Review article

TRANSPARENCY OF CIVIL PROCEEDINGS IN THE DIGITAL AGE

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ABSTRACT

This paper examines the significance of the principle of publicity in civil proceedings, highlighting its role in promoting transparency, accessibility, and the openness of the judiciary. The principle of publicity enhances the efficiency of the judicial system and fosters public trust in the courts by enabling citizens to monitor court operations, thereby ensuring societal oversight of judicial processes. Public access to court proceedings and judgments also has a positive impact on judges, contributing to their accountability and compliance with the rules of civil procedural law. Court hearings and judgments are public, except in cases involving the protection of privacy, national security, or other exceptional circumstances. In such instances, the court may decide to exclude the public to safeguard the interests of justice. The digitalisation of court proceedings represents a crucial step toward the modernisation of European judiciary systems, significantly enhancing the transparency of the judicial system and enabling faster and easier access to court information, thereby promoting a more efficient realisation of the principle of publicity. Through digital tools, courts can reduce administrative obstacles and expedite case processing, contributing to more efficient proceedings and reducing the workload of judges and other judicial personnel. Additionally, digitalisation provides citizens with easier and more direct access to court processes, further strengthening their trust in the judicial system. However, due to the digitalisation of judicial proceedings, modern challenges arise, where such digital tools sometimes allow access to a larger number of individuals, despite confidentiality markings on documents. This presents a challenge in terms of data protection and information security in civil proceedings. Therefore, it is important to ensure that the use of digital technology does not undermine the procedural guarantees of other, diametrically opposed rights. In conclusion, the need for further improvement and more precise legal solutions is therefore emphasized to ensure effective protection of privacy and confidentiality of data in the context of digitalisation.

Keywords*: confidentiality, fair trial, publicity, privacy, transparency*

1. INTRODUCTION

The openness of the judiciary contributes to the development of civil society, making citizens more aware of their rights and responsibilities. It enhances the legal culture of society, raises the professional standards of those involved in legal proceedings, and strengthens the credibility of the judiciary.[1] Moreover, the effective implementation of the principle of publicity in civil proceedings will facilitate the proper and timely resolution of civil disputes, strengthen guarantees of judicial independence, improve the consistency of case law, and enhance the overall standing of the judiciary.[2] However, there appears to be a need for further development in the area of judicial transparency in civil cases, particularly in defining the scope of guarantees and limitations, as well as for a comprehensive examination of the implementation of the principle of publicity in civil proceedings in light of judicial reform and the advancement of information technology, particularly digitalisation. Digitalisation can play a key role in improving access to justice,[3] particularly in procedural aspects such as enhancing transparency of proceedings, ensuring equality of parties, fairness, and reasonable duration of proceedings, as well as reducing litigation costs.[4] However, this does not mean that the application of these technologies in practice automatically leads to better access to justice, as accessibility is not always effectively built in. On the contrary, the pandemic has revealed a significant problem of technological inequality, primarily due to the lack of electronic devices or internet access.[5] Therefore, it is crucial to ensure that the use of digital technology does not diminish procedural guarantees for those who lack access to new technologies.[6] Moreover, publicly available electronic communication services over the internet provide users with new opportunities but also introduce new risks.[7] Despite all the advantages that digitalisation of the judiciary offers, it is essential to approach the issue of potential

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1 Dika, M.; Čizmić, J., *Komentar Zakona o parničnom postupku Federacije Bosne i Hercegovine*, Sarajevo, OSCE Democratization Department, 2000., pp. 36-42.

2 Dika, M., *Načelo javnosti u parničnom postupku - prilog pokušajima opravdanja i reafirmacije instituta* -Zbornik Pravnog fakulteta Sveučilišta u Rijeci, Vol. 29, No. 1, 2008., pp. 1-26.

3 Grbić, S.; Bodul, D.; Bartulović, Ž., *Pravo na pošteno suđenje i e-pravosuđe: sistemska greška ili korak naprijed u zaštiti prava?*, Harmonius, Beograd, Vol. 1, 2021., pp. 15-35.

4 Consultative Council of European Judges (further in the text: CCJE) Opinion no. 14. on justice and information technologies (IT), 2011., retrived from: [https://www.coe.int/en/web/ccje/opinion-n-14-on-justice-and-information-technologies-it-], Accessed 12 February 2025.

5 Kiršienė, Julija, *et al., Digital Transformation of Legal Services and Access to Justice: Challenges and Possibilities,* Baltic Journal of Law & Politics, Vytautas Magnus University, Vol. 15, No. 1, 2022, pp. 141-172., p. 166.

6 CCJE, Opinion no. 14., *op. cit.*, note 4, § 10.

7 Preambul of the Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector, OJ L 201, 31 September 2002, pp. 37–47., t. 6.

abuses with particular caution. In the online environment, where transparency is significantly greater, it is crucial to adequately protect opposing rights, such as the right to privacy and the protection of personal data.

2. THE PRINCIPLE OF PUBLICITY IN CIVIL PROCEEDINGS

The principle of publicity in civil proceedings implies that every person, without restrictions and without prior determination of who may attend, has the right to freely attend court hearings.[8] The principle of publicity is provided for in international documents, primarily in Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms[9] and Article 47 of the Charter of Fundamental Rights of the European Union,[10] The principle of publicity is one of the fundamental principles of civil procedure, and its violation is considered a significant breach of procedural rules. This issue has also been examined by the European Court of Human Rights, which has determined that a public hearing is a necessary prerequisite for a fair trial at least at one instance. Only in exceptional circumstances may a court deviate from the requirement of a public hearing.[11] The principle of publicity guarantees judicial independence and judges' adherence to the law. It ensures an impartial and thorough case review, leading to fair and lawful decisions. Open court proceedings reflect the democratic nature of the process.[12] Public court proceedings allow citizens to attend hearings, follow the process, and share information through media or other means. However, courtroom capacity limits the number of attendees. Since space is needed for judges, clerks, parties, and legal representatives, there is often little room left for the public.[13] These spatial limitations can make the judge's work more challenging, as they must quickly and efficiently address the issue of seating all attendees while respecting the principle of public proceedings.[14] However, case law holds that the principle of publicity is not violated if attendance is granted to those citizens

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8 Triva, S.; Dika, M., *Građansko parnično procesno pravo*, 7th ed., Narodne novine, Zagreb, 2004., p. 195.

9 European Convention for the Protection of Human Rights and Fundamental Freedoms, Official Gazette (further in the text: OG), International treaties, No. 18/97., 6/99., 14/02., 13/03., 9/05., 1/06., 2/10.

10 Charter of Fundamental Rights of the European Union [2012], OJ C 326, 26 October 2012.

11 European Court of Human Rights, Judgment *Fischer v Austria* [1995], Application No. 16922/90, 26 April 1995.

12 Hess, B.; Koprivica Harvey, A., *Open justice - the role of courts in a democratic society*, Baden Baden, Nomos Verlag, 2019.

13 Čizmić, J., *Javnost glavne rasprave,* Zbornik Pravnog fakulteta Sveučilišta u Rijeci*,* Vol. 42, No. 2, 2021., pp. 283-301., p. 287.

14 Smiljan Pervan, L., *Položaj sudaca u Republici Hrvatskoj*. retrived from: [https://www.iusinfo.hr/strucni-clanci/CLN20V01D2017B1052. -], Accessed 15 January 2025.

who arrive first and find space in the courtroom, as long as no selection system involving tickets or passes for selected individuals is introduced, which would be unacceptable.[15] The use of technology, especially remote hearings via audiovisual tools and online platforms, expands access to court proceedings. With no spatial limitations, participants can join from different locations, enhancing transparency and credibility. Online trials enable citizens, the media, monitoring organizations, NGOs, and academics to follow public hearings more easily.[16] However, this option will depend on the court's technical capacity (the number of connections relies on internet quality to prevent overload and maintain audio and video quality) and the resources, access, and digital literacy of the interested parties themselves.[17] Moreover, according to modern interpretations of the principle of hearing the parties, with the advancement of efficient videoconferencing technologies, it is now accepted that participation through such means can be equivalent to physical presence and is therefore not contrary to the European Convention on Human Rights. Additionally, secure videoconferencing facilities provide the necessary level of privacy and confidentiality in proceedings, even in cases where this would not be possible without the use of technology.[18] Therefore, videoconferencing can be useful for holding hearings or proceedings, especially in situations where greater security is required or when it is necessary to hear witnesses or experts who are at a distance. However, the downside is that the judge may not be able to fully observe how a party, witness, or expert reacts, which could impact the quality of

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15 Čizmić *loc. cit.* note 13.

16 All public hearings of ECtHR are filmed and streamed on its website. Morning sessions are usually available by 2:30 p.m., and afternoon sessions by the end of the day, unless there are technical issues. Since 2007, all hearings have been recorded and can be viewed in full with French and English interpretation, retrived from:
[https://www.echr.coe.int/recent-webcasts-], Accessed 22 February 2025.; Also, to facilitate public access to its judicial activities, the Court of Justice of the European Union offers a streaming system for hearings. The delivery of the Court's judgments and the opinions of Advocates General are broadcast live on the website, with streaming activated at the start of the scheduled session, as per the Court's calendar. Additionally, certain hearings before the Court are available with a time delay. These typically include cases heard by the full Court, the Grand Chamber, or, exceptionally, a five-judge panel when justified by the case's significance. The video recordings of such hearings remain available on the website for up to one month after the session concludes, retrived from:
[https://curia.europa.eu/jcms/jcms/p1_1477137/hr/-]. Accessed 23 February 2025.

17 For more see: Lhullier J.; Lhullier-Solenik, D., *Access to justice in Europe*, CEPEJ, 2007, retrived from: [https://rm.coe.int/evropska-komisija-za-efikasnost-pravnih-sistema-cepej-novi-zadatakza-/1680748156], Accessed 17 February 2025.

18 Consultative Council of European Judges (CCJE), Opinion no. 26 (2023). t. 83., Kretanje naprijed: Primjena pomoćnih tehnologija u sudbenoj vlasti, Strasbourg, 1 December 2023, retrived from:
[https://rm.coe.int/ccje-opinion-no-26-20023-croatian/1680ae1a40-], Accessed 17 January 2025.; European Court of Human rights, Judgment *Sakharovsky v Rusia* [2018] Application no. 39159/12966, 27 November 2018.

the trial.[19] When it comes to court cases in which the public is excluded, such as family proceedings, there is a risk that hearings could be recorded without the knowledge of the court or other participants. Additionally, the question arises as to whether conducting such proceedings remotely would be advisable in a given case. It is therefore important to ensure that the use of videoconferencing and the presentation of evidence in this manner do not undermine the rights of the parties, particularly the right to a fair trial and the principle of equality of arms in civil proceedings. Additionally, excessive public and media access to such hearings may create pressure on judges, making it more difficult to render impartial decisions. Continuous scrutiny of hearings available online could compromise the privacy and reflective space judges require to perform their duties effectively. The transition from physical to hybrid or fully virtual hearings may also undermine the symbolic significance of the judicial process. Participating from outside the courtroom, for example, from home, a car, or public places, may weaken society's perception of the importance of court proceedings. In this way, the institutional legitimacy of the judiciary as a branch of government is put at risk. In individual cases, participants may not take the trial seriously, which could negatively affect the quality of evidence, particularly the significance of witness oaths, thereby undermining the judiciary's ability to ensure a fair trial.[20]

2.1. PRINCIPLE OF PUBLICITY IN THE REPUBLIC OF CROATIA

The development of the principle of publicity in civil proceedings is closely linked to ensuring the right of access to information during the resolution of civil cases. In the Republic of Croatia, court hearings are public, and judgments are pronounced publicly (Article 117 of the Constitution of the Republic of Croatia).[21] Parties may also inspect the files and obtain copies of them. The court allows third parties to inspect and copy the files if they have a legitimate interest (Art. 150 of the Civil Procedure Code). Case law provides an example where the defendant had the right to examine and copy medical documentation attached to the case file but not to request that the court or the opposing party deliver those documents to them.[22] On the other hand, the High Commercial Court ruled that the first-instance court correctly determined that the applicant had not demonstrated a legitimate interest to be granted access to and copying of the case file. This decision was based on the fact that the legal entity, registered in the Republic of Austria,

19 CCJE, Opinion no. 14., *op. cit.*, note 4, § 30.

20 *Ibid.*, § 66.-67.

21 Constitution of the Republic of Croatia, OG, No. 85/10., 05/14.

22 VSRH, Rev-240/99 from 6 September 2000.

was not a party to the proceedings in which it sought access to the file. Additionally, the case in question did not concern real estate owned by the commercial company in which the Austrian legal entity was a member.[23]

The right to public hearings is not absolute and may be limited to protect other important interests. In doing so, it is crucial to ensure a balance between the preservation of these interests and the right of the public to access the proceedings. Restrictions on the public must be proportionate and justified by a real social need.[24] This approach is in line with the European Convention on Human Rights, which also allows exceptions to the principle of publicity. In certain cases, public presence at court hearings may jeopardise the proceedings.[25] The Civil Procedure Act (hereinafter: CPA)[26] has prescribed the principle of public hearings since 1977 (Article 306/1 of the CPA). However, it also allows for the exclusion of the public when required to protect official, business, or personal secrets, as well as public order or morality. Following the 2003 amendment, the law specified that exclusion may be justified if necessary to protect morality, public order (e.g., unlawful public gatherings or mass physical conflicts), or national security, as well as to safeguard military, official, or business secrets, or to protect the private lives of the parties involved. However, such exclusions are permitted only to the extent deemed absolutely necessary by the court in exceptional circumstances where public access could be detrimental to the interests of justice (Article 307/1 of the CPA). In addition, since 1977, the public may also be excluded from the main hearing if the measures for maintaining order prescribed by this law are insufficient to ensure the undisturbed conduct of the proceedings (Article 307/2 of the CPA). Only adults may attend the hearing, who may not carry weapons or dangerous tools (306/2 and 3 of the CPA).[27] Under the Family Act,[28] the principle of publicity is excluded *ex lege* in proceedings concerning status matters, parental care, personal relationships, measures for the protection of the rights and well-being of the child, and child maintenance (Article 351 of the Family Act). Although the principles of imme-

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23 VTSRH, Pž-1910/13 from 6 June 2013.

24 Uzelac, A., *Pravo na pošteno suđenje: opći i građanski aspekti čl. 6. st. 1. Europske konvencije za zaštitu ljudskih prava i temeljnih sloboda,* in: I. Radačić (ed.), Usklađenost zakonodavstva i prakse sa standardima Europske konvencije za zaštitu ljudskih prava i temeljnih sloboda, Zagreb: Centre for Peace Studies, 2011, pp. 88-125.

25 European Court of Human Rights, Judgment *B. and P. v the United Kingdom* [2001] Applications nos. 36337/97 and 35974/97, 5 September 2001, § 39.; European Court of Human Rights, Judgment *Zagorodnikov v Russia*, Application no. 66941/01, 7 September 2007, § 26.

26 Civil Procedure Act, OG, No. 53/91., 91/92., 112/99., 129/00., 88/01., 117/03., 88/05., 2/07., 96/08., 84/08., 123/08., 57/11., 148/11. 25/13., 89/14., 70/19., 80/22., 114/22., 155/23.

27 Carrying weapons at the main hearing is exceptionally permitted only for officials, security personnel (Art. 306/4. of the CPA).

28 Family Act, OG, No. 103/15., 98/19., 47/20., 49/23., 156/23.

diacy, adversarial proceedings, and publicity are fully realised only in the context of an oral hearing,[29] a public hearing is often unnecessary due to the specific nature of certain proceedings. In many cases, the urgency of the procedure, the need for efficiency, or confidentiality justifies the absence of a hearing, thereby significantly limiting the application of the principle of publicity. For example, to enhance efficiency, in commercial disputes, written procedures were prescribed to speed up the decision-making process. Therefore, pursuant to Article 492.a of the CPA, in proceedings before commercial courts, the court will generally establish the decisive facts based on documentary evidence. Additionally, the court may require the parties to submit written statements of the parties or witnesses, signed before a notary public, and limit the oral examination of parties or witnesses to questions aimed at verifying, supplementing, or clarifying the contents of those statements.

If no party disputes a notarised written statement from a party, witness, or expert, and the court deems their oral hearing unnecessary, the court will not conduct an oral examination of those individuals. However, if a party contests such a written statement or if the court finds an oral hearing necessary, and the party or witness subsequently fails to appear or refuses to testify (even when coercive measures are applied to the witness), the court will disregard the notarised written statement of that party or witness (Article 492.c of the CPA). The small claims procedure is also based on a written procedure, whereby a hearing will only be held if the court deems it necessary for the purpose of conducting the evidentiary procedure or if at least one of the parties submits such a reasoned proposal. Nevertheless, the court will reject a party's request for a hearing by way of a ruling if it determines, considering the circumstances of the case, that a fair trial can be ensured without holding a hearing (Article 461a/4 of the CPA). There is no data on the extent to which, following the 2022 amendments to the CPA, judges have become inclined to conduct small claims procedure without hearings. Likewise, it remains unclear how frequently parties request hearings and what decisions courts make regarding such requests.[30] However, some authors have already noted that the legislative amendment granting judges discretionary power to decide whether to conduct written proceedings significantly transforms adjudication in small claims procedure.[31] Additionally, a notable issue is the absence of prescribed rules on how the written procedure will be implemented in practice.[32]

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29 Triva; Dika, *op. cit.,* note 8, p. 189.

30 Jelinić, Z., *Pisani postupak i pravo na usmenu raspravu u sporovima male vrijednosti*, Pravni vjesnik, Vol. 40, No. 4, 2024., pp. 7-30., p. 27.

31 *Ibid*.; Buljan, I., *Pisani postupak u sporovima male vrijednosti - radikalna promjena dosadašnje paradigme*, Zbornik Pravnog fakulteta Sveučilišta u Rijeci, Vol. 45, No. 1, 2024., pp. 251-271.

32 Jug, J.; Maganić, A., *Novela Zakona o parničnom postupku i ostala sporna pitanja*, Priručnik za polaznike Pravosudne akademije, 2022, p. 35.

Secrets are classified into state, military, official, business, and professional secrets, and in legal doctrine, they are generally divided into two categories: public and private.[33] The court will warn individuals attending a hearing from which the public has been excluded that they are obliged to keep confidential all information they learn during the proceedings and will also inform them of the consequences of disclosing such information (Article 308/4 of the CPA). If a person reveals a secret learned during a closed hearing, they commit a criminal offense. Such conduct constitutes a breach of trust and a violation of rules protecting privacy and procedural confidentiality, and the law explicitly sanctions it to preserve the integrity of judicial proceedings and protect the participants. The Courts Act[34] mandates that judges, court officials, lay judges, interpreters, experts, and appraisers maintain confidentiality about information they learn during judicial duties. This includes details about the parties, their rights, obligations, and legal interests, as well as any data not publicly discussed in court. Confidential information encompasses anything designated as secret by law, regulations, or a legal entity, and documents marked as confidential by authorities or the court president (Article 130 of the Courts Act).

If the public has been excluded from the main hearing, the pronouncement of the judgment will always be read publicly, and the court will decide whether and to what extent the public should be excluded from the announcement of the judgment (Article 336/2 of the CPA). The unlawful exclusion of the public from the main hearing constitutes a ground for absolute nullity of the judgment (Article 354/2, item 10 of the CPA). Conversely, if the public were allowed to participate contrary to the law or a court decision on its exclusion, this could lead to inaccurate or incomplete fact-finding and/or a relatively significant violation of civil procedure rules. Such a situation may arise if, due to the presence of the public, a party decides not to present key facts, if witnesses refuse to testify or answer certain questions, or if parties withhold their statements, all of which could affect the fairness and legality of the proceedings.[35]

From the above, it is evident that the regulations in the Republic of Croatia provide for the protection of data confidentiality and privacy, but only during the main hearing. However, they do not regulate the handling of case files from proceedings in which the public was excluded. There are no specific provisions governing the treatment of case files in proceedings where the public was excluded to protect data confidentiality or the privacy of the persons involved, neither at the

[33] For more see Čizmić, *op. cit.*, note 15, p. 290.; Dika, *op. cit.*, note 2; Gavella, N., *Osobna prava. I. dio,* Zagreb, Pravni fakultet u Zagrebu, 2000., p. 222.

[34] The Courts Act, OG, No. 28/13., 33/15., 82/15., 82/16., 67/18., 126/19., 130/20., 21/22., 60/22., 16/23., 155/23., 36/24.

[35] Dika, *op. cit.*, note 2, p. 24.

statutory level nor in subordinate regulations such as the Court Rules of Procedure[36] or the Rules on Operations within the eSpis System.[37]

3. DIGITALISATION OF CIVIL PROCEDURE

One of the key advantages of the digitisation of civil procedure is the acceleration of proceedings through the automation of administrative processes, cost reduction, and increased accessibility of information for participants. Parties, lawyers, and judges can electronically access case files, submit pleadings, monitor the progress of proceedings, and present evidence. On November 25, 2020, the revised Regulation (EU) 2020/1783 of the European Parliament and the Council on cooperation between the courts of the Member States of the European Union in the taking of evidence in civil or commercial matters[38] was adopted. Since the entry into force of Regulation 1206/2001, the predecessor of the said Regulation, the Commission has discussed its application in the framework of various meetings of the European Judicial Network in civil and commercial matters. During these meetings, among other things, discussions were held on the use of modern technologies in cross-border evidence taking, specifically the fact that in many Member States, the technical means for using videoconferencing are still not available, as well as on issues related to communication between courts.[39] As a result, resolutions[40] were adopted calling for efforts to train practitioners in applying

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36 Court Rules of Procedure, OG No. 37/14., 49/14., 8/15.,35/15., 123/15., 45/16., 29/17., 33/17., 34/17., 57/17., 101/18., 119/18., 81/19., 128/19., 39/20., 47/20., 138/20., 147/20., 70/21., 99/21., 145/21., 23/22.

37 Rules on Operations within the eSpis System, OG, No. 35/15., 123/15., 45/16., 29/17., 112/17., 119/18., 39/20., 138/20., 147/20., 70/21., 99/21., 145/21., 23/22., 12/23., 9/24.

38 Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast), OJ L 405, 2 December 2020, p. 1–39. (hereinafter referred to as: Regulation 2020/1783). Until the application of this Regulation began, Regulation (EC) No. 1206/2001 of May 28, 2001, on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters was in force. Regulation (EC) No. 1206/2001 of May 28, 2001, on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters was published in the Official Journal of the European Communities, No. L 174/2001, pp. 1-24 (hereinafter: Regulation 1206/2001).

39 For more see: Commission of the European Communities, (2007), Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the application of the Council Regulation (EC) 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, COM(2007) 769 final, Brussels.

40 European Parliament resolution of 10 March 2009 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (2008/2180(INI)); European Parliament resolution of 23 November 2010 on civil law, commercial law, family law and private international law aspects of the Action Plan Implementing the Stockholm Programme (2010/2080(INI)).

of the Regulation and to promote the broader use of modern technology and videoconferencing in cross-border evidence taking. The proposal for the Regulation 2020/1783 therefore introduces certain solutions aimed at eliminating legal uncertainty, promoting electronic communication as the norm, and encouraging the use of modern technologies.[41] A decentralised IT system for data exchange is planned in line with technological advancements (such as e-CODEX[42]). However, Member States are also emphasized as having the duty to maintain their national IT systems and bear responsibility as data controllers, following Regulation (EU) 2016/679 (hereinafter: GDPR),[43] for the processing, exchange, and transfer of personal data. It was also emphasized that personal data under Regulation 2020/1783 should be processed only for the specific purposes defined by that Regulation,[44] in accordance with the GDPR, as well as Regulation (EU) 2018/1725 on the protection of individuals regarding the processing of personal data by the institutions, bodies, offices, and agencies of the Union and on the free movement of such data,[45] and Directive 2002/58/EC on the processing of personal data and the protection of privacy in the field of electronic communications.[46]

Based on Article 27 of Regulation 2020/1783, the Commission is responsible for developing, maintaining, and further enhancing the reference implementation software, which Member States may use as their back-end system instead of

41 European Commission, (2018), Proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between thecourts of the Member States in the taking of evidence in civil or commercial matters, COM(2018) 378 final, Brussels. Furthermore, the use of modern technology, videoconferencing, or other remote communication technologies in evidence taking is also encouraged by other instruments, such as the Model European Rules of Civil Procedure of the European Law Institute (ELI) and the International Institute for the Unification of Private Law (UNIDROIT).

42 E-CODEX, Communication via Online Data Exchange – is a decentralised IT system that provides an interoperable solution for cross-border exchange of judiciary data, thus allowing all Member States (citizens, businesses and legal professionals) to communicate with each other using their existing national systems. Retrieved from:
[https://www.e-codex.eu/faq-e-codex-]. Accessed 25 February 2025.

43 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) OJ L 119, 4 May 2016, pp. 1–88.

44 Preambul of the Regulation 2020/1783, t. 32.

45 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21 November 2018, pp. 39–98.

46 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector, OJ L 201, 31 July 2002, p. 37–47.

a national IT system. This software should include appropriate technical measures and enable the organisational measures necessary to ensure a level of security and interoperability suitable for the exchange of information in the context of evidence taking. The Regulation also provides for exceptional circumstances in which communication via the decentralised IT system is not possible due to certain difficulties. In such cases, it allows for the use of alternative means of communication (e.g., other secure electronic methods or postal services). In the Preamble of the Regulation, exceptional circumstances are interpreted as cases where converting extensive documentation into electronic form would impose a disproportionate administrative burden on the competent authorities or where a document needs to be in its original (paper) form to assess its authenticity. [47] Although the Regulation generally provides for the direct taking of evidence via videoconferencing or other remote communication technology when hearing a person (such as a witness, party to the proceedings, or expert) located in another Member State (Article 20(1) of Regulation 2020/1783), this is not an absolute rule. The same provision stipulates that this approach will not apply if the necessary technology is unavailable to the court or if the court deems its use inappropriate due to specific circumstances of the case. However, it should be noted that the possibility of cross-border evidence taking via videoconferencing also existed under the (previous) Regulation 1206/2001, but its practical application has been limited. In other words, the use of videoconferencing or other remote communication technologies in court proceedings depends on the efforts made by Member States in this area.[48] Furthermore, Regulation 2020/1783 introduces a solution for the mutual recognition of the legal effects of documents in electronic form. However, this will pose a challenge for some Member States whose national procedural systems do not regulate either electronic evidence or the methods for its presentation.[49]

3.1. DIGITALISATION OF CIVIL PROCEDURE IN THE REPUBLIC OF CROATIA

Building on the foundations for electronic communication introduced by the 2013 amendments to the CPA for proceedings before commercial courts, the 2019 Amendment to the CPA further advanced the digitalisation of civil procedure in the Republic of Croatia. It is important to note, however, that the 2008

47 Preambul of the Regulation 2020/1783, t. 12.

48 Aras Kramar, S., *Novine Uredbe (EU) 2020/1783 o izvođenju dokaza u građanskim ili trgovačkim stvarima*, Godišnjak Pravnog Fakulteta „Justinijan Prvi" u Skopju, Liber amicorum u čast prof. dr. Arsena Janevskog, Zoroska – Kamilovska, T. (ed.). Skoplje, Pravni Fakultet „Justinijan Prvi" Sveučilišta „Sv. Kiril i Metodij" u Skopju, 2023. pp. 349-365, p. 360.

49 *Ibid*.

Amendments to the CPA[50] had already provided for the possibility of serving certain documents electronically, in accordance with a separate law (former Article 133(1) of the CPA). It was also stipulated that hearings in urgent cases in proceedings before commercial courts could be scheduled electronically, again in accordance with a separate law (Article 495 of the CPA). However, despite these legal provisions, a special law that would comprehensively regulate electronic communication in civil proceedings was not adopted, which in practice limited the application of these provisions.[51] The consistent implementation of the digitalisation of civil proceedings was enabled only with later amendments and the adoption of the Regulation on Electronic Communication.[52] These amendments laid the foundation for the application of electronic communication in all types of civil proceedings, not just before commercial courts. The Regulation on Electronic Communication[53] regulates *eSpis* as a unified information system for managing and handling court cases. This system consists of a standard application, computer and telecommunication equipment and infrastructure, system software and tools, as well as all data entered, stored, and transmitted through this system from all types of registries at municipal, county, and commercial courts, the High Commercial Court of the Republic of Croatia, and the Supreme Court of the Republic of Croatia, in accordance with the applicable Regulation on the Operation of the eSpis System (Article 5, Point 2). A particularly important functionality of the *eSpis* system is the automatic and random assignment of cases. This feature is crucial as it represents a european standard for ensuring impartiality and independence in court proceedings.[54]

The 2019 Amendment to the CPA introduced additional innovations in digitalisation, including audio recording[55] of hearings and the possibility of holding remote hearings or presenting evidence using audiovisual devices. These changes have modernised and accelerated civil proceedings, aligning them with modern technological standards.[56]

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50 Amendments to the CPA 2008., O.G. no. 84/08.

51 Aras Kramar, S., Elekronifikacija parničnog postupka nakon Novele ZPP-a iz 2019. godine, Pravo i porezi, XXIX, 2020., pp. 46-52.

52 Regulation on Electronic Communication, O.G. no. 5/20.

53 Regulation on Electronic Communication, Official Gazette No. 139/21., 27/23., 39/24., 36/24.

54 Ljubanović, B.; Britvić Vetma, B., *Sustav eSpis u funkciji efikasnog djelovanja upravnih i sudskih tijela*, Zbornik Pravnog fakulteta Sveučilišta u Rijeci, 41 (1), 2020., pp. 313-326., p. 317.

55 It should be noted that the provisions on audio recording of hearings had already been included in the CPA with its amendments in 2011 (Act on Amendments to the CPA, O.G. no. 57/11).

56 Aras Kramar 2020., *op. cit.*, note 51., p. 46.

In addition to all the aforementioned advancements, an important step in the modernisation of judicial communication is the e-Bulletin Board of Courts (*e-oglasna*) project. Amendments to the CPA[57] aimed to promote the publication of decisions and documents via the courts' e-Bulletin Board. Through the central search engine, users can search for published decisions and other court documents, as well as publications from the Financial Agency (FINA) and public notaries. All publications from competent authorities are available immediately upon entry, and the system automatically removes notices once their designated publication period expires. This application significantly enhances transparency, speed, and efficiency in accessing information related to judicial and other legal proceedings.[58]

The public disclosure of court decisions is also regulated by the Courts Act. However, as of 2025, amendments to this Act[59] have come into force, mandating the public disclosure of court decisions that conclude proceedings on a dedicated website, subject to prior anonymisation and compliance with personal data protection rules. The purpose of public disclosure is to ensure the transparency and openness of court proceedings, provide continuous access to information about the judiciary, and strengthen public trust in the judicial system (Article 6, Points 5–7 of the Courts Act).

4. CONFLICT BETWEEN THE PRINCIPLE OF PUBLICITY AND OTHER RIGHTS

The principle of publicity may come into conflict with certain other rights of individuals involved in civil disputes, such as the right to privacy, personal, family, and business secrets, the protection of honor and reputation, and the privacy of correspondence, telephone conversations, and other communications. The right to privacy protection allows individuals to lead their lives independently, free from external influence, while respecting the rights of others and legal limitations. This means that no one, including other individuals, the public, or state authorities, may unlawfully intrude into this sphere of privacy.[60]

The digital age presents significant challenges regarding transparency and potential infringements on these rights. Current privacy protection systems for public documents and court cases are primarily designed for paper records and struggle to keep up with the demands of the digital era, where information can be quickly

[57] The Act on Amendments to the CPA of 2013, OG, No 25/13 and the Act on Amendments to the CPA of 2019, OG, No. 70/19.

[58] Aras Kramar 2020., o*p. cit.*, note 51., p. 46.

[59] The Act on Amendments to the Courts Act, OG, No. 36/24.

[60] Gavella, *op. cit.*, note 33, p. 211.

and easily accessed online.[61] In the past, personal data from court documents was also accessible, but not in a way that made it easily available to anyone with a mere "casual interest." Only those with a relatively strong interest in the information would take the time to wait in line at the clerk's office, fill out the necessary forms, and possibly pay the required fees. However, with information available online, a wide range of people can access it with incredible ease.[62]

The right to privacy is closely linked to the right to personal data protection, which is also a fundamental human right. Since May 25, 2018,[63] European Union member states have been subject to a regulation on personal data protection—Regulation (EU) 2016/679 on the protection of individuals concerning the processing of personal data and on the free movement of such data (GDPR).[64] According to Article 4(1) of the GDPR, "personal data" refers to any information related to an individual who is identified or identifiable. An individual can be identified directly or indirectly through identifiers like their name, ID number, location data, online identifiers, or other personal attributes. Article 5(1)(a) states that personal data must be processed lawfully, fairly, and transparently, while Article 5(1)(b) emphasizes that it must be collected for specific, legitimate purposes and not processed in ways inconsistent with those purposes. Personal data must be processed fairly, balancing the data subject's rights with the data controller's interests, ensuring the processing is not excessive in relation to its purpose.[65] Article 6(1) outlines lawful processing conditions, including the data subject's consent, the necessity for contract performance, legal compliance, protection of vital interests, public tasks, or legitimate interests of the data controller or a third party. However, legitimate interests may be overridden by the data subject's rights, especially if the individual is a child. The necessity requirement is key in determining the lawfulness of data processing. [66]

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61 Donoghue, J., *The Rise of Digital Justice: Courtroom Technology, Public Participation and Access to Justice,* Modern Law Review, Vol. 80, No. 6, 2017., pp. 995.-1025.

62 Losinger, J., *Electronic Access to Court Records: Shifting the Privacy Burden Away from Witnesses and Victims*, University of Baltimore Law Review, Vol. 36, No. 3, 2007., p. 426.

63 Before that, the European Union's legal framework had already been established by Directive 95/46/EC of the European Parliament and the Council of October 24, 1995, on the protection of individuals concerning the processing of personal data and on the free movement of such data.

64 Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016, on the protection of individuals concerning the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR), OJ L 119 of 4 May 2016, pp. 1–88.

65 For more see: Craig, P.; de Búrca, G., *EU Law. Text, Cases, And Materials*, Oxford, Oxford University Press, 2015.

66 Zuiderveen Borgesius, F., *Improving privacy protection in the area of behavioural targeting*, Alphen aan den Rijn: Wolters Kluwer Business, 2015., p. 143.

The protection of personal data also safeguards other personality rights, such as the right to honor, reputation, and dignity, with a particular emphasis on the right to privacy.[67] These rights directly oppose judicial transparency and freedom of expression, which promote free access to court information, especially for the media. The media has greatly expanded judicial transparency, particularly through digitalisation and global information sharing. While few people attend court hearings in person, the media allows the public to stay informed about court proceedings. However, in the Republic of Croatia, the principle of public hearings in the context of remote proceedings is still upheld in a traditional manner—interested individuals must physically be present in the courtroom where the judge conducts the remote hearing or in another room within the court designated by the judge (Article 14 of the Regulation on Remote Hearings[68]).

The application of digital technology in court proceedings undoubtedly enhances judicial processes.[69] However, the digitalisation of court procedures has also introduced challenges related to electronic transactions and document security. In a digital environment, data protection requires exceptionally high standards to prevent unauthorized access to any document or piece of information.[70] Namely, although a document or case may be marked as confidential in the *eSpis* system, it is often still accessible to a larger number of individuals. This becomes particularly problematic in proceedings, where confidential information is exchanged, as the *eSpis* system has not yet been fully adapted to the highest standards of information security. Access to the digital *eSpis* is granted through the information system for electronic communication. The allocation of access rights to this system and the method of access are regulated by the provisions of the Regulation on Electronic Communication. To ensure security while respecting the right to privacy, electronic communication is conducted using credentials with prior authentication and authorization through the National Identification and Authentication System. For example, once a person's identity has been confirmed using authentication credentials, a natural person will be able to review all cases before all courts in Croatia in which they are a party to the proceedings. Parties have the ability to access all documents that have been digitally created in their case. Legal entities and state authorities gain access to the information system by registering a verified email address. Lawyers, notaries public, court experts, court assessors, court

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67 Kokott, J.; Sobotta, C., *The distinction between privacy and data protection in the jurisprudence of the CJEU and the ECtHR,* International Data Privacy Law, Vol. 3, No. 4, 2013., pp. 222-228.

68 Regulation on Remote Hearings, OG, No. 154/22.

69 For more see: Kevin D. Ashley, *Artificial Intelligence and Legal Analytics: New Tools for Law Practice in the Digital Age,* Cambridge, Cambridge University Press, 2017.

70 Losinger, *op. cit.*, note 62., p. 426.

interpreters, bankruptcy trustees, trustees, and trustees in consumer bankruptcy proceedings gain access to the system by submitting the required data through the bodies responsible for maintaining registries and lists, which then forward the information to the system administrator (the ministry responsible for justice) (Article 7(4) of the Regulation on Electronic Communication). Liquidators and special guardians gain access to the system upon being granted said status by the court in *eSpis* for a specific court case, while the State Attorney's Office is provided with direct access to the system through its own information system (Article 8 of the Regulation on Electronic Communication). Taking all factors into account, it becomes evident that, during work on a court case, all court officials can access the physical case file. On the other hand, access to the electronic part of the file is not limited to key court users but also extends to employees of the Ministry of Justice and Administration, technical support staff, and others. Consequently, a potentially large number of individuals, aside from judges and parties to the proceedings, may have access to this data. This issue also raises concerns regarding the right of access to the court for individuals who may need to disclose confidential information during the proceedings.

Furthermore, it should not be overlooked that, thanks to advancements in the application of technology in the judiciary, court hearings are audio recorded. The audio recording of a hearing is part of the case file (Article 126.b(1) of the CPA). The audio recording of the hearing will be available to the parties in electronic form through the information system. If a party is not included in the information system, the electronic recording will be made available in an appropriate manner (Article 126.a(2) of the CPA). Regarding the transcripts of these recordings, before the amendments to the CPA in 2022, Maganić stated that the idea of requiring parties to the proceedings to bear the cost of issuing a transcript of the audio recording, in accordance with the Regulation on the Procedure for Charging and the Amount of the Fee for Transcribing Court Hearing Audio Recordings,[71] was not well-conceived and could lead to serious legal and financial concerns. This raises the question of whether fundamental principles of a fair trial are being compromised, as the rule "if you don't pay, you can't obtain it" is not appropriate in this context. Parties must have the ability to review the transcript of the recording in order to compare it with the original audio and, if necessary, submit an objection.[72] However, following the amendments to the CPA in 2022, the preparation of transcripts of audio recordings is no longer provided *ex officio* by the court (arg.

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71 Regulation on the Procedure for Charging and the Amount of the Fee for Transcribing Court Hearing Audio Recordings, OG, No. 15/20., Art. 4.

72 For more see: Maganić, A., *Primjena elektroničke tehnologije u parničnom postupku* u *Novine u parničnom procesnom pravu*, J. Barbić (ed,), Zagreb, HAZU, 2020., pp. 79-109., p. 109.

ex amended Article 126.c of the CPA), nor is there a procedure for objections based on discrepancies between the recording and the transcript.

On the other hand, the increased use of technology—including e-filings, digital case management, and case tracking systems—carries the risk of potential system failures. Such malfunctions could render case data inaccessible. Without effective technological or paper-based backup systems, there is a real risk that access to the judiciary could become hindered and inefficient.[73] Therefore, in accordance with Article 126.c of the CPA, the audio recording of the hearing and the hearing record form a single entity. In the event of discrepancies between the content of the hearing record and the audio recording, the content of the audio recording shall prevail.

Furthermore, data and information contained in registers, individual cases, preparatory notes and drafts, court decisions, and statistical data on the judiciary and court management should be handled with an appropriate level of data security. [74]Given the nature of disputes heard before the court, the availability of certain court decisions on the internet could jeopardize individuals' right to privacy and the interests of business entities. Therefore, Opinion No. 14 of the Consultative Council of European Judges calls on courts and judicial authorities to take appropriate measures to protect data in accordance with applicable laws.[75] Čuveljak points out that the Croatian *eSpis* system does not fully comply with strict information security requirements. Therefore, since the CPA recognizes only the institution of excluding the public from part or all of the main hearing, data confidentiality protection systems should be modernized—both by aligning terminology with special laws and by introducing other effective data confidentiality protection mechanisms.[76] In this regard, protecting confidential data in court files presents significant financial and technical challenges. Ensuring data security requires costly and complex systems, raising questions about the necessity of such investments. One proposed solution is to keep confidential documents in physical form rather than including them in the digital court file (*eSpis*). This way, confidential documents would be excluded from electronic storage and accessible only through physical records, thereby further reducing the risks of unauthorized access.[77]

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73 CCJE, Opinion no. 26., *op. cit.*, note 18, § 78.

74 CCJE, Opinion no. 14., *op. cit.*, note 4, § 16.

75 *Ibid*, § 17.

76 Čuveljak, J., *Tajnost parničnog postupka*, in: Šago *et al.,* Zbornik radova VIII. međunarodnog savjetovanja: „Aktualnosti građanskog procesnog prava – nacionalna i usporedna pravnoteorijska i praktična dostignuća", Split, Pravni fakultet Sveučilišta u Splitu, 2022. pp. 417-438., p. 434.

77 *Ibid.*

The recently mentioned amendment to the Courts Act,[78] which limits the public disclosure of court decisions by requiring prior anonymization, should also contribute to privacy protection. By mandating anonymization, the legislator aims to balance the protection of personal data and privacy with the public's right to information. However, the success of this measure will depend on various practical factors. Inadequate anonymization may lead to "de-anonymisation," where individuals can be identified based on context. Relying solely on automated tools risks leaving sensitive data exposed, while manual anonymisation can be slow and costly. Consistency across courts is crucial to avoid legal uncertainty, and proper training for judges and court staff is necessary to ensure effective implementation. Additionally, overly redacted decisions may lose their meaning, limiting legal analysis and finally, inadequate anonymization could lead to legal consequences, especially under GDPR regulations.

In recent years, the issue of personal data protection in public registers, which are legally accessible to the public, has become increasingly relevant.[79] The principle of public access is particularly important for maintaining the transparency of land registers. The right to inspect the land register by property is unrestricted, meaning that no legal or other interest needs to be proven to access and review it.[80] In accordance with the Land Register Act,[81] the land register system publishes information about real estate, as well as all data deemed legally relevant for legal transactions. This primarily includes ownership and other real rights, certain obligatory rights, as well as legal facts and personal relations (Article 18(2) of the Land Register Act). This data serves as the foundation for legal certainty in real estate transactions. However, what has been shown to be controversial is the information about registered rights holders, such as name, address, personal identification number (OIB), financial encumbrances, and personal circumstances and relationships. Ernst and Josipović emphasize the importance of publishing this data in the land register system due to its close connection with real estate legal transactions. They point to the existence of restrictions that may either prevent or impose additional

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78 The Act on Amendments to the Courts Act, OG, No. 36/24.

79 Dešić, J.; Brajković, L., *Komparativna rješenja odnosa publiciteta zemljišnih knjiga i zaštite osobnih podataka,* Godišnjak Akademije pravnih znanosti Hrvatske, Vol. 12, No. 1, 2021., pp. 327-344; Josipović, T., *Izazovi digitalizacije zemljišnih knjiga: načelo publiciteta stvarnih prava v. načela zaštite osobnih podataka*, in: Popović D. (ed.), Liber amicorum prof. dr. Mirko Vasiljević, Beograd, Univerzitet u Beogradu Pravni fakultet, 2021., pp. 679-703.; Knol Radoja, K., *Pravo na zaštitu privatnosti vs. načelo javnosti zemljišnih knjiga,* Zbornik Pravnog fakulteta Sveučilišta u Rijeci, Vol. 45, No. 2, 2024., pp. 403-418.; Ernst, H.; Josipović, T., *Javnost zemljišne knjige i zaštita osobnih podataka,* Zbornik Pravnog fakulteta Sveučilišta u Rijeci, Vol. 45, No. 2, 2024., pp. 283-311.

80 Josipović, T., *Zemljišnoknjižno pravo*, Zagreb, Informator, 2001., p. 128.

81 Land Register Act, OG, No.. 63/19., 128/22., 155/23.

conditions on the disposal or acquisition of a registered right. In this way, publication ensures legal certainty and transparency in real estate transactions, providing relevant information to all interested parties.[82] The main book of the land register contains the necessary data, relieving third parties of the costs and risks associated with independently verifying the legal effects of published documents.[83] However, the collection of documents often includes information that is not essential for real estate transactions, raising the question of their public disclosure in light of personal data protection. Although it is not necessary to publish all details from a document for the legal status of a property, Ernst and Josipović consider this public disclosure justified, as it is based on the consent of the parties. Contracts, such as sales agreements, often contain additional clauses that are not essential for land register entries but remain publicly available because the parties consented to this when submitting the registration request. Additionally, parties have the option to disclose only the minimum necessary data for public access. Therefore, they conclude that "the fear of potential misuse of the public nature of land registers is exaggerated."[84]

Given the importance of the publicity function of land registers, any restrictions on access should be carefully justified. However, the digital revolution has made searching these records incredibly easy, raising concerns about privacy. Unlike before, when accessing such data required effort, anyone can now find and retrieve information instantly. This calls into question whether such broad accessibility is truly necessary and whether it aligns with the principle of proportionality.[85] Informational curiosity often goes beyond what is strictly necessary, highlighting the need for legal mechanisms to prevent the misuse of data from land registers. As technology and data processing advance, the obligations for data protection grow, potentially affecting open data policies within the EU. Public authorities that publish personal data must reconsider their role in ensuring privacy protection.[86] Knol Radoja suggests restricting public access to land registers by requiring proof of legitimate interest to protect the privacy of rights holders. Access would be granted for legal or economic reasons, not mere curiosity. This would protect personal data while maintaining publicity and legal certainty. Additionally, a no-

82 Ernst, Josipović, *op. cit.*, note 79, p. 287.

83 *Ibid.* p. 288.

84 *Ibid*. p. 307.

85 Lokhorst G.; Van Eechoud, M., *Public Registers Caught between Open Government and Data Protection–Personal Data, Principles of Proportionality and the Public Interest*, Data Protection and Privacy, Data Protection and Democracy, 12, 2020., p. 222.; Knol Radoja, *op. cit.*, note 79., p. 405.

86 *Ibid*.; van Loenen, B., Kulk S., Ploeger, H., *Data protection legislation: a very hungry caterpillar. the case of mapping data in the European union,* Government Information Quarterly 33 (2), pp. 338–345.; J. Solove, D., *A Taxonomy of Privacy*, University of Pennsylvania Law Review, 154 (2006), p. 477.

tification system is recommended to inform rights holders about access to their data, except when it would compromise criminal investigations or the work of authorities.[87] Such notification would contribute to upholding the principle of transparency and the rights of the subject whose personal data is being accessed, not only in land registers but more broadly.

5. CONCLUSION

The societal significance of transparency lies in placing the work of the court under public scrutiny, establishing a connection between the judiciary and the public. The public may be excluded from an entire hearing or a part of it for reasons deemed necessary in a democratic society to protect morality, public order, or national security—particularly in cases involving minors, to safeguard the privacy of the parties, or to preserve military, official, or business secrets, as well as the security and defense of the Republic of Croatia. The extent of such exclusion is determined by the court, strictly limited to what is absolutely necessary under special circumstances where public access could be detrimental to the interests of justice. Additionally, court decisions in most countries are publicly available through various digital platforms for accessing case law.

The digitalisation of judicial proceedings enables faster and more transparent information exchange between parties, as well as greater opportunities to uphold the principle of public access. However, it also raises concerns about how to protect personal data and trade secrets in the digital sphere, particularly in cases involving sensitive information (such as financial records, contractual terms, intellectual property, and personal relationships). Striking the right balance between transparency and privacy protection is crucial for modernizing the judiciary without compromising individual rights. A well-balanced approach ensures that modernization strengthens, rather than undermines, legal security and individual privacy. In this context, modernizing data protection systems should involve effective yet financially sustainable measures, such as the "good old" practice of storing confidential documents physically rather than in digital systems. Additionally, the anonymisation of court decisions and the introduction of a legitimate interest test for accessing public registries are examples of regulations aimed at preventing the improper use of personal data.

[87] Knol Radoja, *op. cit.*, note 80., p. 415.

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