the possibilities of conducting court proceedings using information technology at the current stage of judicial reform in Ukraine. In addition, the scholars identified organizational, legal, financial and technical problems of implementing the E-Court and the Unified Judicial Information and Telecommunication System (hereinafter - UJITS) (Teremetskyi et al., 2023a, pp. 33-42).

R. Arsiryi drew attention to the information and legal support of administrative courts in Ukraine, noting the revision of court acts in electronic form to the elements of court informatization (Arsiryi, 2019, pp. 6-7).

The dissertation of G. Blinova provides statistics on the demand for the Register as one of the elements of the system and mechanism of information support of public administration bodies that are most in demand in the field of law enforcement, judiciary, defense and national security (Blinova, 2019, pp. 497-499).

In his interview, the Chairman of the Supreme Court S. Kravchenko cited the dynamics of filling the Register (data for 2022) (Kravchenko, 2023). R. Sabash notes the role of the publication of court decisions and their rapid dissemination in the professional environment as a “convincing precedent”. Sabodash (Sabodash, 2019, p. 198).

S. Demchenko drew attention to the publication of a court decision in the context of solving the problem of ensuring the publicity of judicial proceedings (Demchenko, 2010, p. 25).

In their research, L. Moskvych (Moskvych, 2018, p. 20), A. Pryvalikhina (Pryvalikhina, 2020, p. 154), O. Ovsiannikova drew attention to the problem of entering all court decisions into the Register and the reasonableness of such filling of the Register (Ovsiannikova, 2009, pp. 12-13).

V. Horodovenko studied topical issues of ensuring openness of the judiciary, in particular, the functioning of the Register in this regard (Horodovenko, 2011, pp. 24-26).

L. Serdiyik rightly noted that the requirement for disclosure applies to all court documents adopted by courts in open court (Serdiyik, 2017, p. 93).

M. Boryslavska (Boryslavska, 2022, p. 123), Kh. Burtnyk and A. Khymchuk (Burtnyk & Khymchuk, 2021), R. Nasridinov (Nasridinov) in their scientific works formulated the author’s vision of the problems of the Register’s functioning (Khymchuk & Nasridinov, 2018).

O. Mozolevska (Mozolevska, 2012, p. 86), O. Valendyuk, O. Shapovalova and O. Mykytenko considered the functioning of registers of court decisions in foreign countries (Valendyuk et al., 2021).

These works demonstrate the interest of the scientific community in the field of legal regulation of the Register’s functioning as an element of digitalization of the judiciary, openness and transparency of judicial proceedings, foreign experience of functioning of similar registers, etc.

Methodology

The article uses various methods of scientific research, the most common of which are: analysis, synthesis, induction, deduction, and the comparative legal method.

The use of analysis as a method of scientific cognition made it possible to study the content of legal acts regulating the functioning of the USRCD and to identify the main gaps in such regulation. The analysis of judicial practice helped to identify topical issues of personal data protection in the texts of court decisions entered into the USRCD, which are open to the public.

The method of synthesis allowed to formulate intermediate and final conclusions of the scientific research, and, based on generalizations of the identified issues of the topic, to propose ways to improve the legal regulation of the USRCD functioning.

The inductive method was used to study various aspects of legal regulation of the USRCD functioning, including through the prism of digitalization of the judiciary in Ukraine.

The deductive method of scientific research made it possible to find out the main points of view of scholars on the role of the USRCD in ensuring the openness of the judiciary in Ukraine; along with the study of the general principles of filling the USRCD with data, attention was paid to the exceptions to this area (failure to enter certain types of court decisions into the USRCD, exceptions to the general terms for entering court decisions into the USRCD, etc.)

The comparative legal method of scientific cognition made it possible to study the functioning of registers of court decisions similar to the USRCD in foreign countries in order to take into account positive experience.

Using the hermeneutic method, the content of the legal provisions governing the functioning of the USRCD, and the acts of law enforcement (court decisions, decisions of the High Council of Justice) studied in the article were clarified.

Results and Discussion

1 The Unified State Register of Court Decisions - a database of court decisions of courts of general jurisdiction in Ukraine

It is well-known that access to justice covers a complex of human rights, an integral part of which is the right to justice through various means and forms of electronic justice that is important for certain groups of the population, who have certain restrictions, who are in special conditions or live on a territory with a special legal regime (Teremetskyi et al., 2023a, p. 34). Therefore, in recent years, the issue of improving access to justice through the development of e-justice in line with international standards in the field of information technology has become particularly important (Teremetskyi et al., 2023b, pp. 18987).

Today, a number of web services operate in Ukraine to provide online access to information about the judicial system, including the Unified State Register of Court Decisions, which provides general free round-the-clock access to court decisions issued by Ukrainian courts.

An electronic copy of a court decision or a separate opinion of a judge is made public by sending it to the Register on the day it is made by means of the automated

court document management system (Procedure for Maintaining the Unified State Register of Court Decisions, chapter III, paragraph 1). The administrator of the Register is the administrator of the Unified Court Information System, the state enterprise “Information Court Systems” (hereinafter - the Administrator) (Procedure for Maintaining the Unified State Register of Court Decisions, chapter I, paragraph 1, subparagraph 3).

Another deadline for publication in electronic form is provided by law for certain types of court decisions, in particular: decisions on the seizure of property and temporary access to things and documents in criminal proceedings, decisions of the commercial court on granting permission to the authorities of the Antimonopoly Committee of Ukraine to conduct an inspection of business entities, on unions, authorities, local self-government bodies, administrative and economic management and control bodies and/or the execution of procedural actions provided for by the legislation on the protection of economic competition in the form of inspection, seizure, sealing. These court decisions are subject to publication no earlier than the day of their application for execution (Law of Ukraine “On Access to Court Decisions”, Article 2, part 2, paragraph 1).

For certain types of court decisions, in the cases provided for by law, their disclosure and publication is not provided for. In particular, regarding the court decision on granting permission to conduct an intelligence event or on the refusal to grant such permission, passed in a closed court session (Law of Ukraine “On Access to Court Decisions”, Article 2, part 2, paragraph 2). L. Serdiyk, while considering comprehensiveness as one of the principles of access to court decisions, noted that the requirement for disclosure applies to all court documents adopted by courts in an open court session (Serdiyk, 2017, p. 93).

It is known that a judge’s failure to provide a copy of a court decision in time for its entry into the USRCD is grounds for disciplinary liability (Law of Ukraine “On Judiciary and Status of Judges”, Article 106, part 1, paragraph 2). Describing this provision of the law, A. Pryvalikhina rightly noted that it is an additional guarantee of the functioning of the USRCD (Pryvalikhina, 2020, p. 154). But the relevant disciplinary case against a judge can be opened only in cases where there has been behavior unworthy of the title of judge and its consequences are so serious and terrible that they require the imposition of disciplinary sanctions (paragraph 5 of the Resolution of the European Association of Judges about the situation in Ukraine regarding the issue of the disciplinary liability of judges (Trondheim, September 27, 2007)) (Resolution of the European Association of Judges about the situation in Ukraine regarding the issue of the disciplinary liability of judges). This was noted by the Second Disciplinary Chamber of the High Council of Justice, which in its decision of September 14, 2020 in case No. 2608/2dp/15-20 refused to bring the judge

to disciplinary responsibility, despite his late submission of a copy of the court decision for entry into the USRCD (High Council of Justice. Decision of the Second Disciplinary Chamber of the High Council of Justice dated September 14, 2020, case No. 2608/2dp/15-20). Similar is the decision of the High Council of Justice of 28.01.2021 No. 147/0/15-21 on the complete reversal of the decision of the Third Disciplinary Chamber of the High Council of Justice to bring a judge to disciplinary responsibility, despite the establishment of the facts of his late submission of a copy of the court decision for entry into the USRCD (High Council of Justice. Decision dated January 28, 2021, case No. 147/0/15-21). Both cases took into account the excessive workload of the judges in respect of whom the issue of bringing them to disciplinary responsibility was being considered.

Part 3 of Article 3 of the Law of Ukraine “On Access to Court Decisions” provides that the courts of general jurisdiction shall enter into the Register all court decisions and separate opinions of judges in writing no later than the day following their adoption or production of the full text (Law of Ukraine “On Access to Court Decisions”, Article 3, part 3). L. Moskvych notes that most countries recognize that it is inappropriate to publish all court decisions and provide for certain criteria for selecting court decisions to be published on the public network, in particular, most often such resources include only final court decisions or, for example, only decisions of higher courts. Ukraine, on the other hand, has chosen a more global approach, providing for the formation of the Unified Register of Court Decisions of the Courts of First, Appeal and Cassation Instance (Moskvych, 2018, p. 20). A. Pryvalikhina notes that the functioning of the USRCD has become one of the steps towards the establishment and development of electronic justice, but despite this, many problems have arisen in its work, one of which is related to its content and inclusion of all court decisions without exception (Pryvalikhina, 2020, p. 154). O. Ovsianikova emphasizes that only those decisions that have entered into force should be published in the Register. The text of such a decision should indicate whether an appeal or cassation was filed against the decision, on what grounds, and what decision was made by the higher court. As for the inclusion of all interim acts of the judiciary in the Register, the author believes that such acts cannot be of interest to users of the Register, since they do not affect the results of the case and court statistics, and therefore there is no need for this (Ovsianikova, 2009, pp. 12-13).

In our opinion, the inclusion of all court decisions in the Register (except as provided by law) is fully justified, as it facilitates the integral storage of all court decisions in a case within a single electronic system and makes it possible to track the progress of a case based on the court decisions made in it, and is one of the factors ensuring the invariability of a court decision after it has been made. For the same reasons, one cannot agree with the point of view of certain specialists mentioned by

V. Horodovenko in his scientific work, who suggest that it is inexpedient to include all court decisions in the Register, pointing out that this is especially true for decisions in typical and minor cases, court rulings and resolutions that do not resolve the case on the merits (Horodovenko, 2011, p. 26).

We believe that the Register may also include court decisions that have not entered into force. This can be substantiated by the following:

- ♦ the Law of Ukraine “On Access to Court Judgments” does not define the entry of a court judgment into force as a condition for entering it into the Register. The law only refers to the terms of such entry and the specifics of such terms, as well as prohibitions on publishing certain information on certain categories of court decisions in the texts of court decisions available for public access;
- ♦ certain categories of court decisions are enforced immediately or may be applied for/admitted to immediate enforcement (For example: Code of Administrative Justice of Ukraine, Article 371; Civil Procedural Code of Ukraine, Article 430).

We cannot agree with O. Ovsianikova’s statement regarding the indication in the decisions entered into the Register of information about the filing of an appeal or cassation against this decision and the grounds for such appeals, as well as what decision in this regard was made by a higher court (Ovsianikova, 2009, p. 12), because the indication of such data in the texts of court decisions is not provided for by legislation. At the same time, such a proposal is innovative, because if it is supported by the legislator, it will be easier for the participants in the court proceedings or any interested party to get the necessary information in the case.

The Law of Ukraine “On Access to Court Decisions” prohibits the removal of court decisions from the Register and any changes to court decisions entered in the Register (except in cases related to the need to correct a technical error made when entering a court decision into the Register or maintaining the Register). In case of correction of the court decision in accordance with the procedural law, its text in the Register shall not be changed. A court decision amending the relevant court decision shall be additionally entered into the Register (Law of Ukraine “On Access to Court Decisions”, Article 8, parts 2-4). Therefore, if a court decision containing typos, arithmetic errors, or other inaccuracies was entered into the Register, such a court decision should remain in the Register, and the correction of such typos and errors should be carried out in accordance with the procedural procedure (for example, the procedure for correcting typos and obvious arithmetic errors in a court decision of an administrative court is set forth in Article 253 of the Code of Administrative Justice of Ukraine) (Code of Administrative Justice of Ukraine, Article 253).

Among the problems of the functioning of the USRCD, the following are most often outlined:

- ♦ access to the Register's information on the special website <https://reyestr.court.gov.ua/> is quite often suspended or limited. This mostly happens on weekends or holidays or non-working hours and is related to technical work (Boryslavska, 2022, p. 123). Since such restrictions are not frequent, they do not prevent the efficient use of the Register. Other reasons are: detection of signs of a cyber threat (in this case, access to the register or individual decisions in it may be limited at any time) or prevention of threats to the life and health of judges and participants in the court process (that is why access to the Register has been limited for more than a year) (Teremetskyi, 2023a, p. 38);
- ♦ “disappearance/classification” of certain decisions in the USRCD (Burtnyk, Kh. and Khymchuk A., 2021), absence of some decisions in the register (Nasridinov, 2018). However, we note that in cases provided for by law (in particular, the Law of Ukraine “On Access to Court Decisions”), certain categories of court decisions are not entered into the USRCD. We believe that this is justified, since the state must ensure not only the public's right to information on court decisions, but also preserve confidential (secret) information. In addition, there may be untimely entry of court decisions into the Register due to excessive workload of judges. Therefore, it sometimes seems that the USRCD does not contain certain court decisions. However, they are subsequently entered into the Register, albeit with a delay. Therefore, the main reason for the late entry of court decisions into the Register is not problems related to its functioning. The main reason is the workload of judges, which affects the timeliness of court decisions in the Register. In view of this, we consider the above points of view of Burtnyk Kh., Khymchuk A., R. Nasridinov to be controversial;
- ♦ R. Nasridinov also attributes the lack of an API (Application Programming Interface), the presence of a significant number of errors in the text of decisions, different style (structure) of the text of the decision, binary data in the registry to the shortcomings of the work of the USRCD (Nasridinov, 2018). We believe that with regard to errors in the texts of court decisions and the different structure of court decisions, the administrator of the Register cannot influence them, cannot refuse to register court decisions / separate opinions of judges on these grounds, since this is not provided for by legislation. The administrator is prohibited from excluding from the Register electronic copies of court decisions and separate opinions of judges or making any changes to them, except in cases related to the need to correct a technical error made when sending to the Register a court decision or a separate opinion of a judge, their registration in the Register,

maintaining the Register or other cases provided for by law (Procedure for Maintaining the Unified State Register of Court Decisions, chapter IV, paragraph 3). In addition, although according to paragraph 2, part 2, Article 3 of the Law of Ukraine “On Access to Court Decisions”, the Register should function within the Unified Judicial Information and Telecommunication System, but as of today, the UJITS is not fully operational, only its individual subsystems are working. The Registry is currently operating separately from other subsystems of the UJITS, the procedure for which is determined by the Regulation on the procedure for the operation of certain subsystems of the UJITS, approved by the decision of the High Council of Justice of 17.08.2021 No. 1845/0/15-21. The Register currently functions as a separate database (The answer of the State Enterprise “Information Court Systems” from February 28, 2024, to the request from Nataliia Sergiienko).

The USRCD is a system that accumulates the texts of all court decisions (with some exceptions) issued by courts of general jurisdiction in Ukraine, which is a significant step towards ensuring the openness of the judiciary. We believe that one of the further steps to improve the functioning of the USRCD should be its functioning as a subsystem of the UJITS, as required by the Law of Ukraine “On Access to Court Decisions”, and not as a separate database, which it is now.

2 Foreign experience in legal regulation of the functioning of registers of court decisions

O. Mozolevska considers the relations regarding the content of nationwide databases of court decisions as a group of information relations involving judicial authorities, including prototypes of domestic local general courts in foreign countries. This legal scholar points out that nationwide databases of court decisions are available online on the Internet, operate in Canada, where CANLII - the Canadian Legal Information Institute - operates and provides access to court decisions along with legal acts; in the UK, the database is maintained by the British and Irish Legal Information Institute; in Australia, free access to legal materials, including court decisions, is provided by the Australian Legal Information Institute; The South African Legal Information Institute (SAFLII) collects and publishes court decisions from Botswana, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe, etc. This scholar in her article provides links to the official websites of these organizations (Mozolevska, 2012, p. 86). S. Demchenko points out that in a number of countries (for example, in the USA) the process of publishing court decisions is carried out on the initiative of the courts and by their forces (Demchenko, 2010, p. 25). In view of the foregoing, we believe that the centralized system of preservation of court decisions, which operates in Ukraine through the USRCD, is more convenient both for the purpose of accounting and preservation of

court decisions (the existence of one system for such accounting and preservation) and for the purpose of accessing and using such a system (in the practical work of a lawyer, for research, compilation of statistics, etc.) Ukraine is even ahead of such a stable democracy as the United Kingdom in this regard (Valendyuk, Shapovalova, Mykytenko, 2021). Since 2021, the Ministry of Justice of this country has been working to create the first comprehensive and free online repository of court decisions from the courts of England and Wales, with the corresponding website to be launched in April 2022 (Valendyuk, Shapovalova, Mykytenko, 2021). Prior to this initiative, court decisions from England and Wales were available on the BAILII (The British and Irish Legal Information Institute) website. A significant part of court decisions is available on BAILII now (https://www.bailii.org/bailii/search_by_title.html).

We believe that the centralized unified system of collecting, storing, protecting, recording, searching and providing electronic copies of court decisions, which currently operates in Ukraine in the form of the USRCD, is one of the effective mechanisms for ensuring transparency of the judiciary and can be considered a positive experience to be adopted even by developed democratic states.

3 Protection of personal data in the context of openness and accessibility of court decisions entered into the Register

Although the court decisions entered in the Register are open for free round-the-clock access on the official web portal of the judiciary of Ukraine, public access to such court decisions of Ukraine is provided subject to the requirements for non-disclosure of data that allow identifying an individual (Law of Ukraine “On Access to Court Decisions”, Article 4, parts 1-2, Article 7). The following information may not be disclosed in the texts of court decisions that are open to the public: 1) place of residence or stay of individuals with indication of address, telephone numbers or other means of communication, e-mail addresses, registration numbers of taxpayer’s account card, details of identity documents, unique numbers of entries in the Unified State Demographic Register; 2) registration numbers of vehicles; 3) bank account numbers, payment card numbers; 4) information to ensure the protection of which the case or certain procedural actions were conducted in a closed court session; 5) other information that makes it possible to identify an individual. Such information shall be replaced by alphabetic or numeric symbols (Law of Ukraine “On Access to Court Decisions”, Article 7, part 1).

In practice, there are cases where personal data are not depersonalized in court decisions entered in the Register and available to the public. Here are some examples. Thus, in the court decision of Amur-Nizhniodniprovskyi District Court of Dnipropetrovsk dated February 21, 2024 in case No. 199/11234/23 (Amur-Nizhniodniprovskyi District Court of Dnepropetrovsk. Decision dated from February

21, 2024, case No. 199/11234/ 23) no depersonalization of personal data; in the decision of Krasnogvardyiskyi District Court of Dnipropetrovsk dated January 30, 2023 in case No. 204/902/23 (Krasnogvardyiskyi District Court of Dnipropetrovsk. Approval dated from January 30, 2023, case No. 204/902/23) and in the decision of Boryspil City District Court of Kyiv region from March 21, 2018, in case No. 359/1654/18 (Boryspil City District Court of Kyiv Region. Decision dated from March 21, 2018, case No. 359/1654/18) there is no depersonalization of part of personal data.

As noted above, it is not allowed to make any changes to court decisions entered into the Register, except in cases related to the need to correct a technical error made when entering a court decision into the Register or maintaining the Register (Law of Ukraine “On Access to Court Decisions”, Article 8, part 3). However, the law does not specify what should be done if court decisions that are open to the public are entered into the Register without proper depersonalization of personal data in their texts. We believe that in order to avoid such situations, special attention should be paid to replacing personal data in the texts of court decisions entered into the Register and made publicly available with alphabetic or numeric designations. If mistakes were made in such replacement, as a result of which personal data became available to the public, the following algorithm of actions should be used: such a court decision must be removed by the Register Administrator, within 3 working days from the date of such removal, the personal data contained therein (in particular, those whose disclosure is not allowed in the texts of court decisions open to the public in accordance with Article 7 of the Law of Ukraine “On Access to Court Decisions”) shall be depersonalized by replacing such personal data with alphabetic or numeric designations. All information on the reasons for removal of a court decision from the Register, the date of removal, the date of its return to the Register should be recorded and stored by the Register Administrator. It seems that the above should be reproduced as an addition to Section IV of the Procedure for Maintaining the Register.

Although openness and accessibility of court decisions entered in the Register to the public is important for ensuring transparency of the judiciary, such openness and accessibility should not violate the inviolability of personal data contained in such court decisions. Therefore, it is advisable to apply the algorithm of depersonalization of personal data that became publicly available in a court decision entered in the Register by temporarily removing such a court decision from the Register in order to depersonalize personal data contained in the text of the court decision and subsequently returning the court decision to the Register.

Conclusions

The Unified State Register of Court Decisions is an important element in the informatization and transparency of the courts’ activities, which is an integrated

centralized system for collecting, storing, protecting, recording, searching and providing electronic copies of court decisions, the functioning of which is in demand by the public and can be considered a positive experience for other states to adopt.

The Unified State Register of Court Decisions contains all court decisions of the courts of general jurisdiction of Ukraine (except as provided by law), both those that have entered into force and those that have not entered into force, the texts of which contain the data required by law (in particular, procedural codes regulate what should be reflected in a court decision depending on its type).

A step towards improving the operation of the USRCD is its actual functioning as a subsystem of the UJITS.

The public accessibility of court decisions entered into the USRCD, which are open to the public, should be consistent with the protection of personal data contained in such court decisions. Therefore, it is advisable to supplement Section IV of the Procedure for Maintaining the Unified State Register of Court Decisions, approved by the Decision of the High Council of Justice No. 1200/0/15-18 dated April 19, 2018, with paragraph 5 as follows: “If the personal data contained in the text of the court decision open for public access has not been replaced with alphabetic or numeric designations, as a result of which such personal data became available for public viewing, such court decision shall be removed by the Register Administrator. Within three working days from the date of such removal, the personal data contained therein (in particular, those whose disclosure is not allowed in the texts of court decisions open to the public in accordance with Article 7 of the Law of Ukraine “On Access to Court Decisions”) shall be depersonalized by replacing such personal data with alphabetic or numeric symbols, after which the court decision shall be returned to the Register. All information on the reasons for the removal of the court decision from the Register, the date of removal, the date of its return to the Register shall be recorded and stored by the Register Administrator.

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