

**Notice of Guangzhou Intermediate People's Court on
Issuing the *Administration Measures on Filing of Electronic
Litigation Records (for Trial Implementation)***

Sui Zhong Fa [2020] No. 15

To all grass-roots courts and all departments of this court,

The Administration Measures on Filing of Electronic Litigation Records (for Trial Implementation) are formulated by Guangzhou Intermediate People's Court based upon the reality of the courts of Guangzhou Municipality for the further regulation of lawsuit records in a creative way, the improvement in trial efficiency and execution efficiency and the saving of judicial resources and costs to provide a stronger guarantees for the optimization of our business environment, which is hereby issued to you for your thorough implementation based upon your reality. In case of any doubt in the implementation, please feed back to the Office of Guangzhou Intermediate People's Court, Science and Information Division.

Guangzhou Intermediate People's Court
February 14, 2020

Administration Measures on Filing of Electronic Litigation Records (for Trial Implementation)

1. General Provisions

1.1. The Administration Measures on the Filing of Electrical Litigation Records (“Measures”) is hereby formulated in accordance with the *Measures for the Administration of the Litigation Records of People's Courts*, the *Interim Measures for the Administration of the Electronic Litigation Records of People's Courts*, the *Specification on Electronic Documents Archiving and Management*, taking into account the requirement of our smart court establishment and litigation records management realities, to further improve our litigation records management, explore and promote the filing of litigation records in an electronic way, effectively improve the efficiency of trial and execution, strengthen the protection of original case documents and enhance the value in developing and applying litigation records.

1.2. The electronic litigation records referred to herein are the litigation materials, legal instruments and other documents in electronic forms which are submitted by the parties of a case or prepared by the people’s court in the course of handling the case and which are worthwhile to be kept. Those litigation records are sorted out based upon the litigation record management requirements and filed in case management system.

1.3. The management of electronic litigation records shall be made in following principles:

1.3.1. Synchronous generation. The electronic litigation materials of a case shall be collected and prepared at the case filing stage and then uploaded to the management system to ensure that electronic litigation records may be generated simultaneously along with the progress of the case.

1.3.2. Whole-process management. The whole process management shall apply to the formation, collection, sorting, filing and keeping of the electronic documents related to the litigation to ensure that such records are always under control and are truthful records and representations of the trial and execution activities carried out by court.

1.3.3. Standards and specifications. The electronic litigation records shall be subject to the standard management based on uniform specifications. Please refer to the *Interim Measures for the Administration of the Electronic Litigation Records of People's Courts* for specific technical indicators.

1.3.4. Security and confidentiality. In accordance with relevant national laws and regulations, standards and specifications, the preparation of electronic litigation records shall be subject to the confidentiality requirement and proper technical approaches and management measures shall be adopted to guarantee the security of such records.

1.3.5. Progressive implementation. The electronic records management shall be firstly applied to pilot cases and then to all types of cases step by step.

1.4. In case of litigation instruments with significant value and required to be kept in paper form, the trial and execution department may prepare paper records

for such litigation instruments, which shall be kept together with their electronic records.

1.5. The trial and execution department shall be responsible for the preparation and application of electronic litigation records and shall be liable for the authenticity and integrity of such electronic litigation records.

The Office shall be responsible for the receiving, check, filing and borrowing of electronic litigation records.

The Science and Information Division shall give technical support required for the filing of electronic litigation records.

The approval management office shall be responsible for the quality supervision and inspection of electronic litigation records.

2. Collection of Materials Used for Electronic Records

2.1. The judge assistant or court clerk of the trial and execution department shall be responsible for the collection, sorting and filing of materials used for electronic litigation records and the judge of the case shall check the quality of records filed.

Other judicial assistants may help the judge assistant or court clerk to scan, collect and type in the materials of electronic records.

2.2. Materials of electronic records shall be collected and sorted in principle of truth, integrity, safety and effectiveness and be entered into the catalogue of principal files or supplementary files of the file management system based upon their attributes.

2.3. The production of materials of electronic litigation records shall be started at the case filing stage and shall be completed within specified period following each process of the case. Documents and materials formed during the litigation shall be uploaded upon production.

2.4. The production and type-in of materials of electronic litigation records shall be made by case filing chamber and each trial and execution department based upon the process of the case, taking into account the catalogue of the records.

3. Sequence of Materials Used for Electronic Records

3.1. In principle, sequence of materials used for electronic records shall be developed, subject to the objective progress of proceedings, taking into account the organic connection among litigation materials.

3.2. The basic sequence of materials used in principal file of electronic records shall be as follows:

(1) case filing approval form; (2) materials indicating the source of the case such as written complaints, written appeals, written pleadings and letters of case referral; (3) Judicial adjudicative document of the people's court of first instance; (4) notices of acceptance, notices of response to an action, and acknowledgment of service or other documents of service; (5) answers and acknowledgment of service or other documents of service; (6) litigation fee collection procedures; (7) letters of file delivery and letters of file request; (8) identification of parties and powers of attorney; (9) transcripts of investigation, interview, and interrogation and materials for investigation and evidence obtainment; (10) evidential materials provided by parties; (11) pre-litigation preservation or property preservation materials; (12) judicial appraisal materials; (13) processes and arraignment warrants; (14) notice of session, announcements, and transcripts of trial; (15) attorney's statements,

statements of defense, and defendant's statements; (16) approval forms for extension of the trial period; (17) withdrawal of litigation; (18) the original of written judgments, rulings, consent judgments, decisions, judicial proposals and other legal documents and acknowledgment of service or other documents of service; (19) announcement of adjudication pronouncement, transcripts of adjudication pronouncement, and letters of entrusted adjudication pronouncement; (20) orders for executing a death sentence; (21) materials for processing physical evidence; (22) materials for compulsory measures against obstruction of litigation; (23) execution materials; (24) records of letters of case referral, letters of returning files, records of letters of returning files, and the original of adjudicative documents of people's courts at a higher level; and (25) other litigation documentary materials .

3.3. The basic sequence of materials used in supplementary file of electronic records shall be as follows:

(1) transcripts of file review; (2) a case trial report; (3) transcripts of the collegiate bench's case deliberation; (4) documentation of the judicial committee's discussion about the case; (5) motions for extension of the trial period and instruction materials; (6) the original of written judgments, rulings, consent judgments, decisions, judicial proposals and other legal documents; (7) photographs and other materials of execution of a death sentence; (8) materials otherwise not suitable for public disclosure.

3.4. The sequence of litigation materials for civil, criminal and execution cases and commutation or parole case or other types of case shall be subject to the provisions of the Supreme Court and court at provincial level.

3.5. Upon the close of the case, the judge assistants or court clerks of trial and execution department following the case shall carefully check and verify whether all of the materials of the case are entered into the system. In case of any omission in electronic records or any incompleteness or non-compliance in material type-in, the correction and supplementary shall be made in a timely manner.

3.6. The documentary materials in electronic records shall be numbered page by page in the case management system after being arranged in sequence as required. The catalogue in the records shall be completed with the beginning (ending page number) based on the sequences of the electronic materials.

No page number is required for the front cover, catalogue and back cover of the electronic records.

3.7. The front cover and back cover of the electronic records shall be prepared in a standard way with complete and accurate filing information such as name of the record, case number, cause of action, period for retention and security classification; the operators shall have their electronic signature in corresponding places such as columns of filing person and checker.

4. Filing of Electronic Records

4.1. Upon the close of the case, the staff members of the trial and execution department shall submit the electronic records of the case for filing. When the electronic records and other paper records required to be filed simultaneously are submitted to the record management department and filed by such department upon inspection, the case shall be closed officially and included in judicial statistics.

4.2. Electronic records submitted for filing shall comply with following

standards: the content of file catalog in the record are presented in a standard way with all required elements; all electronic litigation materials are filed without omission and with a proper sequence, the content of which is true and accurate and the pictures in which are clear and clean.

4.3. Upon receiving the electronic records submitted by the trial and execution department for filing, the record management department shall check the items and content of the materials in such records in accordance with the *Good Practices for Filing the Litigation Documentary Materials of People's Courts* to guarantee the authenticity and completeness of electronic records.

4.4. If the electronic records submitted for filing is found to be inconsistent with the good practices for filing or filing requirements, the record management department shall return such records to the staff submitted in a timely manner for further improvement. Such staff shall supplement or correct the records timely and submit them for filing again.

4.5. The electronic litigation records which are held to be qualified for filing upon the check shall be confirmed and filed by the record management department promptly.

4.6. No unauthorized addition or deletion may be made to the litigation documentary materials and relevant data in an electronic record which has been filed. If any further material or data is required to be added in such electronic record, the approval of the head of department responsible for the case shall be obtained; if any deletion or replacement of the same nature in respect of such electronic record is required, and should be reported to responsible leadership of the court for approval.

The addition, deletion or replacement shall be indicated in the form for future reference of the electronic record.

5. Storage of Electronic Records

5.1. Filed documents in electronic litigation records shall be stored in a format meeting the specifications set for electronic records, such as TIFF, JPEG and PDF. Specific format shall be determined by the Science and Information Division, taking into account the reality of the court.

5.2. In principle, electronic litigation records shall be stored on-line (in a database) with a storage server satisfying relevant storage requirements.

5.3. Electronic records of special cases may be stored off-line. In case of an off-line storage, tape, dedicated CD - ROM for records, solid-state drive, hard disk and other carriers with a good durability are suitable for storage of such records.

5.4. The specifications and standards for the on-line/off-line storage of electronic litigation records shall be subject to those provided in the *Interim Measures for the Administration of the Electronic Litigation Records of People's Courts* and several sets of off-site backups are required in a timely manner.

6. Use of Electronic Records

6.1. In general, the use of electronic records shall be made by means of on-line application and on-line access in accordance with the *Measures for the Administration of the Litigation Records of People's Courts* and relevant provisions.

6.2. Staff of the court may only gain access to the electronic records of relevant cases for work needed and within his/her authority; in case a special

authority is required, an approval shall be obtained from the head of the department responsible for the case.

6.3. If any other entity or the lawyer or any party of a case intends to have access to the electronic litigation records of the case, an application shall be made to the record management department following relevant formalities. The record management department shall process such application in accordance with relevant rules and regulations.

Applications made for the copy and print of materials in electronic records shall be processed in accordance with the rules and regulations for the copy and print of paper records.

6.4. The further application of on-line review of electronic litigation records, case deliberation, push of similar cases, information publication, document generation, trial management and appeal petition, reconsideration and review, quality check and other business to achieve the use of electronic records together with paper records or the replacement of paper records gradually.

7. Supplementary Provisions

7.1. The operating flow for filing of electronic litigation records shall be developed by the Science and Information Division jointly with the Office. Specific operating flow shall be established separately.

7.2. The power of interpretation of the Measures shall remain with Guangzhou Intermediate People's Court.

7.3. Matters not covered herein shall be implemented subject to existing provisions; in case of any new provision issued, then such new provision shall be followed.

7.4. The Measures shall be implemented as of the date of issuance.

Issued by the General Office of Guangzhou Intermediate People's Court on
February 14, 2020
