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**THIRD CONFERENCE  
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AND EQUIVALENT BODIES**

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**REPORT**

**INFORMATION TECHNOLOGY (IT) AS A TOOL  
SUPPORTING AND IMPROVING THE WORK  
OF THE CONSTITUTIONAL COURT  
THE PRACTICE AND EXPERIENCE  
OF THE CONSTITUTIONAL TRIBUNAL  
OF THE REPUBLIC OF POLAND**

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**DRAFT OF THE PRESENTATION**

Information technology and IT tools play a very significant role in the work and operation of the Constitutional Tribunal.

All the Judges at the Tribunal, their assistants and other employees of the Office of the Tribunal, are equipped with computer sets, linked by a local area network enabling the mutual communication, passing on materials in electronic form and access to numerous IT databases offered by the INTRANET system as well as by the INTERNET.

The Judges are left with the option to use computer and the IT resources at their own discretion; the Judges use these options to a various degree; sometimes they prefer to work with materials in printed hard copies.

In the case of assistants and employees – ability to use computer is one of standard qualification requirements.

We make every effort to ensure that the computer hardware in use at the Office of the Tribunal and by individual users is in line with the reasonable recent technical standards; the cycle of replacement of the entire computer equipment at the Tribunal averages 5 years.

The basic functions of information technology in the work of the Constitutional Tribunal comprise the following:

- Support and facilitation of efficiency of the activities connected with the inflow of cases and preparation of judicial decisions of the Tribunal;
- Prompt access to any information, source materials connected mainly with constitutional issues and case law both of common courts and the Tribunal itself, as well as foreign courts and international court institutions;
- Presentation of the works and the accumulated case law of the Tribunal, both to the media of public communication and to public opinion, as well as to interested circles of lawyers, courts, institutions, etc.

The particular functions and objectives correspond with the relevant tools and IT technologies applied.

The most important areas of exploitation of IT in the work of the Constitutional Tribunal:

- Registering and processing the data regarding all of the correspondence flowing to the Constitutional Tribunal;
- Maintaining by the Chief Registrar, apart from the traditional repertory in form of a register of cases, also an e-repertory, where all cases scrutinised by the Tribunal are recorded, and their status updated, which enables not only the Chief Registrar (Secretary) but also the President of the Tribunal and the Judges to become oriented at any time as to the scope of the cases handled by the Tribunal;
- Maintaining, apart from the traditional register, also the e-register by the Applications and Constitutional Complaints Preliminary Control Department, which enables to promptly become oriented at any time as to the state of progress of the cases handled in the course of preliminary control (selection), especially numerous constitutional complaints (inflow of more than 300

petitions of the constitutional complaint nature, of which, after the preliminary review, about 20%, that is 60 constitutional complaints, are submitted to the Tribunal for consideration);

- Most of work connected with the preparation of judicial decisions of the Constitutional Tribunal in a given case, especially regarding the draft of judgements and their reasoning, is performed with the use of electronic tools (technical and editing work, transmitting materials and draft texts to the Judges, use of e-mail in mutual communicating, especially when the Judges are away from the Tribunal's seat;
- Special electronic security measures, especially to prevent the possibility of data leaking outside are applied, as well as safety back-up copies are systematically made in each case, in order to prevent the loss of data;
- Every hearing at the Tribunal is recorded in the *audio* system; the recordings are used by the person in charge of the minutes to make the protocol that faithfully reflects the course of the hearing; the hearings are also broadcast in *audio/video* system on the local area network, as well as recorded and archived in the form of computer files.

IT systems are used also in analytical and study work connected with the cases considered at the Tribunal:

- Access to professional data bases on binding law – bases of the texts of binding legal acts, connected with the most important case law jurisprudence of the courts and the commentaries and doctrinal glosses;
- Access to any information concerning the databases on the jurisprudence of European constitutional courts and of the European Human Rights Court, documents of the Venice Commission, as well as European law and the jurisprudence of the European Court of Justice;
- Direct access to entire body of jurisprudence of the Supreme Court and the Supreme Administrative Court (bulletins published by these courts present only selected judgments);
- Information on collections gathered at the Library of the Tribunal, especially regarding the constitutional law; information on the catalog of entire Polish legal bibliography.

IT tools are also very helpful for the gathering, presentation and processing of data in the domain of the case law of the Constitutional Tribunal itself. Judicial decisions database, thanks to the special search system, enables one to become acquainted with every judgment or procedural decision issued by the Tribunal and to obtain it in “word” or “acrobat” format.

Basic resources of the INTRANET internal network, used in the work of the Constitutional Tribunal:

- legal information databases;
- library databases;
- new acquisitions to the Library, lists of publications in legal periodical journals, both Polish and foreign;

- comparative legal, monographic and analytical papers and study materials prepared by the Jurisprudence and Studies Department at the Office of the Tribunal, at the request of the Judges;
- press archive;
- files with the recordings of annual meetings of General Assemblies of the Judges of the Constitutional Tribunal;
- agenda of the events taking place at the Tribunal (including the dates of hearings);
- in-house orders issued by the President of the Tribunal and by the Head of the Office of the Tribunal (especially those regarding the staff).

INTERNET as a special electronic work tool at the Constitutional Tribunal, enabling fast communication via electronic mail as well as a medium used by the Tribunal for presenting its own activities and its case law, getting access to as broad as possible circles of public opinion, lawyers, research workers, etc. Educational role of information and data placed on the website of the Constitutional Tribunal, popularisation of constitutional knowledge.

The WWW site of the Constitutional Tribunal – basic elements:

- presentation of the legal basis of the status and functioning of the Tribunal;
- basic information about the Judges of the Tribunal;
- 20-year long history of the Tribunal; its evolution;
- composition of the bench of judges of the Tribunal;
- information concerning the Office of the Constitutional Tribunal – its organisational structure, addresses, telephone numbers, electronic mail addresses; basic data on the budget – revenues and expenditures;
- information concerning cases submitted to the Constitutional Tribunal and accepted as qualifying to be adjudicated by the Tribunal;
- case-list of the Tribunal – the dates of hearings;
- press releases preceding the hearing on each case and after the hearing (together with the texts of the judgements issued);
- information concerning the conditions behind the submission of the constitutional complaint and basic procedural conditions connected with it;
- case law of the Constitutional Tribunal;
- catalogue of publications of the Tribunal;
- e-publications
- information concerning the collected resources and work of the Library of the Tribunal;
- services informing about the events at the Tribunal;
- information resources concerning the Internet addresses of the most important Polish institutions and constitutional courts in the world;
- virtual visits to the premises of the Constitutional Tribunal.

The website of the Constitutional Tribunal in English and French language versions; special importance of the selected judicial decisions of the Tribunal displayed there.

Internet broadcast of selected hearings at the Constitutional Tribunal.

Work on the rebuilding of the entire IT system of the Constitutional Tribunal, its modernisation and uniform integration based on a single software platform. Efforts to complete computerisation of the work of the Constitutional Tribunal within the integrated system – the level of utilisation of all possibilities will always depend on users of this system.

*Warsaw, September 2005.*