
STATUS AND PROBLEMS IN THE USE OF ICT IN THE JUDICIARY IN POLAND

INTRODUCTION

The aim of this report is to reveal the condition of informatisation of public prosecutors' offices and common courts of law in Poland. The document consists of two parts, the first of which demonstrates the situation at public prosecutors' offices, whereas the second one describes the reality of functioning of common courts. In each part we focus first of all on such functioning aspects of bodies of justice as: creating, keeping and archiving files; keeping the record of cases and transferring all sorts of documents between separate units and institutions. The matter of making the files of running trials accessible is considered carefully. However, we put the greatest emphasis on demonstrating informatics solutions implemented. Polish administration of justice has been undergoing profound transformation. Documentation on paper has been consistently replaced by electronic one. Moreover, internal communication between separate units is heading to total informatisation.

The report has been utterly worked out on the basis of passed legal acts which regulate the functioning of bodies of justice. Vast majority of them is enclosed at the latter parts of this document. This document has been also based on the research conducted at selected public prosecutors' offices and common courts of law, which allowed us to reflect the reality of the functioning of mentioned bodies.

Secretary's offices' role is of great importance in keeping documentation of all kinds and their responsibilities span from keeping the files to transferring them. That is the reason why such a great amount of attention has been paid to it in this document.

Prof. PhD. Paweł Wiliński

MA Piotr Karlik

COMMON UNITS OF PUBLIC PROSECUTION

Scope of activities of secretary's offices at public prosecutor's office

In connection with broadly defined workflow within the framework of duties of secretary's offices at public prosecutor's office specified in Article 13 of Ordinance of Public Prosecutor General of 31 March 2010, great attention must be paid to the following responsibilities:

1. recording and ensuring efficient flow of incoming trial documentation and other documents drawn up at public prosecutor's office;
2. keeping the repertories, records, control registers and other files; recording data concerning current course of a case and the way of proceedings' completion;
3. informing the parties in litigation and their attorneys of the course of a case at public prosecutor's office in scope determined by legal regulations or indicated by prosecutors;
4. making the records of proceedings in a case accessible, making their copies available and authenticating – with the consent of the prosecutor conducting preparatory proceedings;
5. completing case records according to the principles of adding separate materials to relevant dossier, stapling files and ancillary papers of completion of proceedings, their numbering and putting proper notations on the covers;
6. executing activities related to pilot implementation and implementation of Public Prosecutor's Office Informatics System at units of public prosecutor's offices, and also actions connected to digitalisation of files of conducted proceedings;
7. executing activities related to filing case records; being in charge of keeping the archive, drawing up the documentation related to files' transferring to National Archive and motions preparation for permission of files and non-archival materials' shredding after the period of their storage at public prosecutor's office.

Creating and keeping the files

The documents regarding the same case are completed in chronological order. In exceptional situations, such as: complicated nature of a case, number of suspects, etc. the public prosecutor may decide on another arrangement of case records. Public prosecutor's case reference number consists of the alphabetical signature of repertory or register where the case is assigned to, signature of consecutive number of case and after slash – two last figures of the year, when the files are created (e.g. Ds. 288/10). In case of appellate and district public prosecutor's files, case reference number is preceded by Roman numerals signature of department which the case is conducted at. Before appellate prosecutor's case reference number alphabetical signature "Ap" is put. (eg. Ap V Ds. 288/10). In case of supervised cases, case reference number is addition-

ally completed with the name of supervised regional or district public prosecutor's offices (eg. Ap I Ds. 288/10).

At district public prosecutor's offices where departments are separated or where there are more than one "Ds" repertory conducted, case reference number is preceded by Arabic numeral signature of department (eg. 5 Ds. 288/10). In addition, on covers of reference files registered in "Ds" repertory, the symbol which is used to sign the case in this repertory is put next to case reference number.

At Public Prosecutor General's Office, case reference number consists of PG alphabetical symbol, Roman numeral indicating the department of Public Prosecutor General's Office, repertory or register symbol, consecutive ordinal number and after slash – two last figures of the year, when the case is registered (eg. PG III Dsn 288/10).

On the covers of reference files, besides case signature, following inscriptions are placed:

1. "Arrest" – if only one of the suspects is temporarily detained with indication of the number of temporarily detained people;
2. "ENA-P" if against the suspect tipstaff has been sent out, pursuant to Article 607 of Code of Penal Procedure;
3. "Police Supervision", "Property Security", "Personal Security" and other applied preventive measures with the indication of number of people to whom separate measures have been applied;
4. "Property Securing" – when the decision on property securing has been issued with the indication of number of people in relation to whom the means of constraint has been applied;
5. "Proceedings suspended (Article 22 (1) of Code of Penal Procedure)" – when the decision on suspension of preparatory proceedings considering long-lasting obstacle making them impossible to conduct has been issued;
6. "Proceedings suspended (Article 11 (1) of Code of Penal Procedure)" – when the decision on suspension of preparatory proceedings until validation of the statement in other case has been issued;
7. "Proceedings suspended (Article 7 of Crown Witness Act)" – when the decision on suspension of preparatory proceedings pursuant to this article has been issued;
8. "Proceedings suspended (Article 72 (1) of Counteraction Against Drug Addiction Act)" – when the proceedings have been suspended by virtue of regulations of this act;
9. "Mediatory proceedings" – when the case has been brought to institution or a trustworthy person in order to conduct mediatory proceedings;
10. "Materials excluded" – when the materials regarding separate conduct of preparatory proceedings have been excluded or "Materials added" – when the materials from other case have been added to records of proceedings in a case;
11. "Drz" – when objects secured in a case have been recorded on register of material evidence;

12. "Drz/p" – when the objects constituting security interests in property and documents entitling to drive motor vehicles, passports and other documents entitling to cross the border and also the carriers referred to in Article 88 (2) (4-5) have been secured;
13. "Kks" – when the proceedings regard fiscal offence;
14. "Kw" – when the proceedings regard case prosecuted as petty offence;
15. "P" – when the trial is under way in fast-track proceedings;
16. "Nps" – when a complaint regarding infringing party's rights to consider the case during preparatory proceedings conducted or supervised by prosecutor without delay has been lodged;
17. indicating the substantive manner of proceedings' completion (eg. indictment);
18. indicating by Roman numeral the number of case records and reference files regarding completed proceedings;
19. in case of other need, if they are useful for more efficient flow of the documents.

Inscriptions on the covers are updated during the litigation.

In accordance with ordinance,¹ sheets in case records are numbered and stapled, especially after proceedings' completion or when case records are sent from public prosecutor's office. On the third page of file cover the employee of secretary's office writes down the number of sheets, sets down a signature and indicates the date of executed action. In case of adding to files copies of documents, they are authenticated on each page of the copy. Documents and letters which are known in advance to be unnecessary to remain in case records, are placed in envelope stapled with case records and are described with signature demonstrating its content.

Employees of secretary's office are obliged to make a mention in separate office notes, when authenticated copies, extracts, certificates and other letters are released. Such mentions are made in the reference files or on the second page of the file cover with giving the name and identification card number of the person receiving the documentation or the name and identification number of any other kind of presented document, and the date of action. In any case person who receives authenticated copy of the document confirms the action with his/her signature placed under notation of the employee of secretary's office. In addition, on released authenticated copies the information in which files originals are put must be placed.

In accordance with valid ordinance, one volume of case records must not exceed 200 sheets. If letters are completed in chronological order, consecutive volumes of case records are featured by signature of Roman numeral, maintaining their continuity of sheets numeration.

¹ Ordinance 5/10 of General Public Prosecutor of 31 March 2010 on structure and activities' scope of secretary's offices and other administrative departments at common units of public prosecutor's offices.

For cases registered on “Ds” repertory (created for criminal, fiscal and petty offences’ proceedings conducted by public prosecutor, police and other organs entitled to conduct proceedings) main and reference files are opened. Review sheet containing table of contents is made for case records registered on this repertory. If the files consist of more than one volume, review sheet is made for each of them. In reference files there is a list of parties in litigation and other participants of the trial with giving their names, addresses and addressees for servicing in the country with the indication of volume and number of sheets in case records on which relevant data are located. In files there is a list of suspects to whom preventive measures have been applied to with giving the kind of measure and the period of its application. Above mentioned list may be also drawn up as printouts from Public Prosecutor’s Office Informatics System which will be referred to later.

Reference files include also letters brought to prosecution by police and other organs entitled to conduct proceedings approved by superior, hand-writings and copies of assessor’s procedural writs, copies of decisions taken by court and superior prosecutor and also letters of prosecutor supervising proceedings.

Case records placed in public prosecutor’s office should be filed according to the nature of cases and stages of proceedings. They should be completed consecutively in accordance with their reference case numbers.

Calendars of causes are collected in files opened for each calendar year. Depending on necessity, files for other documents regarding the same subject may be opened and kept.

At secretary’s office of Public Prosecutor General’s Office, appellate public prosecutor’s office, regional and district public prosecutor’s offices, collection of valid ordinances and instructions is maintained.

Case records of completed proceedings featured with the same qualification word are kept in “case file” identified with qualification word associated to specific “case list” on the external side of the cover by means of words and digits. Case files are stored in secretary’s offices for a period of 2 years, starting from the year followed by the one when file was opened; afterwards they are transferred to the archive. Such action is recorded on “case list” by giving date, list number and item number referring to the file and hand-over list – in accordance with principles regarding files’ transferring to the archive. If after two years since case file opening all affairs have not been completed in accordance with “case list”, unfinished issues are added to “case list” meant for current year before file transfer to the archive. Such action is recorded on proper entries in previous “case list” with the signature of new reference case number.

“Case lists” are stored at units of public prosecution for 15 years. Afterwards they are transferred to the archive. Total period of case lists’ storing at units of public prosecution, including transfer to the archive, is 50 years.

Making files accessible and reviewing

For the sake of the nature of actions undertaken, preparatory proceedings to a high degree are private. Pursuant to Article 156 (5) of Code of Penal Procedure, in the course of preparatory proceedings parties, counsels, attorneys and statutory guardians are entitled to review files, duplicate them and receive authenticated copies. It is possible only with the consent of the person conducting preparatory proceedings. In addition, with consent of prosecutor, when trial is underway, case records may become accessible to other parties (e.g. for research purposes). As a consequence, parties entitled to review case records are strictly defined. The possibility of anyone else familiarising themselves with the files out of above mentioned subjects is excluded.

Discretionary nature of the person conducting proceedings regarding making files accessible is excluded only when the suspect is temporarily detained. In such situation, the suspect and his/her attorney are entitled to review the part of the files containing evidence indicated in the motion for application or extension of pre-trial detention and mentioned in decision on application or extension of pre-trial detention. Public prosecutor may refuse making files accessible in this part, only if there is justified fear that it would risk injured person's life or any other participant in legal proceedings, would enable damaging or hiding evidence or false evidence preparation, would make impossible to determine and seize co-perpetrator in the crime charged to the suspect or perpetrators of other crimes revealed in the course of a case, would reveal operational-examination proceedings conducted or would make preparatory proceedings difficult in any other unlawful way².

Reviewing of case records by entitled subjects in the course of proceedings and making copies (Article 156 (5) of Code of Penal Procedure) is conducted in secretary's office under supervision of assigned employee who puts, on the second page of the reference files cover, the information of entitled person, time and the manner of files' review. Before making the files accessible there is a need of entitled person identity confirmation.

Evidence keeping

At common units of public prosecution, in order to register specific case categories, the following repertories and registers are kept in accordance with determined patterns:

1. repertories:

- "Ds" – for proceedings and actions regarding criminal, fiscal and petty offences conducted by public prosecutor, police and other organs entitled to conduct proceedings;

² Pursuant to Article 156 (5a) of Code of Penal Procedure.

- “Opz” – for proceedings regarding collective responsibility for criminal actions;
- “Pn” – for proceedings regarding juveniles (criminal actions considered by district court – juvenile department) and for appeals in these cases;
- “Pc” for civil, labour and social security, domestic relations and guardianship cases regarding financial compensation grant or return, recourse claims and other cases related to non-penal activity, and for appeals against such cases at appellate and regional public prosecutor’s offices, and also for such cases supervised by superior public prosecutor;
- “Pc/PG” – for civil cases at Public Prosecutor General’s Office;
- “Pa” – for administrative cases, including cases considered by Voivodeship and Supreme Administrative Court conducted at units of public prosecution and at Public Prosecutor General’s Office, appellate and regional public prosecutor’s offices – also for cases supervised by superior public prosecutor;
- “U” – for cases regarding pardon proceedings;
- “TK” – for cases regarding proceedings conducted by Constitutional Tribunal.

2. registers:

- “Ns” – for cases regarding indemnity for unjustified sentence, pre-trial detention or detention and cases regarding statement of nullity;
- “Ds/z/s-pn” – for appeals considered by court or superior public prosecutor;
- “Ds/z” – for appeals considered by public prosecutor, superior subject to prosecutor person conducting or supervising proceedings and for complaints considered by supervising public prosecutor in preparatory proceedings conducted by police or other organ entitled to conduct them;
- “Ds/u” – for action executed in relation to court decision issued pursuant to Article 397 (1) of Code of Penal Procedure;
- “Dsn” – for criminal cases supervised by superior public prosecutor conducted at subordinate units of public prosecution;
- “Dsa” – for cases which are not subject to passing an entry on “Dsn” and “Ko” register, where superior public prosecutor took an analysis of case material and submitted a written statement;
- “Nps” – for complaints regarding infringing party’s right to consider the case in preparatory proceedings or supervised by public prosecutor without unjustified delay;
- “Nps-ps” – for proceedings regarding infringing party’s right to consider the case in preparatory proceedings or supervised by public prosecutor without unjustified delay;
- “Ap” – for appeals and motions for resumption of proceedings terminated by final binding decision in criminal cases;
- “K” – for cassation and party’s response to the cassation;
- “KSU” – for president of the court or public prosecutor’s motions for appealing to the court of cassation in criminal cases pursuant to Article 521 of Code of Penal Procedure;

- “KSK” – for other parties’ motions for appealing to the court of cassation in criminal cases pursuant to Article 521 of Code of Penal Procedure;
- “WP” – for criminal cases in which Supreme Court considers the motions for resumption of proceedings;
- “KP” – for legal issues considered at Penal Chamber of Supreme Court;
- “CP” – for legal issues considered at Civil Chamber, Labour, Social Security and Public Affairs Chamber of Supreme Court and queries to Supreme Court, and also the examination of legitimacy of civil cases cognisance by appellate public prosecution;
- “Oz” – for motions for foreign legal assistance and correspondence regarding international legal transactions;
- “Ko” – for general correspondence in criminal, civil, labour and social security, domestic relations and guardianship cases considered by family court, and correspondence in preventive and other cases unregistered in the rest of registries;
- “Ko/kks” – for fiscal offences which are not subject to registration in “Ds” repertory;
- “Ko/kw” – for cases regarding petty offences which are not subject to registration in “Ds” repertory;
- “A” – for persons temporarily detained in a course of investigation or police inquiry;
- “ENA-P” – for persons against whom motion for issuing an European Arrest Warrant has been filed, pursuant to Article 607a of Code of Penal Procedure;
- “ENA-UE” – for people against whom European Arrest Warrant has been issued and referred to Poland by organs of other European Union Member States;
- “Drz” – for material evidence;
- “Drz/p” – for subject constituting security interest in property and documents entitling to drive motor vehicles, detained passports or other documents entitling to cross the border and electronic carriers of data;
- “IP” – for cases regarding public information access;
- “IP/O” – for appeals against decisions on public information access;
- “SD” – for cases regarding Disciplinary Court and First Instance Public Prosecution;
- “OSD” – for cases regarding Disciplinary Court and Second Instance Public Prosecution.

In proper organisational units of public prosecution offices the following control lists are kept:

- “Pm” – for cases referred to institution or trustworthy person in order to conduct mediatory proceedings;
- “Wz” – for cases regarding suspended proceedings;
- “Dor” – for main and reference files of preparatory proceedings incoming to public prosecutor’s office, case records and administrative files and other letters and correspondence;
- “E” – for forwarding of files and letters;

- “Ww” – for indication of fees and other expenses born within preparatory proceedings;
- “PK” – for criminal cases which are to be considered in cassation proceedings.

Moreover, public prosecution keeps:

- control of forms related to the National Criminal Information Centre;
- list of registry charts and inquiries to the National Criminal Information Centre;
- control of motions for application of pre-trial detention;
- control of property securities;
- control of collective responsibilities cases;
- control of motions for cognisance of the case in fast-track proceedings;
- control of motions for submitting by public prosecution a statement on sampling of tissue cells and organs from a dead body, whose death might be a result of a prohibited act;
- list of experts, translators and specialists;
- control of given orders on business trips;
- control of identity and insurance cards issued.

Repertories and registers are opened for each calendar year, keeping the sequence of entries during the year. Blank sheets of repertories and registers should be utilised in the following year. Before passing an entry, sheets should be numbered and the number of sheets put on the last page of document, giving the date of the action and the signature of the person in charge. Cases are recorded on specific repertory or register in accordance with instruction for handling the case of unit manager or authorised person. It requires giving the date in accordance with the sequence of letters filing which constitutes the basis of registration.

Archiving

The documentation created as a consequence of the activity of the Public Prosecutor General and other common units of public prosecution is stored in archives after making use of it. Archives are located at Public Prosecutor General’s Office, appellate public prosecutor’s offices, regional and district public prosecutor’s offices.

The scope of activities of the archive includes specifically:

1. receiving documentation from the various organisational units of public prosecutor’s office;
2. storing and securing received documentation, keeping its evidence and in case of necessity, in agreement with national archive, maintaining damaged documentation;
3. making stored documentation accessible to authorised people;
4. storing and transferring documentation constituting archival materials identified as “A” category to proper archive (documentation which is transferred to national archive after determined period of storage

- time, constitutes “archival materials” within the meaning of Article 1 of National Archive Recourses and Archives Act of 14 July 1983);
5. initiating disposal of non-archival documentation identified as “B” category (non-archival documentation featured by temporal significance which after obligatory period of time is subject to disposal); taking part in collective act of disposal and qualifying damaged material as waste-paper (in condition making impossible to be restored), however, the protocol of evaluation of non-archival documentation and the list of documentation which is meant to be qualified as waste-paper need to be drawn up in the first place, jointly with the consent for disposal of national archive which is required to be granted in such circumstances;
 6. being in contact with proper national archive.

Making archival documentation accessible

Documentation in the archive may be released for official and research purposes. In extraordinary situations it may be released outside the archive only in strictly justified cases. Archival materials, for purposes different from official and research ones are released -pursuant to National Archive Recourses and Archives Act of 14 July 1983 – after period of 30 years from the moment of their founding, if it does not infringe legally protected interests of state and citizens’ rights.

Procedure of making documentation accessible

Persons requesting making archival documentation accessible should make a motion at the proper unit of public prosecutor’s office with giving name and indication of organisational unit requesting making archival documentation accessible, and also the type of archival material or concerning subject, purpose and way of such material usage. The ordinance on making archival materials accessible is issued by the manager of the unit where mentioned materials are stored. The ordinance should determine sort and scope of archival materials which are to be released and the way of making them accessible. The ordinance on refusal is required to indicate substantiation and instruction of the possibility, procedure and term of appeal. Remedies at law for refusal of making archival materials accessible are filed in line with general conditions.

Making archival materials and non-archival documentation accessible is recorded on files drawn up by person in charge of the archive. In case of loss, lack or damage of archival materials released outside the archive, 3-copies protocol is prepared which is signed by borrower, his/her immediate superior and the person in charge of the archive.

In the proper month of each year, the employee responsible for the archive presents to the unit manager the list of released archival materials unreturned within last 3 months with prepared reminders demanding return.

Correspondence between common units of public prosecutor's offices, common courts and other organs and entities

Reference case numbers are put on incoming letters and correspondence drawn up at public prosecutor's office sent to the other organs and subjects.

Forwarding of correspondence between organisational units of the same office is conducted without cover letters on the basis of forwarder's notation.

Letters regarding persons temporarily detained which are referred to court, organs conducting preparatory proceedings and National Criminal Records are signed with inscription "Arrest". Urgent letters are signed with inscription "Urgent", and the ones with a fixed time, "Fixed time".

Name of public prosecutor's office, reference case number, date, position and name of person signing are required to be put on the letter which is to be sent. Full name of position and name may be replaced by proper abbreviation. In case of necessity, headline of the letter identifies subject of the case. In response to received letter, date and reference case number are required. However, when the case remains on evidence of organ entitled to conduct preparatory proceedings, case number is also required.

Under content of the letter, on the left side, number of attachments should be defined.

Secretary's offices of units of public prosecution manage special, round Office Seal, which is affixed to:

1. public prosecutor's decisions on: application of preventive measures, repealing of pre-trial detention and other preventive measures, suspects sought after by wanted notice and wanted notice calling off, securing of property, materials detention and dispose of property items; public prosecutor's ordinances on consent with one-time seeing of temporarily detained person, arrest warrants, ordinances on releases of persons temporarily detained, letters concerning bringing of temporarily detained to the court, taking over prosecution outside the country, motions for international legal assistance and authenticated copies issued to parties in litigation, letters of authority empowering to appear in cases defined pursuant to Article 67 (2) of Code of Civil Procedure of 17 November 1964;
2. cover letters referred to foreign organs and decisions of Ministry of Justice on extradition and taking over of prosecution;
3. decisions of Public Prosecutor General issued pursuant to Article 328 of Code of Penal Procedure;
4. decisions of Public Prosecutor General issued in the course of pardon proceedings;
5. personal affairs – identity card and certificate of employment;
6. other documents concerning employment legal relationship.

The unit manager is in charge of making decisions on necessity of seal stamp on other documents. In case of issuing authenticated copies, round office seal is required to be affixed on each page of the authenticated copy and certify conformity of this page with original. Stamp of round office seal is put by previously authorised person on the left side of the signature.

Letters with frequent repetition of content are allowed to be drawn up in forms in one copy. Mention of issuing of such letter is made in case records or register on which case has been recorded.

Inward and outward correspondence

Employees of secretary's office open incoming letters except dispatches signed with "Confidential", "Top secret" and "Restricted" inscriptions, and also the ones addressed to particular persons. In case of absence of such, the unit manager decides. Notation (confirmation of receipt) with unit name, date of reception, number of attachments and name stamp or legible signature of employee receiving the document is put on each inward letter. If opening the dispatch is subject to exclusion from secretary's office competences, notation referred to in above is put without postmark interfering on addressed side of the packaging. In case of confidential correspondence, notation (confirmation of receipt) is put on the outside of envelope. On demand, employee of secretary's office gives receipt confirmation or confirms letter reception on its copy with giving date, unit name stamp and puts his/her signature. Main and reference files of cases recorded on "Ds" repertory, case records, administrative records and other incoming documents are registered on "Dor" list and forwarded to proper organisational unit by receipt confirmation. Other dispatches are delivered to proper employees with no confirmation. Letters and dispatches should be delivered to addressee on the date of inward, latest at morning hours of the day after. Envelopes of letters incoming by mail are maintained for documentary evidence of meeting the deadline. If several letters are sent in one envelope, it is enclosed to one of those letters. Public prosecutor conducting the case decides if the envelope constitutes evidence significant the course of preparatory proceedings and is subject to the case records.

Case records, indictments, motions for conditional discontinuance of penal proceedings or for discontinuance of proceedings and detention order application, ordinances, recommendations orders, cassations, appeals, complaints, objections, complaints brought to administrative court, appearances, personal documents and other letters identified by their authors as significant, if they are not delivered by employee of public prosecutor's office, are dispatched by means of registered letter. Decisions which are subject to appeal and copies of decision on repeal of pre-trial detention are dispatched by registered letters with return receipt confirmation. Release warrants are forwarded to Custody Suit on the day of their release by an authorised employee. If Custody Suit is located outside the place of public prosecutor's office, the general manager is immediately informed of order of release in previously determined form. Case records

with indictments or motions referred to the court placed within the local competence of organisational unit of public prosecution are delivered by an authorised person by receipt confirmation on authenticated copies of cover letters; in case of other court – by ordinary mail.

Callings, information and copies of decisions other than the ones mentioned above are delivered as registered dispatches with return receipt confirmation in accordance with conditions pursuant to Regulation of Ministry of Justice of 18 July 2003 on detailed conditions and procedure of delivering court letters in penal proceedings³.

Public prosecutor's motions for pre-trial detention together with case records are delivered to the court by an authorised employee. This is also applied to delivering to the court by public prosecutor's motions for:

- issuing European Arrest Warrants pursuant to Article 607 of Code of Penal Procedure and European Arrest Warrants issued by organs of other Member States of European Union, with applied materials in those cases;
- cognizance of the case in fast-track proceedings,

No substantive information is put on the envelope and receipt confirmation. Outward correspondence is signed with Arabic numeral selected from symbols catalogue.

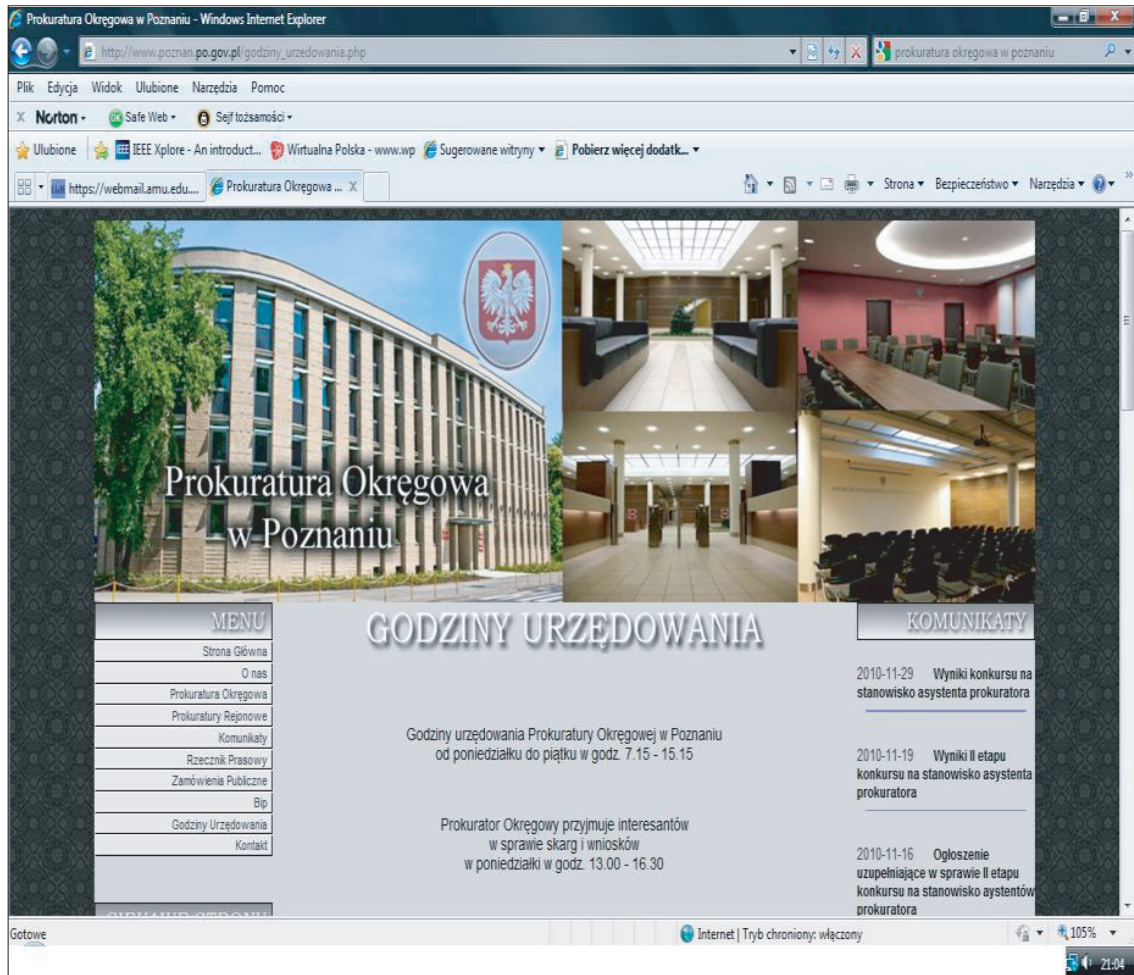
Case records and documents forwarding between departments of Public Prosecutor General's Office and departments of appellate, regional and district public prosecutor's offices are conducted by receipt confirmation on "Dor" control list or on the copy of the letter.

Complaints and motions

Nowadays at common units of public prosecution there is no system enabling to lodge complaints *online*. In order to file a complaint it needs to be done during "prosecutor's duty". Proper information is available on websites of particular public prosecutor's offices. In addition, although no system functions, there is a possibility of lodging complaints and motions by mail and e-mails. Such information is passed to proper employees responsible for separate field, afterwards written reply is sent back. Thus, there is no possibility of organ's lack of action connected to received complaints and motions.

³ Annex 1.

Figure 1. Website of the Regional Public Prosecutor's Office in Poznan



Source: <http://www.poznan.po.gov.pl/>

Conditions and principles of data processing regarding conducted proceedings on public prosecution informatics system⁴

At common organisational units of public prosecution, informatics system is applied which serves for registers keeping, criminal case data processing, electronic data files keeping, crime analysis, practice of law application, statistics and reporting.

Its name is "Libra" Public Prosecution Informatics System. Software includes expanded functions of reviewing, reporting and data search, considering numerous, detailed criteria. The system has been equipped with electronic files module enabling the users to easily create and man-

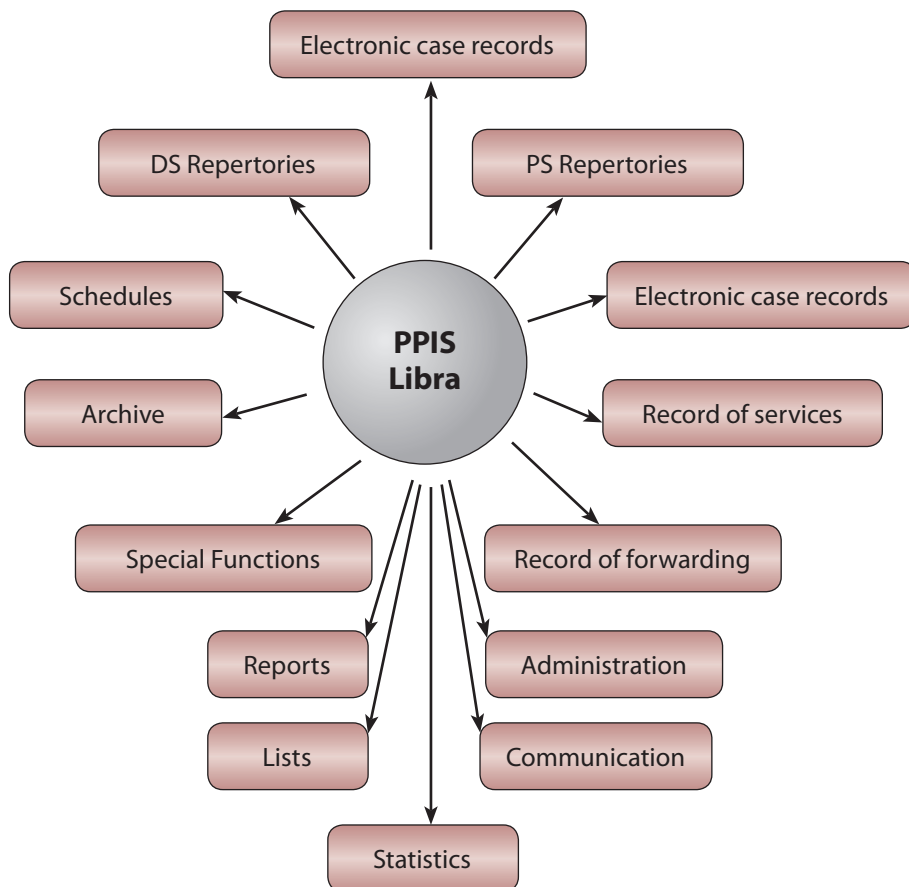
⁴ Sourced from <http://www.zeto.swidnica.pl/index.php?id=14,0,0,1,0,0>

age case documentation. The main task of the application is to replace existing paper repertoires and registers by electronic ones which enable easier access to information of conducted cases, faster searching, documents preparation and allowing multiple usage of the same data with no need of rewriting.

The system is module-built and at present contains the following components:

- "Ds" repertoires;
- "Ps" repertoires;
- Calendars of causes;
- Electronic case records;
- DE register (servicing and forwarding);
- Administrative module;
- Central Dictionaries;
- Modules of data exchange.

Figure 2. Model of the Libra PPIS information system



Source: <http://www.zeto.swidnica.pl/index.php?id=14,0,0,1,0,0>

DS repertories

The DS repertories Module is the basic component of SIP Libra system.

Its functionalities are:

- Keeping the electronic “Ds” repertory in scope of evidence and case conducting, evidence of crimes, persons, means of constraint, material evidence and costs;
- Keeping the registers of material evidence, detentions, preventive measures and property securities;
- Controlling the terms related to conducting proceedings;
- Browsing and searching for registered data;
- Browsing standard lists;
- Reporting cases, persons, crimes, material evidence etc.,
- Statistics.

PS repertories

This is a module which enables to trace the case progress within conducted proceedings at court. It is tightly connected to “Ds” Module and Calendar of Causes Module.

Its functionalities are:

- Cases in litigation registering (automatically);
- Decision of the registering court;
- Appeals registering;
- Evidence of second instance court decisions;
- Browsing and searching for registered data;
- Standard lists preparation;
- Reporting information of legal proceedings.

Calendars of causes

This module is used mainly for evidence of sessions and planning of public prosecutors’ selection. It includes schedule of public prosecutor’s activities thanks to which the amount of work of each public prosecutor may be monitored.

Electronic case records

Expanded module of electronic case records allows fast and easy document preparation necessary for public prosecution actions on cases registered on electronic Ds repertory. Documents are created on the basis of unified, centrally prepared forms. In addition, the software allows to arrange, group and order electronic and paper documents created, their numbering and archiving. Operations allowing forwarding orders and monitoring their execution by public prosecutor and employees of secretary’s office were also included. The module includes schedule of public prosecutor’s activities as well.

DE Registry (servicing and forwarding)

It is a standard module of inward and outward correspondence service. Its functionalities are:

- Correspondence registering;
- Correspondence identification;
- Instruction on handling the case;
- Receipt confirmation registry (by means by barcode scanning);
- Browsing and searching for registered correspondence;
- Standard lists preparation;
- Reporting.

Central Dictionaries

In order to unify nomenclature used and data categorisation, the system is equipped with ca. 120 dictionaries joint for all units making use of the system. Those dictionaries are centrally updated via internet at all units.

Administration

Executes all functions related to the system including:

- Users registering;
- Granting authorities for cases are separate functions;
- Authorities and roles management;
- Local dictionaries management;
- System log reviewing.

Module of data exporting to Central Database

The system works with Central Database which is to collect data from particular units using SIP Libra System. Thanks to such solution by internal network of Ministry of Justice, access to information of conducted proceedings within whole country is possible.

Module of data exchange in National Centre of Criminal Records

The system works also with National Centre of Criminal Records in the scope of preparation, forwarding and evidence keeping of registered forms, changes and deleting from register crimes, persons, objects, subjects and bank accounts. By means of NCCR module the system forwards information of attempt of access to registered data to proper public prosecutor's office.

Cases are recorded in informatics systems in:

1. regular mode;
2. supplementary mode – for cases recorded on “Ds” repertory in paper form, before informatics system implementation.

Figure 3. Libra Informatics System – cases preview

Nr rejestru DE	Sygnatura	Data korespondencji	Podst. korespondencji	Adresat	ZPO	Status	Sposób skrzydki	Drukuj K-2
E 28.10.10/1	ApV Du/1/10	28.10.2010	odpis decyzji	Andrzejewski Witold; Kancelaria 61-01	Tak	zapytanie	Poczta Polska	<input type="checkbox"/>
E 27.10.10/3	ApV Du/1/10	27.10.2010	inne pismo	PK BPZ Wydział I Biuletyn - 15-053 Bk	Nie	zapytanie		<input type="checkbox"/>
E 27.10.10/2	ApV Du/1/10	27.10.2010	inne pismo	PK BPZ - 00-950 Warszawa Al. Ujazdów	Nie	zapytanie		<input type="checkbox"/>
E 27.10.10/1	ApV Du/1/10	27.10.2010	inne pismo	PG - Departament Kad. 02-015/Warsza	Nie	zapytanie		<input type="checkbox"/>
E 02.09.10/6	ApV Du/1/10	02.09.2010	inne pismo	Falik. Bolek; 51-422 Kraków 62	Tak	zapytanie		<input type="checkbox"/>
E 02.09.10/5	ApV Du/1/10	02.09.2010	inne pismo	Andrzejewski Witold; 61-050 Poznań u	Tak	zapytanie		<input type="checkbox"/>
E 02.09.10/4	ApV Du/1/10	02.09.2010	inne pismo	Adwokacki Jan Kancelaria Adwokacka	Tak	zapytanie		<input type="checkbox"/>
E 02.09.10/3	ApV Du/1/10	02.09.2010	inne pismo	Falik. Bolek; 51-422 Kraków, Kraków 6	Tak	zapytanie		<input type="checkbox"/>
E 02.09.10/2	ApV Du/1/10	02.09.2010	inne pismo	Andrzejewski Witold; 61-050 Poznań u	Tak	zapytanie		<input type="checkbox"/>
E 02.09.10/1	ApV Du/1/10	02.09.2010	inne pismo	Adwokacki Jan Kancelaria Adwokacka	Tak	zapytanie		<input type="checkbox"/>
E 11.01.10/6	ApV Du/1/09	10.01.2010	akta	PA Szececin; 79-052 Szececin ul. Szos	Tak	zapytanie	goniec	<input type="checkbox"/>
E 11.01.10/5	ApV Du/1/09	11.01.2010	odpis decyzji	Bukalski Piotr; 60-967 Poznań ul. Płac	Tak	zapytanie	goniec	<input type="checkbox"/>
E 11.01.10/4	ApV Du/1/09	11.01.2010	odpis decyzji	Zaba Kamił; Maciej	Tak	zapytanie	goniec	<input type="checkbox"/>
E 11.01.10/3	ApV Du/1/09	11.01.2010	odpis decyzji	Karczmarski Filip; 62-000 Słupsk ul. I	Tak	zapytanie	goniec	<input type="checkbox"/>
E 11.01.10/2	ApV Du/5/09	01.09.2009	odpis decyzji	Kowalski Jan; Poznań 12	Tak	zapytanie	Poczta Polska	<input type="checkbox"/>
E 11.01.10/1	ApV Du/5/09	01.09.2009	odpis decyzji	Kowalski Jan; Poznań 12	Tak	zapytanie	Poczta Polska	<input type="checkbox"/>
E 12.06.09/1	ApV Du/1/09	12.06.2009	akta	Agencja Bezpieczeństwa Wewnętrzne	Tak	zapytanie	goniec	<input type="checkbox"/>
E 09.06.09/1	ApV Du/1/09	09.06.2009	inne pismo	Malakó István; Poznań 12	Tak	zapytanie		<input type="checkbox"/>
E 02.09.08/5	VII Du/9/07	01.09.2008	inne pismo	AŚ Poznań; 61-729 Poznań ul. Młyński	Tak	zapytanie	Poczta Polska	<input type="checkbox"/>
E 02.09.08/4	VII Du/9/08	02.09.2008	odpis decyzji	SA Rzeszów; 35-001 Rzeszów ul. J. Pk	Nie	zapytanie	Poczta Polska	<input type="checkbox"/>

Cases are recorded in regular mode by entering the following data identifying the case:

1. repertory reference number;
2. date and basis of the case registration;
3. date of document receipt which is the basis of case registration;
4. legal qualification of unlawful deed;
5. case description;
6. forms of preparatory proceedings; date of investigation or inquiry instituting or the first action in connection with legal proceedings before instituting;
7. indications of conducting or supervising public prosecutor;
8. indications of organ conducting proceedings.

Criminal cases are recorded in supplementary mode by entering the reference case number and information indicated in points 2-9.

The registration of unlawful deed and the content of charge in the informatics system is made by entering the following data:

1. date of deed registration;
2. date of perpetration of a criminal offence;

3. place of perpetration of a criminal offence;
4. legal qualification accepted.

Moreover, registration of charge requires entering data of issuing of decision on informing the subject of the charges brought against him/her and date of legal action constituting the basis of registration. The suspect, the injured party, their attorneys, statutory guardians and legal representatives and personal details of subjects obliged to return unjustified benefits gained by crime are also recorded on the informatics system. Registration of details of entities mentioned above is made by indicating the name of person or institution, their position in the criminal procedure and other information identifying those subjects. In case of registration of previously indicated person by another name, the record is edited and the previous one is identified as false.

Informatics system covers registration for:

1. material evidence;
2. documents entitling to drive motor vehicles;
3. passports and other documents entitling to cross the border;
4. object constituting property security;
5. objects constituting unjustified benefit gained by action of crime;
6. objects constituting property interests of security;
7. objects featured in litigation by "object of a crime", "tool of a crime".

In informatics system, details on detentions, preventive measures, wanted notices, European Arrest Warrants, and property securities are recorded as well. Mentioned action is taken by entering information of date and content of decisions issued in proceedings.

Data concerning activities of superior supervision are also registered, including:

1. date of decision on taking superior supervision;
2. content of recommendations issued within such supervision;
3. unit of supervising public prosecutor's office;
4. reference supervision file number.

Data concerning instance supervision on appeals considered by superior public prosecutor.

Apart from it, following data are registered:

1. details on experts, scientific or research institutions, including expert's identity and specialisation, subject and scope of the opinion;
2. fees and other expenses incurred in preparatory proceedings;
3. sampled organs, tissues and cells;
4. forwarding or making main and reference files available to investigations and inquires, including date and reason of such actions and details on person or institution to which files are forwarded or released.

The decisions of the organ considering complaints on public prosecutor's decisions on proceedings' termination are also registered in informatics system.

Registration of correspondence includes entering the following data: date of receipt or forwarding of correspondence, its type, signature, sender, addressee, way of delivery or forwarding. Number of attachments is recorded. If correspondence is delivered by return receipt confirmation, delivery date or return date with giving the reason of qualifying correspondence as delivered, are recorded as well.

Files digitalisation

"Sydig" system application meant for records of conducted proceedings constitutes a novelty at units of public prosecutor's offices. Its implementation became possible due to Norwegian Financial Mechanisms, project identified as PL0235 "Text documents processing within justice administration". The project is valued at 1 600 528 EUR, in which 1 360 499 EUR – 85% comes from NMF. Within the framework of the project two operations are put into practice: "Sydig" informatics system creation and hardware delivery⁵.

By ordinance of National Public Prosecutor⁶ the system has been implemented in the following public prosecutor's offices:

1. Appellate Public Prosecutor's Office in Bialystok,
2. Appellate Public Prosecutor's Office in Gdansk,
3. Appellate Public Prosecutor's Office in Katowice,
4. Appellate Public Prosecutor's Office in Cracow,
5. Appellate Public Prosecutor's Office in Lublin,
6. Appellate Public Prosecutor's Office in Lodz,
7. Appellate Public Prosecutor's Office in Poznan,
8. Appellate Public Prosecutor's Office in Rzeszow,
9. Appellate Public Prosecutor's Office in Szczecin,
10. Appellate Public Prosecutor's Office in Warsaw,
11. Appellate Public Prosecutor's Office in Wroclaw,
12. District Public Prosecutor's Office in Bydgoszcz,
13. District Public Prosecutor's Office in Gdansk,
14. District Public Prosecutor's Office in Gliwice,
15. District Public Prosecutor's Office in Lodz,
16. District Public Prosecutor's Office in Opole,
17. District Public Prosecutor's Office in Poznan,
18. District Public Prosecutor's Office in Warsaw – Prague in Warsaw,
19. District Public Prosecutor's Office in Wroclaw
20. District Public Prosecutor's Office in Zielona Gora

The implementation of files' digitalisation system is supervised by National Public Prosecutor's Office.

⁵ D. Taberski, "Sydig" files digitalisation system in practice, Public prosecution and Law, no. 1.

⁶ Ordinance 1/2010 of National Public Prosecutor of 5 January 2010 on procedure and conditions of implementation of "Sydig" records digitalisation system at common units of public prosecutor's offices.

The implementation of files' digitalisation system at particular organisational units of public prosecution is possible after fulfilment of the following conditions⁷:

1. A functioning local client network – server meeting technical requirements ensuring proper system usage and processed data safety;
2. Proper informatics service is provided by employees of public prosecutor's office;
3. Workplace of the employees of secretary's offices and public prosecutors which will be users of files digitalisation system, are equipped with proper devices connected to local network;
4. the employees who will be users of the system are adequately qualified and trained.

Implementation of files' digitalisation system at organisational unit of public prosecution is ordered by National Public Prosecutor. First, unit manager issues ordinance on conditions and safety within the system. Supervision of implementation actions at organisational unit of public prosecutor's office is performed by unit manager in line with general conditions.

System operating

Digitalisation of files in "Sydig" system is conducted in several stages. The person fulfilling orders pursuant to the ordinance on digitalisation – employee of secretary's office or public prosecutor's assistant execute the first activity by entering steering card – so called pilot. It is an equivalent for review sheet – information identifying each document needs to be entered – volume number, sheet numbers, type (decision, protocol, complaint etc.) name, date of creation and referred subject or object. Afterwards scanning of documents takes place, by means of scanners. Files stored in "Sydig" repository are able to be reviewed from each computer where client is installed and is connected to local network. It enables to review all scanned documents, search data entered in pilot by using various, useful filters (such as type of document, date or person it concerns) and search particular words in text. OCR9 is an integral "Sydig" part thanks to which scanned document recognition is possible which facilitates further programme using⁸.

Electronic System of Making Circular Letters Accessible (ESUDO)

ESUDO is to accelerate, facilitate and reduce costs of circular correspondence delivering forwarded to employees or selected public prosecutors, and clerks and also confirmation of receipt. Current monitoring of messages forwarded within the system implemented by the ordinance is the responsibility of public prosecutor's clerks and other employees working

⁷ Ordinance 1/2010 of National Public Prosecutor of 5 January 2010 on procedure and conditions of implementation of "Sydig" records digitalisation system at common units of public prosecutor's offices.

⁸ D. Taberski, *op. cit.*

with computer connected to local network. *ESUDO* users familiarise themselves with electronic documents (“*Open document*” function) and confirm such action by function “*I read*”. *ESUDO* users are able at any time to browse accessible archival documents. *ESUDO* enables to search particular document or group of documents (“*Search*” menu).

In order to make a document accessible by *ESUDO*, scanning and saving in PDF are required. Entering data to *ESUDO* is made in administrative menu by:

1. defining file localisation and data concerning the document:
 - a. document title or key words;
 - b. reference document number;
 - c. date of document creation;
 - d. type of document;
2. indication addressees for whom the document is referred to;
3. putting in “*Remarks*” column possible terms to read the document and other orders from decree;
4. approval of selection – after confirming the correctness of entered data – which will cause adding the document to *ESUDO* base with simultaneous enabling to addressees.

Editing entered data or deleting invalid data are followed by the order of person registering particular document.

After expiration of the term required to familiarise oneself with the document, list of users familiarised with the document is checked. If there are some persons who have not been familiarised with the document, those persons are monitored within internal electronic mail. In case of need, list of confirmations is printed and attached to the original.

Internal electronic mail

In order to offer exchanging information and documents between particular users within local network by means of *Outlook Express*, internal electronic mail service has been launched. Electronic mail accounts are configured at workplaces of each user of local network and their addresses kept in address books. Delivering mail to addressee causes automatic forwarding of receipt confirmation to sender. Internal electronic mail functions only within local network and does not remain in connection with electronic mail via Internet.

COMMON COURTS

Scope of court secretariats activity

As in the case of common units of public prosecution, court secretariats are responsible for founding and keeping records and sending them to other judicial authorities. Employees of those secretariats are also responsible for archiving and making available records of proceedings in progress. Therefore, in order to picture document workflow going on in courts one has to present the scope of court secretariats' activity.

A court secretariat is a panel of court officials and clerks, established in each division, performing office activities in court proceedings in jurisdiction of a given division (division secretariat). The range of secretariat's tasks includes: all activities connected with keeping cases' records and devices used for their recording, performing ordinances of the president of the court, division manager, judges and court referendaries, drawing up trial and court protocols, drawing up statistical statements and other activities specified in internal rules of conduct for common courts and in special regulations. Division secretariat work is coordinated by its manager, who is a direct subordinate of a respective division manager and answers to him/her for proper and timely performance of his/her secretariat's tasks and for working discipline of all employees of the secretariat.

As to activities concerning court proceedings, secretariat manager's responsibilities are in particular:

1. reception of documents coming to the division and presenting them to the division manager, if applicable, with records or relevant note, if handling of particular documents is outside the scope of secretariat manager's responsibility;
2. providing information, providing records for supervised review by entitled persons and issuing written notices;
3. issuing copies, excerpts, certificates and other documents upon order of the division manager, session chancellor, reporting judge or court referendary, authentication of document copies or of documents from records stored in the secretariat or in the unit archive;
4. checking in advance to a session whether as regards to the case of the session, relevant summons and notifications have been delivered, and in case of failure to confirm, or if the addressee has not received it, or the defendant would not be brought to the court, or any of the parties would not be present at the session, presenting records to the session chancellor or the division manager in order to issue additional ordinances which could prevent the session from being adjourned.

Founding and keeping records

Records are founded on the basis of a division manager's ordinance with registering the letter instituting proceedings. The ordinance concerning the letter instituting proceedings is put on a separate sheet filed imme-

diately before the letter to relevant records. A president of the court's ordinance concerning composition of the court in which the case is to be considered is also put on the sheet preceding the letter instituting proceedings.

Case records are put into a separate cover, prepared according to a set template and labelled with a signature. Records' covers of individual case categories should differ by colour. Records should be stapled or permanently bound using another technique, and their sheets should be numbered. Changes of sheet numbering must be notified and the reason for the changes must be given. The notification is put on the sheet whose numbering has been changed, and if the change concerns several sheets, the notification is put on the first of them. Records' signatures consist of a Roman numeral indicating a division, and if the division is subdivided to sections, an Arabic numeral indicating the section, repertory symbol, case reference number and following a slash, two last digits of the year in which the records were founded (e.g. I.2.K.145/03). In case of changing a case records signature, a new signature is put on the cover next to the old one, which is then crossed out in a way allowing reading it. If case records whose signature has been changed are put into a new cover, its original signature must be written on the new cover and then crossed out in the above mentioned way. Collectively considered cases have one, collective set of records with one signature. If collectively considered cases have separate records, the records must be merged and kept under the signature of the oldest of them. Signatures of the rest of the merged records must be written in brackets on the cover. When such cases are separated, separate records are founded for the separated case, in compliance with regulation §64. The signature of the separated case must be indicated in brackets on the cover of the newly founded records.

Records which contain no more than 200 sheets constitute a volume. The number of volume sheets is written on the last page. In case of exceeding 200 sheets, a new volume of records must be founded with continuity of sheet numbering. Reference numbers of volumes are written in Roman numerals on their cover. If case records contain more than one volume, the total number of volumes is indicated on the cover of the first volume under the signature. A division manager may order a review sheet be made, on which documents and numbers of their sheets are written. The review sheet is placed at the beginning of each records volume. Documents received in the process of proceedings in case are merged to records based on the order of reception. Documents submitted during trials or hearings and confirmations of receipt for summons and notifications are placed before the protocol of the trial or hearing they concern. If documents or objects are withdrawn from the records, a note must be made at the relevant point in the records, stating the name of the receiver. The receiver's ID number shall be written on the confirmation of receipt.

At a division manager's ordinance issued after court proceedings concerned with verdict enforcement, records are handed over to the archive unit. The division manager may order an earlier handover of records to the ar-

chive unit and founding of substitute files. Substitute files are attached to the original records after the reason for their foundation expires. Records shall be handed over to the archive unit at least once every six months, on dates agreed upon with the archive manager. The date of handing records over to the archive unit is noted in the repertory and in the register in the field "Comments" ("Uwagi"). Records stored in secretariats shall be arranged based on groups corresponding to particular stages of proceedings (records of cases designated for a session, pending, those in regard to which proceedings have been suspended, etc.), and within the groups – by years, based on the order of signature numbers. Completion of proceedings in a court of first instance, in cases with appeal, is indicated by filing a sheet with a number of case record sheets written by the secretariat manager. The sheet includes the reason for presenting the records to a court of appeal and the delivery date of the records to such a court. Case records from which the court of first instance examined the evidence are also submitted to the court of appeal.

The court of appeal keeps a collection of its judgments. This collection consists of judgement excerpts arranged by case subjects. Completion of proceedings in a court of appeal, in cases with cassation, is indicated by filing a sheet with a number of case record sheets written by the secretariat manager. The sheet includes the reason for presenting the records to the Supreme Court and the delivery date of the records to such a court.

The following repertories are kept in district courts:

- "K" for cases in which a bill of indictment or its substitute document was submitted to a district court, for cases concerning the aggregate sentence, prosecutor's motions for discontinuation of proceedings for insanity plea and motions for conditional discontinuation of penal proceedings.
- "KS" for cases concerning tax offences in which a bill of indictment or its substitute document (e.g. motion for unsolicited submission to liability) was submitted.

The following repertories are kept in regional courts:

- "K" for cases in which a bill of indictment was submitted to a regional court, for cases concerning the aggregate sentence, prosecutor's motions for discontinuation of proceedings for insanity plea and motions for conditional discontinuation of penal proceedings, for inspection and vetting cases initiated in the course of regulations of the act of 18 October 2006 on disclosing information about safety authorities' documents of the 1944 – 1990 state and contents of those documents,
- "Ka" for cases in which an appeal from a district court verdict was lodged,
- "Kz" for cases in which complaints against decisions of district courts or against ordinances of presidents of such courts were lodged, excluding complaints against decisions of courts concerning enforcement proceedings,

- “Kzw” for cases in which complaints against decisions of district courts concerning enforcement proceedings were lodged.

Immediately after registering a case subject to entry in repertory “K”, “Ks”, “W” or register “Ko”, “Kp”, records shall be founded for such a case and labelled with a relevant signature and symbol. Records of cases in which pre-trial detention was applied are indicated by the word “areszt” (“arrest”). Every document concerning cases with the accused in custody is noted with “areszt”. A note concerning the date and period of limitation of the offence charged is written on the records jacket in the right top corner of the volume containing the bill of indictment or its substitute document, by writing a given date preceded by the word “przedawnienie” (limitation). In case of proceedings against several defendants or in case of charging a defendant for more than one offence, only the shortest limitation period is indicated.

Making court files available

In court proceeding, contrary to preparatory proceedings, making records available is the rule. This issue was regulated by Art. 156 of the Code of Criminal Procedure. According to the article, case records may be made available to: parties in a case; subjects liable to return financial gain obtained by means of crime; defence attorneys; legal agents and statutory representatives. There is also an additional possibility of making certified copies of the records. The president of the court may also allow making records available to other persons. Payable photocopies of documents from case records are handed in at a request of a defendant or a defence attorney. Such photocopies may also be handed in to the above mentioned participants of legal proceedings. The Code of Criminal Procedure provides for the possibility of introducing limitations regarding availability of court files – if there is a threat of revealing a state secret.

Process of making court files available

In the process of proceedings a document may be handed over to the party or the person who has submitted it only at an ordinance of a session chairman or a reporting judge. Handing over of a document takes place after filing an authenticated copy or an extract from the document or an authenticated copy of the extract. Making records available for a party and handing over to it case documents submitted, or handing documents over on the basis of records may take place after confirming the person’s identity. As regards persons other than parties in a case, it may take place only after confirmation of relevant entitlement following from regulations of court proceedings. Reviewing of records takes place in the presence of a court clerk. The division manager allows reviews of case records in his/her secretariat by entitled representatives of social organisations which may join pending proceedings or declare participation in the proceedings. If a person entitled to review records is in custody, the division manager may allow, at the person’s request, sending the

records to a penitentiary or a custody suite, unless special circumstances favour the review in the secretariat.

Complaints and motions

As in the case of common units of public prosecution, in common courts, there is no system for online submission of complaints and motions. The only possibility is to appear in a given court at specified judges' office hours. Information concerning office hours can be found on websites of particular courts.

Keeping registers

The following means of registering in courts exist:

- repertories;
- lists;
- card-indexes;
- sets of calendars of causes;
- sub-ledgers.

These means are used for registering court procedures, controlling the course of cases, drawing up statistical reports and they constitute a basis for labelling, arranging and storing of records. Entries to these registers are made immediately after a basis for them comes into being. Repertories, lists and sub-ledgers, hereafter referred to as "office books" are kept using a yearly system, with numbering from the beginning of a given year, with exclusion of exceptions mentioned in these regulations. The same book may be used in following years, beginning its numbering from the beginning of the following year, provided there are enough blank pages for half a year. The name of the court and division, book's name and calendar year shall be written on the cover and the first page of an office book. Office books shall be bound with numbered pages. The total number of pages is written and certified on the last page. After a calendar year, the secretariat manager closes the book, writing the number of items in the book under the last entry and signing this note. The closing of a case is indicated in office books by marking its reference number with a coloured mark. This means putting an "L" mark on the reference number. An accidental or erroneous case entry to an office book is corrected by crossing it out, without changing the reference numbers of following cases. Other accidental or erroneous entries must be crossed out, with a note and valid data next to it. The person who crosses out an accidental entry certifies it with his/her signature together with a date. Division secretariat manager keeps a set of calendars of causes in files, separate for each calendar year. Calendars of causes are arranged chronologically and stored for two years.

Case registration is done by putting the letter instituting proceedings down into a relevant repertory and alphanumeric index. An alphanumeric index is kept for each repertory and list.

The secretariat manager runs a “Monitoring index of all sent files” which comprises the following sections:

- 1) reference number;
- 2) case marking;
- 3) file sending date;
- 4) addressee denotation;
- 5) anticipated return period;
- 6) reminders of file returning sending dates;
- 7) file return date;
- 8) comments.

In “Comments” section dates of reception of documents sent at a time ought to be noted, which after document return should be added to them. These documents are stored in an appropriate file until document return. An annotation is made in repertoire if a file is returned to another court or unit or another authority. The secretariat manager checks the Monitoring index monthly and if necessary sends file return reminders of which he/she informs the unit supervisor.

A “Monitoring index of drawing up statement justifications on time and arranging means of appeal” is kept in courts. Monitoring index is kept separately for each of the divisions; in divisions divided into sections – separately for each section, and in divisions of regional courts considering cases at first instance and appeal – separately for each case type. Justifications drawn up *ex officio* for which a means of appeal has been put forward are also noted in the monitoring index. Monitoring index is kept by a secretariat manager of a given division or section. At a secretariat manager’s request, the division manager may order another secretariat’s employee to manage a monitoring index. Number of sheets in a monitoring index should allow for the number of judges and justifications drawn up yearly by particular judges. Each monitoring index sheet should include the name of the judge whose cases are to be controlled. When setting up a monitoring index for a new calendar year, case reference numbers of cases unmarked in the previous year’s monitoring index ought to be written on the first sheets of given judges. In such a monitoring index all the court actions taken in inter-instance phase are registered in order to check the current supervision of their timely execution.

In criminal divisions of the first instance the secretariat manager keeps a “Monitoring index of cases threatened by limitation”, used for storing signatures of cases whose limitation period is shorter than two years. Criminal division secretariat manager keeps the monitoring index up to date on a regular basis by recording signatures of unresolved cases in which due to extending court proceedings the limitation period is shorter than two years. Cases entered into the monitoring index are under permanent supervision of the division manager and the secretariat manager.

Mail reception and sending

A paper filed to court is marked with receipt stamp with a court's marking and an annotation is made with data and time of reception, number of appendices and a receiver's signature. At a request of a person filing a paper, registry office or an employee authorised to receive mail certifies paper's reception on its copy or in the register. The secretariat manager presents incoming paper to the president (another judge) for him/her to make orders concerning dealing with the paper or depending on the content of the paper to make other administrative orders on his/her own. An annotation as to fulfilling the order is made next to the order by a secretariat employee. Ordinances and annotations connected with document workflow and their handling ought to have a date and a legible signature or an abbreviated signature and a stamp with a signing person's name.

Parcels are sent from court by registry office or an employee assigned to mail reception and sending. The date of transferring a paper or a parcel to be sent to the registry office (assigned employee) is annotated in appropriate files and office books by a secretariat employee. Parcels sent to institutions which are located in the same building are transferred directly against confirmation of receipt without contacting the registry office. Papers sent by a court are delivered to addressees in envelopes against confirmation of receipt which should include in particular the date and type of delivery. Confirmation of receipt is added to case files immediately after its delivery. Defining a type of sent paper on the confirmation of receipt cannot include any information with regards to its substantive content. If a paper is delivered against confirmation of receipt by an authority other than mail service a form of receipt confirmation for postal court papers deliveries is used.

In a document sent by a court, court name, case reference number, date of signing, position and function performed and name of the signer is given. Full name can be substituted with an appropriate abbreviation, provided there is a name stamp. If needed, the case subject is indicated on the left side of the document under case reference number. In reply to the received document, a date and case reference number is set. A signed copy of the document sent by a court is left in the files with a sending date annotation. For frequently repeated actions forms and templates designed for such purposes shall be used.

Court office work in IT system

The president of the court can order court secretariats to replace traditional solutions in terms of running registering devices with IT systems which satisfy the minimum requirements for IT systems defined by the Ministry of Justice.

The secretariat manager or an authorised employee:

- 1) exercises systematic control over appropriate data protection;
- 2) is responsible for storing mail concerning software version, break-downs and servicing;
- 3) informs an appropriate authority of executing technical guidelines.

Data included in letters instituting proceedings and other data useful during proceedings which have been extracted in electronic form may be entered into the system employed:

- 1) from Public Prosecutor's Office System "LIBRA";
- 2) from entities filing documents initiating proceedings;
- 3) from other than those indicated in 2) – parties and participants of proceedings;
- 4) from other court divisions' IT systems received with the data of a transmitted case or with a transmitted means of appeal.

The following tasks can be carried out with the use of the IT system employed:

- 1) registration of initiating documents (statements of claim, motions, indictment) which are introduced to court in repertoires kept in a division in the IT system;
- 2) independent of the registration mentioned in 1) it is possible to ascribe a permanent and unchangeable case number in IT case register of a given division during the considering of a case;
- 3) registration of data concerning entities in a case: petitioner, respondent, accused, applicant and witness, etc;
- 4) automatic case distribution based on previously introduced assumptions or individual case distribution (manual distribution);
- 5) keeping session and trial agenda, aided by free date, a given judge and free room search so as to avoid a risk of interference;
- 6) automatic calendar of causes preparation on the basis of set case room and dates;
- 7) automatic generation of notices and notifications of trial (session) dates on the basis of repertoire data and trial (session) agenda notes;
- 8) automatic mail merge (envelopes and returns) generation and recording;
- 9) drawing up and registration of documents (statements, ordinances and papers) emerging while a case is being run, filled with case access data;
- 10) drawing up case and sessions reports on the basis of templates updated with data entered into the IT system;
- 11) drawing up statements, ordinances, calls and other papers on the basis of templates updated with data entered into the IT system;
- 12) registration of incoming motions such as appeals, cassation, objections, charges and complaints;
- 13) automatic sorting of cases in repertoire according to a case reference number or other introduced ways of searching;

- 14) searching for a particular case on the basis of: case reference number, surname/name (or part of it) of entities participating in a case, a judge in charge of a given case etc.;
- 15) keeping control over the current case state and checking the trial's previous proceedings, in particular notifying of lack of action other than case registration and lack of action for a given period of time in particular case groups and concerning a particular clerk;
- 16) keeping an incoming correspondence log;
- 17) keeping a register of court cooperatives, such as: experts appointed by court, officially sworn translators, candidates for insolvency officials etc.;
- 18) registration of returns and possibly using bar codes and storing information about return registration in every case;
- 19) automatic drawing up reports from registering devices;
- 20) making available for those participating in a proceeding and their representatives case data via available IT networks.

“Judge 2” System⁹

“Judge 2” is an IT system currently operating in common courts. ZETO Świdnica, a company which has been providing IT services for Polish courts for over 12 years now, is the author of the system as well. “Judge” System is an all-embracing tool for court case management and keeping electronic record devices. Vast experience and state-of-the-art technologies implementation allowed for creating an easy to operate application which ensures safety and fast data access. Compliance with legislative and official certification requirements guarantees the ultimate quality and the possibility of data exchange with other applications.

Modules available within the system:

- Civil division;
- Criminal division;
- Labour division;
- Family division;
- Coverage division;
- Labour and coverage division;
- Magistrates' division;
- Commercial division;
- Civil appeals division;
- Criminal appeals division;
- Coverage appeals division;
- Labour and coverage appeals division;
- Commercial appeals division;
- Penitentiary division;
- Inspection division;
- Non-pecuniary criminal enforcement;
- Non-pecuniary family enforcement;
- Registry Office;

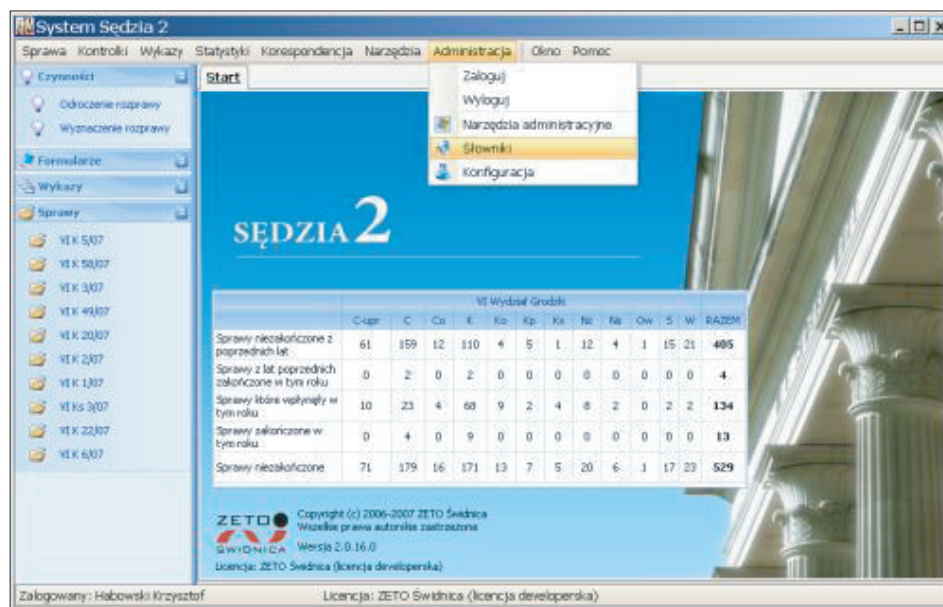
⁹ Information concerning “Judge 2” System comes from <http://www.zeto.swidnica.pl/>

- Electronic document workflow;
- Customer service;
- Judges;
- Court portal;
- e-calendar SWOR;
- Website extension;
- Other court departments' general cases;
- Supervision;
- Support for case workers;
- Support for pecuniary executive.

The system allows for:

- 78 electronic repertoires (I and II instance);
- automatic control creation;
- 48 records and period statements;
- session agenda;
- employee agenda;
- incoming and outgoing mail registers;
- personal data change register;
- occurrence notification.

Figure 4. "Judge 2" System – interface



Source: <http://www.zeto.swidnica.pl/index.php?id=24,0,0,1,0,0>

Electronic documents

The system actively supports diverse papers' creation through filling the documents with data gathered in repertoires. Using over 200 ready-made

templates, one may create notices, notifications, calendars of causes, injunctions, letters rogatory, verdicts, decisions, ordinances and reports. Each of the issued documents can be edited manually and printed.

More effective court operation

- notification about deadline terminations (e.g. of court appointed expert evidence or judge's justification preparation);
- support for statistics and period statement creation;
- checking room availability;
- checking employee availability;
- verification of correctness of data entered;
- electronic data exchange with other entities;
- checking deadline maintenance;
- checking workload and effectiveness.

Work aid functions

- full system personalisation;
- editors of most commonly performer activities;
- searching and browsing through cases, entities and sessions;
- name record;
- entered data verification and indicating ways of correct complementation of missing information;
- using bar codes on returns;
- cooperation with franking machine.

The system comprises an incorporated central public prosecutor's offices and court base along with their addresses. Data entering is also facilitated by an incorporated name, postal codes, towns, countries, citizenship, currencies, legislative acts and legislation base. There are 52 automatically updated data entries, e.g. date of birth with PESEL number, sex deducted from a name, town and Voivodship deducted from a postal code.

The System has grand data exchange possibilities. Every information displayed in the programme can be printed.

Data can be saved as PDF, Excel, TXT, HTML, RTF, MHT and graphics formats JPG, PNG, BMP, GIF, WMF, TIFF, EMF.

Data export to XML files enables transferring the information entered to other courts, authorities, internet calendars of causes. Similarly, data import from electronic indictment, civil statement of claim, motion for penalty or cases entered in other courts is possible.

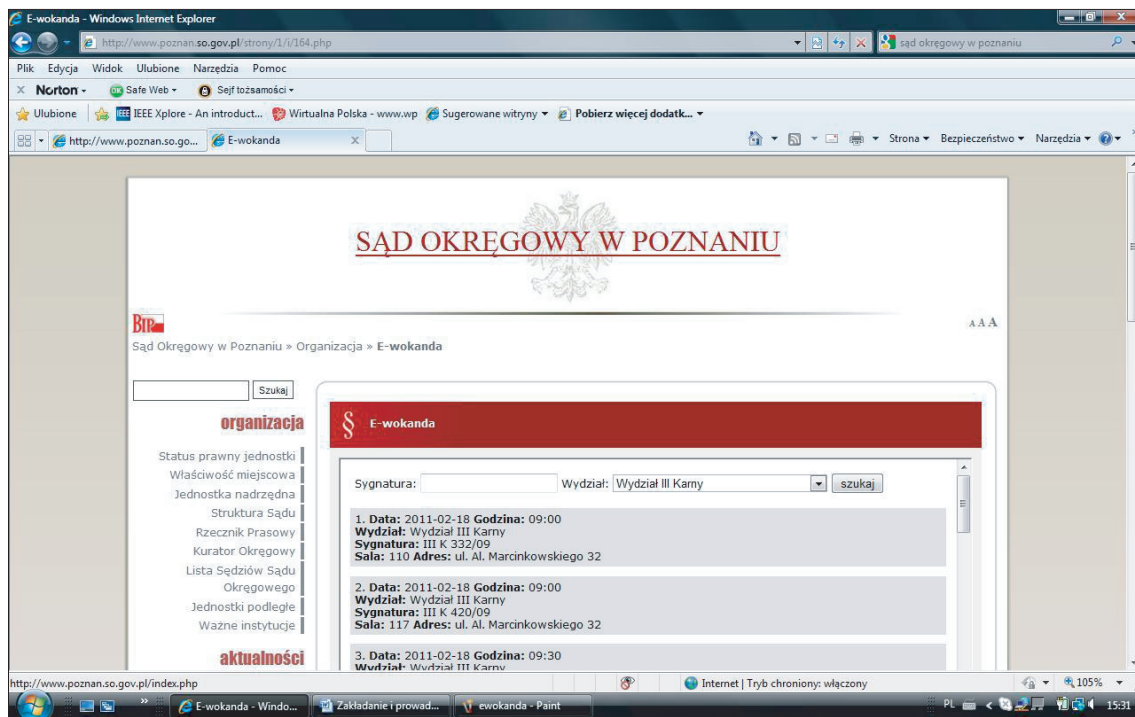
Electronic signature

The system allows for integration with public key infrastructure, which in turn enables electronically signed mail recording and signing and verifying documents created in the programme.

Electronic calendar of causes

Electronic calendar of causes enables full replacement of paper calendar of causes placed in front of court rooms. Information on sessions, reference numbers, sued parties, adjudicating panel are updated on the display. Displays are installed either in front of each court room or collectively for a few rooms, the whole department or in the court's main hall. "Judge 2" System automatically displays information on all sessions planned for a particular day on e-calendars. There is no need to draw up a calendar on the session day. Using the session agenda one may browse through all the past calendars, it is not necessary to keep additional calendar file.

Figure 5. E-calendar – a list of cases by reference numbers



Source: <http://www.poznan.so.gov.pl/strony/1/i/164.php>

Court portal

The portal plays an educational role both for court employees and customers. It allows for browsing some of the "Judge 2" system information through an Internet browser. It also enables the creation of its own subpages with an incorporated editor. All kinds of information useful for court employees and customers may be added: messages, announcements, phone numbers, informational structure, building plan, court room layout, etc. The Portal has a court and public prosecutor's office territorial base as well. Any unit can be sought via it with the data on its

address and phone and fax numbers. The Portal is also equipped with a list of useful Internet resources links.

Trial Support and Organisation System (SWOR)

Trial support and organisation functions are a part of the court portal. With the use of an Internet browser one may look through the session agenda. It also enables finding past and planned sessions by judge, court room, type and time period. A central list of court appointed experts with their field of expertise, scope of work and full mail and contact data is a useful tool. The list of court appointed experts can be browsed by field of expertise, name or surname. A similar functionality has been set up for professional representatives such as lawyers, barristers, patent agents, case workers etc. The system enables updated monitoring of number of people in a given court room. Therefore, more efficient court room management is possible.

Figure 6. Court Portal – interface



Source: <http://www.zeto.swidnica.pl/index.php?id=24,98,0,0,1,0>

Compliance with requirements and standards

- Common court office hours (23 February 2007);
- Office instruction (MS Nr 81/03/DO Instruction with later changes);
- DCORS type approval – minimum requirements for IT systems;
- DCORS type approval – data structure and file format;
- Act on activity informatisation of public duty implementing entities;
- Personal Data Protection Act;
- Recording and statistic records – the scope of recorded data;
- SIP AO XML format – electronic indictment import;

- Poczta Polska Regulations;
- ISO 9001:2000, ISO 3166, ISO 4217.

Technology

- Efficient MS SQL data base;
- Modern MS.NET Framework environment;
- User-friendly window and tab interface;
- Innovative browser and list mechanism;
- Unique document and paper creating system;
- Full compatibility with MS Windows Vista.

Electronic inbox

Mail may be sent to court in electronic form via electronic inbox. It facilitates citizens settling office matters via the Internet. It is necessary to have an account on ePUAP platform (free account) and e-signature verifiable through a valid qualified certificate. Thus public institutions will be able to carry out the duty as regulated by the Act on activity informatisation of public duty implementing entities, of e-signature (file and application motioning and other electronic activities). To put templates and forms of e-documents in order, a Central Document Template Repository (CRD) has been set up, which is a base in which all the valid administrative templates and forms can be found.

BIBLIOGRAPHY

The document is created based on the following legal regulations:

1. Regulation of Minister of Justice of 23 February 2007 on functioning of common courts
2. Regulation of Minister of Justice of 24 March 2010 on internal functioning of common units of public prosecution
3. Ordinance of Minister of Justice of 12 December 2003 on structure and scope of activities of court secretary's offices and other court administrative departments
4. Ordinance 5/10 of Public Prosecutor General of 31 March 2010 on structure and scope of activities of secretary's offices and other administrative departments at common units of public prosecution
5. Regulation of Minister of Justice of 16 June 2003 on detailed conditions and procedure of delivering court letters in penal proceedings
6. Ordinance 2/2010 of National Public Prosecutor of 5 January 2010 on implementation of "Sydig" records digitalisation system
7. Ordinance 1/2010 of National Public Prosecutor of 5 January 2010 on procedure and conditions of implementation of "Sydig" records digitalisation system at common units of public prosecution
8. Ordinance 14/10 of Appellate Public Prosecutor in Poznan of 1 March 2010 on implementation and conditions of functioning of Electronic

System of Document Access and internal electronic mail at Appellate Public Prosecutor's Office in Poznan

9. Ordinance 14/10 of Public Prosecutor General on 22 April 2010 on the conditions and evidence of customers' reception on complaints and motions at Public Prosecutor General's Office