

# Open Court Data

## Overview

As the branch of government that is least responsive to changing public opinion, judiciaries have also been slow to embrace the institutional transparency that has increasingly become the expectation in many countries. Efforts to maintain judicial independence and protect courts from undue political influence often result in a dearth of publicly available court information.

Yet as open access to government data becomes the norm across societies, the courts are increasingly inundated with data requests and are falling behind on their disclosure obligations. These requests may be better served by proactively releasing court data, for example, data related to case status, charges, pleadings, motions, judgments, and sentencing. Additionally, as more courts use algorithms to automate processes such as [pre-trial risk assessments](#) and [sentencing decisions](#), proactive algorithmic transparency can help identify and prevent instances of bias and discrimination. Proactively publishing these data can improve the responsiveness of the justice system, incentivizing fair and efficient court activity. It also promotes public trust in judicial institutions, which is crucial for the rule of law.

## Recommendations and Sample Reforms

The following are actions judiciaries and governments can take to improve the transparency of their court systems, listed from simplest to implement to more advanced.

- **Publish basic judicial data.** Begin by publishing [information](#) about *what* takes place in the courtroom.<sup>1</sup> For example, a [survey of open judicial data regimes](#) finds that judicial data sets should at least include court decisions, case registers, filed document records, and statistical data.<sup>2</sup>
- **Ensure operational transparency.** Collect information that allows [measurement](#) of how judicial officials do their jobs. This includes information about how many cases judicial officials are assigned in a year, how quickly they process the cases on their docket, how many cases they complete in a year, how they decide cases, and how frequently their rulings are overturned on appeal.<sup>3</sup>
- **Ensure algorithmic transparency.** The use of automated decision-making technology and the algorithms employed should be disclosed to identify and prevent discrimination.<sup>4</sup>
- **Post-case filings and decisions in proceedings.** Make [documentation](#) available at the individual case level by publishing, for example, charges, transcripts from hearings and depositions, judgments, and the reasoning for judgments. Courts should take into account methods of protecting the privacy of vulnerable individuals, such as victims of crime or children, when releasing this information.<sup>5</sup> Courts can also publish information about processes to ensure privacy protection, for example, in family law cases.
- **Identify and remedy inequity.** Collect, maintain, and report court data regarding race, ethnicity, geography, class, and religion that allows courts to identify and remedy racial and other disparities. See the [resolution](#) from the Conference of Chief Justices and Conference of State Court Administrators (US).<sup>6</sup>
- **Improve accessibility of court data.** Create a centralized portal for court data and allow bulk data downloads to enable access to all court data from a single source.
- **Standardize court data.** Ensure that courts in different jurisdictions and at different levels of the judicial system standardize the content and format of the data sets they disclose. This may include improving the linkages between data at different instances.

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#### LESSONS FROM REFORMERS

### Buenos Aires criminal courts publish a repository of decisions

Criminal Courts 10 and 13 both created an open data [repository](#) with all judgments organized by the type of felony, the type of punishment, a description of the case, and a link to the complete decision. The court makes special efforts to anonymize the data to address privacy concerns. Court 13 also publishes plain-language versions of its decisions. Both courts open hearings to the public and publish a schedule of hearings in advance.

#### LESSONS FROM REFORMERS

### Colombia improves judicial services through court transparency

After a 2015 declaration by the Council of State (Colombia's highest administrative court) to improve transparency and accountability in the justice system, Colombia established the Transparency and Accountability Commission, which was tasked with taking up this initiative. As part of its work, the commission led a [2015 OGP commitment](#) through which they began to publish court data and information, including court memoranda and decisions, information about the court's officials, and the court's agenda.<sup>7</sup> As part of the commitment, the Council of State also published procedural manuals for a variety of court processes, such as the *tutela*, a constitutional rights protection claim available to all citizens. These measures helped the Council of State become more transparent than ever before. Still, corruption and distrust of justice institutions continued, and Colombia extended its efforts into its subsequent action plan. The Council of State's [2017 commitment](#) aims to implement a variety of digital tools to further increase the court's transparency, including technological tools that allow citizens to monitor the magistrate election process, a mechanism for citizens to submit complaints and claims online, and better documentation of court processes and requirements.<sup>8</sup>

## Other OGP Commitments

**Czech Republic:** Publish all district, regional, and high court decisions in a searchable online database ([2018–2020](#)).

**Greece:** Create a publicly accessible case-law database including anonymized decisions of all administrative courts ([2019–2021](#)).

**Paraguay:** Create an open justice data portal ([2018–2020](#)).

**Slovakia:** Create a system to ensure uniform reporting of all judicial decisions ([2015–2017](#)).

**Uruguay:** Publish video recordings of all public hearings, as well as statistical information from the judicial branch ([2016–2018](#), [2018–2020](#)).

#### GUIDANCE AND STANDARDS

### The National Center for State Courts – National Open Courts Data Standard (NODS)

In 2018, two US civil society organizations – the National Center for State Courts and Measures for Justice – partnered to create the [NODS](#).<sup>9</sup> The project seeks to provide publicly available standardized, case-level court data to improve court system transparency and improve public policy. NODS includes case-level reporting in a variety of areas, such as the following:

1. Case status and details
2. Litigant and lawyer information
3. Pleadings
4. Motions, filings, and orders
5. Charges
6. Judgments
7. Sanctions

#### United Nations Office on Drugs and Crime Resources (UNODC)

UNODC and its [Global Judicial Integrity Network](#) provide guidance on how judiciaries can improve and strengthen their systems for the management of courts and cases, maintenance of records, and transparency in the judicial system, in particular through the [Implementation Guide and Evaluative Framework for Article 11 of the United Nations Convention against Corruption](#)<sup>10</sup> and the [Resource Guide on Strengthening Judicial Integrity and Capacity](#).<sup>11</sup> The Network also promotes peer learning and information sharing on these topics through various activities, including [podcasts](#), [opinion editorials](#), and [webinars](#).

## Endnotes

- <sup>1</sup> UNODC Resource Guide on Strengthening Judicial Integrity: [https://www.unodc.org/documents/treaties/UNCAC/Publications/ResourceGuideonStrengtheningJudicialIntegrityandCapacity/11-85709\\_ebook.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/ResourceGuideonStrengtheningJudicialIntegrityandCapacity/11-85709_ebook.pdf)
- <sup>2</sup> “Judicial Open Data: A Comparative Analysis” <https://journals.sagepub.com/doi/abs/10.1177/0894439318770744>
- <sup>3</sup> UNODC Resource Guide on Strengthening Judicial Integrity: [https://www.unodc.org/documents/treaties/UNCAC/Publications/ResourceGuideonStrengtheningJudicialIntegrityandCapacity/11-85709\\_ebook.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/ResourceGuideonStrengtheningJudicialIntegrityandCapacity/11-85709_ebook.pdf)
- <sup>4</sup> <https://www.epic.org/algorithmic-transparency/crim-justice/>
- <sup>5</sup> UNODC Resource Guide on Strengthening Judicial Integrity: [https://www.unodc.org/documents/treaties/UNCAC/Publications/ResourceGuideonStrengtheningJudicialIntegrityandCapacity/11-85709\\_ebook.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/ResourceGuideonStrengtheningJudicialIntegrityandCapacity/11-85709_ebook.pdf)
- <sup>6</sup> Resolution from Conference of Chief Justices and Conference of State Court Administrators (US): [https://ccj.ncsc.org/\\_data/assets/pdf\\_file/0029/42869/07302020-Racial-Equality-and-Justice-for-All.pdf](https://ccj.ncsc.org/_data/assets/pdf_file/0029/42869/07302020-Racial-Equality-and-Justice-for-All.pdf)
- <sup>7</sup> OGP commitment: <https://www.opengovpartnership.org/members/colombia/commitments/CO0053/>
- <sup>8</sup> OGP commitment: <https://www.opengovpartnership.org/members/colombia/commitments/CO0071/>
- <sup>9</sup> The National Center for State Courts, National Open Courts Data Standard: <https://www.ncsc.org/nods#reference>
- <sup>10</sup> UNODC Implementation Guide and Evaluative Framework for Article 11 of the United Nations Convention against Corruption: [https://www.unodc.org/ji/en/resdb/data/2015/220/the\\_united\\_nations\\_convention\\_against\\_corruption\\_implementation\\_guide\\_and\\_evaluative\\_framework\\_for\\_article\\_11.html](https://www.unodc.org/ji/en/resdb/data/2015/220/the_united_nations_convention_against_corruption_implementation_guide_and_evaluative_framework_for_article_11.html)
- <sup>11</sup> UNODC Resource Guide on Strengthening Judicial Integrity: [https://www.unodc.org/documents/treaties/UNCAC/Publications/ResourceGuideonStrengtheningJudicialIntegrityandCapacity/11-85709\\_ebook.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/ResourceGuideonStrengtheningJudicialIntegrityandCapacity/11-85709_ebook.pdf)

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## Resources and Partners

### Resources

- The International Consortium for Court Excellence publishes the [Court Excellence Self-Assessment Questionnaire](#), which enables courts to evaluate their performance in seven areas.
- The National Center for State Courts produces resources for using [technology in courts](#) and [case flow management](#).
- USAID’s [Designing and Implementing Court Automation Projects](#) outlines key considerations for court modernization.
- UNDP’s [Judicial Integrity Self-Assessment Checklist](#) is a useful tool to help judiciaries assess their courts.
- The Global Judicial Integrity Network’s resources include a guide on [How to Develop and Implement Codes of Judicial Conduct](#).
- UNODC’s [Resource Guide on Strengthening Judicial Capacity and Integrity](#) outlines best practices for a variety of court processes, including court transparency, judicial official recruitment, evaluation, selection, and disciplinary measures.

### Organizations

- [Center for Court Innovation](#)
- [Global Judicial Integrity Network](#) (established by UNODC)
- [International Consortium for Court Excellence](#)
- [National Center for State Courts \(NCSC\)](#) (United States) and [NCSC International](#)
- [United Nations Office on Drugs and Crime \(UNODC\)](#)

This module is part of the Justice Policy Series Part II, Open Justice paper which can be found [here](#).

