1. **1. DO ADMINISTRATIVE BODIES IN YOUR COUNTRY MAKE USE OF ALGORITHMICALLY DETERMINED DECISION-MAKING PROCESSES?**

(a) If yes, please elaborate on the specific field in which this algorithmically determined decision-making typically occurs.

The administration in Germany does – to our knowledge – not use algorithms to make decisions yet.

(b) If yes, please provide examples derived from administrative practice and/or case law.

Not applicable.

(c) Please elaborate on what kind of laws, regulations, or (legal) principles govern algorithmic decision-making processes (such as state law, local law, national law, European law, soft law)?

Until this point in time there is no German law that regulates algorithmic decision-making. This might change soon as the minister of justice is working on a bill to regulate algorithms that are used by companies for discriminatory purposes such as social or economic evaluation or the recruitment of employees. There is, however, a German e-Government law ("*Gesetz zur Förderung der elektronischen Verwaltung*") dealing with electronic communication with the administration and the collection and storage of personal data.

As for the collection of data there are both European and German laws and directives that control for which purpose data can be gathered and analysed and whether the affected persons have to give their consent.

2. **DO ADMINISTRATIVE BODIES IN YOUR COUNTRY MAKE USE OF ADMINISTRATIVE DECISIONS BASED ON PREDICTIVE PROFILING IN THE PUBLIC SECTOR?**

German tax authorities use a "risk management system" software that automatically checks filed tax returns on plausibility grounds. The details, such as the technical configuration and the search filters, are not known to the public to avoid bypassing of the system.

Prosecution and law enforcement authorities do not use personal data yet but they do collect data for so-called "hotspot analyses", where they evaluate geographic data in order to identify places with high crime rates and the presence of criminals. According to these analyses the police determines the number and localization of staff.

3. **DOES THIS SUBTOPIC GENERATE PUBLIC DEBATE IN YOUR COUNTRY APART FROM LEGAL SCHOLARSHIP DISCOURSE? IF SO, CAN YOU PROVIDE EXAMPLES?**

There is no public debate about the topic, and very little legal material.

4. **ARE DIGITAL FORMS OF JUDICIAL PROCEEDINGS USED IN YOUR COUNTRY?**

(a) If yes, please provide a general outline of this digital procedure.

In 2017, the legislation passed a bill regarding the introduction of the electronic file and the promotion of electronic legal services ("*Gesetz zur Einführung der elektronischen Akte in der Justiz und zur weiteren Förderung des elektronischen Rechtsverkehrs*"). The electronic file is structured like the paper-based one and is supposed to simplify the data management

and accessibility and make it easier to store the relevant files within possible appeal periods.

Besides, a particular electronic mailbox for lawyers ("*besonderes elektronisches Anwaltspostfach*") has been implemented by law in Germany. It concerns the entire e-mail correspondence between parties themselves on the one hand as well as courts and authorities on the other hand. Its most significant purpose is the security and confidentiality of this type of communication. However, major security problems emerged days before the special mailbox was supposed to be launched nationwide in December 2017.Since then, the service has been unavailable. The relaunch just took place at the beginning of September 2018 and the success remains to be seen.

(b) Are digital proceedings mandatory or optional in your legal system? Do they fully substitute paper-based judicial procedures?

The digital proceedings are yet optional and barely used by courts. But the introduction of the electronic file will be mandatory from 2026 onwards and completely substitute any paper-based filings.

(c) Are digital judicial proceedings possible:

(i) in all court cases (civil law, criminal law, administrative law), or only in certain fields of law?

The electronic file is being introduced in all judicial branches.

(ii) in all stages of the procedure (first instance, appeal, cassation)?

The electronic file is being introduced in courts of all instances.

5. **IS THE POSSIBILITY OR OBLIGATION TO LITIGATE THROUGH A DIGITAL PROCEDURE CODIFIED IN LAW? IF YES, PLEASE ELABORATE ON THIS.**

(a) What where the reasons for codification?

The codification took place years after a regulation started to provide this opportunity to the federal states (*"Gesetz über die Verwendung elektronischer Kommunikationsformen in der Justiz 2005- Justizkommunikationsgesetz"*), but the states barely made use of this opportunity or only in selected courts.

The codification is supposed to support unification among the courts of the federal states and courts of all instances.

(b) When was it codified?

The law was promulgated in July 2017.

(c) How is the code structured?

The code is amending different regulations like the code of criminal procedure ("*Strafprozessordnung*") or civil procedure ("*Zivilprozessordnung*") or the judicial system act ("*Gerichtsverfassungsgesetz*") by adding the relevant provisions regarding electronic filing.

(d) Was there a strong debate about this codification?

Judges criticized the codification at first due to the fact that files have to be read on the computer, which could cause health issues, and the fear of slower proceedings and less personal communication. On the upside, it provides them with the opportunity to access the files from any place and different devices. This has been seen as a chance for a better compatibility of family and work.

6. **HOW ARE THE IDENTITIES OF LITIGATING PARTIES VERIFIED? PLEASE ELABORATE ON THE REQUIREMENTS AND/OR PROCEDURES FOR THE AUTHENTICATION OF THE IDENTIFICATION OF LITIGATING PARTIES?**

The court does not generally verify the identities of the litigating parties, but transfers documents to the party address that is named in the statement of claim of the other party. It would be possible to check the identities of the parties either in the residential register or the commercial and companies register.

(a) If yes, which digital authentication method, such as digital signature method, is used to authenticate the identity of litigating parties?

7. **IS THE DIGITAL SUBMISSION OF PROCEDURAL DOCUMENTS SUBJECT TO DIGITAL AUTHENTICATION REGULATED?**

(a) If yes, which digital authentication method, such as digital signature method, is used to authenticate the submission of procedural documents and exchange (them?) amongst litigating parties?

In general, documents have to be submitted in writing and with a signature of the person responsible for the relevant brief or document. If the document is faxed to court it is sufficient to transmit a copy of the signature.

Since 2001 it is possible for parties to use a so-called qualified electronic signature ("*qualifizierte elektronische Signatur")* to submit electronic documents to the court. The qualified electronic signature is based on a certificate and is being created by a tool that links the document to a personal identification number and a signature card.

Another possibility is to use a regular electronic signature that is not created by a certified tool, but to submit the document via secure means of communication, such as the electronic mailbox of the court, ensuring the authenticity and integrity of the transmitted data. These ways of communication are specified by statutory law.

Since September 2018 it is also possible to submit documents via the electronic mailbox for lawyers (see above, question 4a). To register and send messages every licensed German lawyer

got an own chip card. The creation of a qualified electronic signature is only necessary when uploading certain documents.

8. **IS IT OBLIGATORY OR OPTIONAL TO DIGITALLY SUBMIT PROCEDURAL DOCUMENTS, SUCH AS PLEADINGS OR DEFENSES, IN JUDICIAL PROCEEDINGS?**

By now it is optional to submit documents digitally; documents can still be submitted in writing. It is planned that by 2022 the electronic submission of documents should be obligatory for attorneys and authorities.

The only exception is the filing of caveats or protective briefs in case a party expects the court to grant an interim injunction to their opponent. The caveat necessarily has to be filed digitally by uploading the respective documents on a specific centralized platform. If a motion for interim relief reaches the court the judge has to check the platform whether a caveat has been filed beforehand. Caveats can no longer be submitted in writing.

(a) Which parties (e.g. lawyers, representatives, experts) are *obliged* to digitally submit documents in judicial proceedings? Is this codified by law?

For caveats, the respondent and their representatives can only submit the caveat digitally. This is codified in Section 945(a) of the Code of Civil Procedure ("*Zivilprozessordnung*").

(b) Which parties *are not obliged* to digitally submit documents in judicial proceedings? Is this codified by law? Who decides on these exemptions (judge, legislature)?

All other parties in all other proceedings. Exemptions would normally be regulated by the legislature.

(c) What are the legal and factual consequences when parties do not submit procedural documents digitally when required? Can they, for example, redress this omission?

In case a party did not digitally submit a caveat, the court will not take the party's arguments into account when deciding about granting the injunction. Since the court may do this ex parte, the party may not be heard at all and has no way of preventing this. In the aftermath, the party (as any other party subject to an injunction) has the right to appeal against the injunction.

9. **REGARDING ~~CLASSIFIED~~ PROCEDURAL DOCUMENTS:**

(a) How is the access of parties to the digitally submitted ~~classified~~ procedural documents regulated?

The standard rules for accessing any kind of document apply. According to Section 299 (3) of the Code of Civil Procedure there are three different ways of access to digital documents: (1) either the court provides the party with a printed copy of the documents or a data carrier, (2) the party can access the files in a designated office in court, or (3) the documents can be retrieved by the party via a secure internet connection.

In terms of confidential business documents there is no protection in a civil procedure; if the information is evidentially relevant the party has to provide it, otherwise the submission of the other party is treated as facts. Confidential information in civil files can only be blacked out if it is not relevant to prove a case.

(b) How is a safe submittal of ~~classified~~ procedural documents guaranteed?

The Federal Office for Information Security ("*Bundesamt für Sicherheit in der Informationstechnik*") is responsible for selecting Trusted Service Providers and cryptography providers. There are no official and transparent publications on any IT safety checks, safety certificates or in general on the realization of the project yet.

(c) Is this codified in law? If yes, please elaborate on this.

As to electronic files in civil procedure, the relevant provision in the German Code of Civil Procedure ("*Zivilprozessordnung*") is Section 299 (3). On a European level the German authorities have to comply with Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.

10. **HOW DOES THE DIGITAL SUBMITTING OF DOCUMENTS CHANGE THE ROLE OF THE JUDGE? FOR EXAMPLE:**

(a) Does the digital submission of procedural documents speed up the duration of the judicial procedure?

Although accelerating the duration of judicial procedures might be an important goal, there is no official data as digital submission is still optional and not frequently used. Nevertheless, there is no reason to assume that digital submissions will speed up the procedure. In particular, it is not to be expected that judges will shorten submission periods significantly for the only reason that the submission happens digitally.

In proceedings for injunctive relief, digital submissions sometimes make it easier for the judge to receive an easily readable version of the application for an injunction – this has shown to speed up the process.

(b) Does the digital submission of procedural documents increase the possibility of a final settlement of a conflict?

Again, there are no figures that show any effects of the possibilities of digital submission on the number of court settlements.

(c) Does the digital submission of procedural documents mean that there is less need for an oral court session?

Oral court hearings are mandatory in both civil and criminal procedure. Therefore, the digital submission does not have any effect in this regard. Administrative courts on the other hand may conduct proceedings without an oral hearing according to Section 84 of the Administrative Court Procedures Code ("*Verwaltungsgerichtsordnung*"). As waiving the necessity of an oral hearing is only possible in cases which are not particularly difficult it is unclear if there is any additional effect of a digital submission.

(d) Does the digital submission of procedural documents also increase the amount of digital evidence, such as emails, websites, digital recordings, videos, and other data?

Usually, a party will offer and present all evidence available to prove its case. Thus, the amount of digital evidence will depend on how the evidence is available to the party rather than how it can be submitted in the proceedings. In practice, digital evidence can be subject to questions as to its authenticity. For traditional evidence such as certified copies this is much less the case.

11. **DOES YOUR DOMESTIC LAW MAKE A DISTINCTION BETWEEN ADMINISTRATIVE PROCEEDINGS WITHIN THE ADMINISTRATION AND JUDICIAL PROCEEDINGS? IF YES:**

(a) Are the abovementioned questions also applicable on digital forms of administrative proceedings used in your country? If yes, can you elaborate on this?

In general, German law does make a distinction between administrative proceedings within the administration and judicial proceedings. However, regarding the electronic submission the same forms apply to administrative court proceedings.

In terms of public administration such as communication of citizens with the authorities and applying for certain permits it depends to a great extent on how the specific offices (on municipal, state and federal level) implement technical possibilities into their internal systems and how determined the governments of the federal states promote digitalization by state law and statutes.

Since 2017 it is possible for the administration to issue administrative acts ("*Verwaltungsakt*") in relation with the citizen automatically without any prior face-to-face contact or an explicit decision of an employee.

(b) **Is this codified in law? If yes, please elaborate on this.**

The main provision for the submission of electronic documents in administrative proceedings is Section 3(a) of the Federal Administrative Procedure Act ("*Verwaltungsverfahrensgesetz*"). Most states have implemented identical or similar provisions in their State Administrative Procedure Acts. In regard to the adoption of administrative acts the relevant provisions are Section 24(1)(3) and Section 35(a) of the Administrative Procedure Act.

The federal framework for the statutes by the states is the E-Government Law ("*Gesetz zur Förderung der elektronischen Verwaltung*") that regulates which details the authority has to provide online, which services it has to offer and which ways of communication with the citizens it has to provide. It also contains provisions on the access of parties to electronic evidence and the electronic signatures.

12. **DOES AN ADMINISTRATIVE BODY COORDINATE, SUPERVISE, OR REGULATE THE USE OF DIGITAL PROCEEDINGS BY PUBLIC BODIES, INCLUDING COURTS?**

The federal German government and representatives of the federal states have established a council ("*IT-Planungsrat*") that is responsible for the so-called IT planning to enhance efficiency in the digitalization of the administration. The tasks are the coordination of IT development between the Federal government and the state governments, the supervision of IT projects, to offer advice on security standards and to plan and develop a network for

the public administration. Furthermore, there are ministries that focus on information technology and digitalization both on a federal and on a state level.

The courts are subject to the control of the federal and state ministries of justice.

The main digitalization changes should be implemented by 2020 according to the planning of the government. The progress is being evaluated every two years.

(a) Is this codified in law? If yes, please elaborate on this.

The establishment of an IT council is set out in a specific contract between the federal government and the sixteen states ("*It-Staatsvertrag*"). The contract is based on Article 91(c) of the German constitution ("*Grundgesetz*"). The details are once again regulated in the relevant E-Government Laws.

13. **DOES SUBTOPIC TWO GENERATE PUBLIC DEBATE IN YOUR COUNTRY APART FROM LEGAL SCHOLARSHIP DISCOURSE? IF SO, CAN YOU PROVIDE EXAMPLES?**

There is little public discussion about the digitalization of the administration and the judiciary, mostly because the process takes place extremely slowly and thus the actual changes for ordinary citizens are minor. If any, there is harsh criticism about the technological backwardness of the authorities in comparison with other European countries and given the possibilities that modern IT systems provide.

Furthermore, the abovementioned electronic mailbox for lawyers provoked a vast public debate (see above, question 4a). Since major security problems occurred and the software therefore initially failed in its most important feature, displeasure rose in the legal community. In this context, especially the high development costs of approximately EUR 38 Mio fueled the criticism.

14. **WHAT ARE TYPICALLY (I) THE BURDEN OF PROOF, (II) RULES AND NORMS ON THE ADMISSIBILITY OF EVIDENCE, (III) AND EVIDENTIARY STANDARDS FOR PUBLIC BODIES AND LITIGATING PARTIES IN SUCH CASES IN ORDER TO PREVAIL ON THEIR CLAIM?**

(I) In general, each party has to prove the facts that support their claim or their defense and offer evidence to the court. In case a party does not object to the statements of the other party, the statement is treated as a given fact and does not have to be proven by the party. There are different forms of evidence that are generally admissible in court. Types of legal evidence are testimony, documentary evidence, physical evidence, scientific evidence or expert testimony and hearing of a party.

(II) There are a number of statutory prohibitions for the gathering of evidence, based on reasons such as the unlawful wiretapping or torture. Depending on the severity of the infringement, the evidence is then inadmissible in court and cannot be used to prove a case.

(III) In criminal cases the judge has to be convinced of the guilt of the defendant beyond reasonable doubt. In civil cases the evidentiary standard is lower, the evidence has to be clear and convincing for the judge. The latter also applies to administrative cases.

(a) Are (i) the burden of proof, (ii) rules and norms on the admissibility of evidence, and (iii) evidentiary standards different in cases related to the judicial review of algorithmic profiling and algorithmic decision-making

processes, or does the general standard of proof apply? If yes, please provide examples derived from case law.

Thus far, there is no deviation from the general standard of proof in cases related to the judicial review of algorithmic profiling and algorithmic decision-making processes.

In 2014 the Highest Civil Court in Germany ("*Bundesgerichtshof*") ruled that the German private credit rating agency ("*Schufa*") did not have to publish its scoring algorithm in court due to the fact that the algorithm qualifies as a business secret and has to remain confidential. In that case the court did not even review the algorithm and its decision-making process.

In March 2018 the government coalition decided that it wants to make algorithms and decisions, services and products that are based on AI subject to judicial and administrative review. The European Commission also wants to start an initiative to regulate algorithms of internet platforms. Until the legislation sets out new laws on how evidence and proof will be reviewed in regard to algorithms, the same standards as above apply.

15. **HOW DOES THE (ADMINISTRATIVE) JUDGE REVIEW ALGORITHMIC DECISION-MAKING PROCESSES OR PROFILING CASES?**

To our knowledge there has not been a case before a German court where the judge explicitly had to review the basis and the decision-making details of an algorithm. It remains to be seen which criteria for the review the legislation will set out in the near future.

Algorithmic decision-making might cause an infringement of provisions of the General Equal Treatment Act ("*Allgemeines Gleichbehandlungsgesetz*").

(a) Does the (administrative) judge review profiling cases or algorithmically determined administrative decisions fully or marginally (e.g. applying the standard of unreasonableness or a manifest of error)? Please elaborate on the scope and intensity of judicial review of profiling cases and algorithmically determined administrative decisions.

In general, the same standard of proof and evidentiary standard applies to all cases, regardless of whether the decision-making process is conducted automatically or personally. If a judge had to review the technological basis of an algorithm he would most likely ask an expert witness for his assessment due to a lack of detailed and specific IT knowledge. The expert witness testimony would have to be clear and convincing for the judge in order to make a decision.

(i) Please provide examples derived from case law if possible.

Not applicable.

(b) What is the role of general principles of good/sound administration in these disputes? Does the (administrative) judge take general principles of good/sound administration such as the right to be heard or principles of reason-giving and transparency into account in algorithmic decision-making processes or profiling cases? How does the (administrative) judge scrutinize these cases? You need a lijdend voorwerp)?

Any principles that are derived from the rule of law have to be observed by judges regardless of the judicial branch or the technological background of the case. It might not be a sufficient argument in the long run to refrain from reviewing algorithms due to the fact that they contain business

secrets. Otherwise decisions based on algorithms would never be subject to judicial review. However, the business secret issue can be seen as a serious hurdle in this regard. Even though courts are obliged to confidentiality and can review the algorithms without publishing it, this does not apply to the counterparty.

(c) Has the judicial review of algorithmic decision-making processes or profiling cases led to the development of new legal principles, such as the principle of accountability, the right of explicability, or other rules and principles concerning administrative transparency, and access to (public) data?

Although there are no developments yet, the government is planning specific changes to the review of algorithms and might set out specific criteria how algorithms can be examined and controlled.

16. **EVIDENCE CONCERNING COMPLEX ISSUES OF SCIENCE AND TECHNOLOGY PLAYS AN INCREASINGLY IMPORTANT ROLE IN SCRUTINIZING ALGORITHMIC DECISION-MAKING PROCESSES AND PROFILING CASES. APPOINTING AN EXPERT REFEREE IS OFTEN SUGGESTED AS A MEANS FOR JUDGES TO DEAL WITH SUCH ISSUES. CAN JUDGES ASK EXPERTS OR ADVISORY BOARDS QUESTIONS RELATING TO THE USAGE OF DATA-DRIVEN ALGORITHMIC DECISIONS DURING JUDICIAL ADMINISTRATIVE PROCEEDINGS?**

(a) If yes, on the basis of which method do courts appoint these expert referees? Can judges, for example, appoint expert referees themselves or are expert referees pre-selected by the court?

Since there is no algorithmic decision making in judicial processes in Germany, this questions has not arisen as of yet. With regards to the judicial review of administrative decisions furnished electronically, there are also no specific cases or legal frameworks for the review of these decisions yet. If such procedures were to be questioned in court, judges would appoint experts at their own discretion. A judge will do so if the relevant facts are disputed among parties and the judge himself lacks the specific knowledge. This may very well be the case if the algorithm and the technical structure is complex. There are certified experts that shall be selected rather than freelancers if their expertise matches the demands of the court. Only in narrow cases – e.g. with bias involved – the parties will be able to challenge the selection of an expert by the court.

(b) Can you provide examples derived from case law that illustrate how expert referees scrutinize algorithmic decision-making processes and profiling cases?

Not applicable.

17. **ARE CASES ON THE JUDICIAL REVIEW OF ALGORITHMIC DECISION-MAKING PROCESSES OR PROFILING CASES A TREND OR AN OUTLIER IN CASE LAW OF YOUR COUNTRY?**

Cases regarding the judicial review of algorithmic decision-making processes are an absolute outlier in the German jurisdiction and cases where the technological basis of algorithms has been assessed are not yet existent to our knowledge.

18. **DOES SUBTOPIC THREE GENERATE PUBLIC DEBATE IN YOUR COUNTRY APART FROM LEGAL SCHOLARSHIP DISCOURSE,? IF SO, CAN YOU PROVIDE EXAMPLES?**

The topic did not yet spark any controversies or public debates. The competent ministers of justice and interior intend to initiate developments and have released statements in that respect.

19. **ARE THERE OPEN JUDICIAL DATA INITIATIVES PROMOTING ACCESS TO OPEN JUDICIAL DATA IN YOUR COUNTRY? IF YES, COULD YOU PROVIDE A BRIEF OVERVIEW OF THESE INITIATIVES AND WHAT THEY ENTAIL?**

The biggest initiative in Germany is the Open Government Network Germany ("*Open Government Network Deutschland*") that connects different smaller open data institutions and renowned foundations like the Bertelsmann Stiftung and Transparency International.

At the initiative of the Open Government network, the government released a so-called "national action plan" to encourage civil participation by increasing transparency in the administration and judiciary. The initiative also aims to foster the exchange of knowledge and to facilitate the access to data. The network also supports the active participation of Germany in the Open Government Partnership, an international initiative to enhance transparency, citizen participation, a modern administration and a system of constant checks and improvements.

The official government platform to access relevant data collected by the administration is called "GovData".

(a) Does the judiciary in your legal system have a systematic judicial policy or specific regulation (such as general data protection laws or a general law on access to public information) that governs access to judicial data?

There are laws that govern the right of access to documents for parties of the procedure and other parties. In civil proceedings the rights are regulated in Section 299 of the Code of Civil Procedure ("*Zivilprozessordnung*"; see above, question 9a). The same rights are regulated in Sections 147, 406(e) of the Code of Criminal Procedure ("*Strafprozessordnung*") for criminal proceedings and in Section 29 of the Administrative Procedure Act ("*Verwaltungsverfahrensgesetz*") for administrative proceedings.
The general data protection regulation in Germany is the "*Bundesdatenschutzgesetz*". Among other public bodies, the judiciary is an addressee of the *Bundesdatenschutzgesetz*. It has just recently been revised on basis of the European General Data Protection Regulation. More specific data protection rules for certain topics can be found for instance in laws regarding the electronic communication within the judiciary, access to court files or enforcement proceedings. Nevertheless, it has been criticized that questions concerning the technological aspects of data protection such as the harmonization of procedures and the centralized management of IT applications are still not regulated to a great extent.

20. **WHAT KIND OF DATA DOES THE JUDICIARY IN YOUR LEGAL SYSTEM PUBLISH?**

(a) Does the judiciary publish all court rulings from all government bodies (e.g. district courts, courts of appeals, supreme courts)? By court rulings, we refer to judicial decisions of courts that bring cases to an end.

Court rulings of courts of higher instances are usually published which means that judgments by courts of appeal and supreme courts are mostly accessible to the general public. The publication of other rulings depends on whether or not the content is of importance for the public.

However, the access to court rulings can be restricted and rulings might only be published by research services that are subject to charges. Rulings are always anonymized.

(b) Does the judiciary publish quantitative data that provides an overview of judicial performance, such as caseload, solved caseload, average duration judicial procedure, and the amount of annulments per court/per judge?

The civil and the criminal chambers of the Federal Court of Justice release annual reports about their own activities. The relevant data of other court proceedings is not broken down by each court, but just shown in absolute figures on the homepages of the Federal Ministry of Justice and the Federal Statistical Office. Some of the federal states publish data about their courts of first and/or second instance (District Courts and Higher Regional Courts).

(c) Does the judiciary publish other type of data that you find relevant to mention?

The judiciary provides an overview of the human resource development and the number of vacancies.

(d) How do judiciaries deal with this data? Do they analyse this data in order to find, for example, patterns in case law, or how certain judges rule in certain type of cases?

According to the federal office of justice ("*Bundesamt für Justiz*") the statistics are used to prepare and evaluate new legislation and to answer requests by citizens and political parties or institutions. The collection of data is mainly used for administrative purposes; to our knowledge data is not being analyzed in regard to individual judges or patterns in case law.

21. **DO THE FOLLOWING GOVERNMENTAL INSTITUTIONS IN YOUR COUNTRY MAKE USE OF ALGORITHMS THAT CAN ANALYZE JUDICIAL DATA IN ORDER TO TRANSLATE THIS INTO INFORMATION AND PATTERNS IN CASE LAW, HOW CERTAIN JUDGES RULE IN CERTAIN TYPE OF CASES, OR FOR OTHER PURPOSES?**

(a) The legislator

Not to our knowledge.

(b) The judiciary

Not to our knowledge.

(c) Administrative legislative advisory bodies

Not to our knowledge.

22. **DO PRIVATE PARTIES SUCH AS LAW FIRMS OR CORPORATIONS ANALYZE LEGAL DATA IN ORDER TO TRANSLATE THIS INTO INFORMATION AND PATTERNS IN CASE LAW, HOW CERTAIN JUDGES RULE IN CERTAIN TYPE OF CASES, OR FOR OTHER PURPOSES?**

Information on jurisdictional tendencies and how certain judges tend to rule is only being gathered regarding selective cases and only as research in regard to a specific case. The data that is being analyzed is mostly case law from research service providers and ratings of judges from a website called "*richterscore.de*" (scil. judge score).

23. **DOES SUBTOPIC FOUR GENERATE PUBLIC DEBATE IN YOUR COUNTRY APART FROM LEGAL SCHOLARSHIP DISCOURSE? IF SO, CAN YOU PROVIDE EXAMPLES?**

There is little public discourse on court statistics in general, although the crime statistics generate a public debate when being published by the officials in charge once a year. Only in the past few years the statistics on the workload of judges happened to start a discussion about a shortage of judges and the need for the government to hire more legal personnel.