Non-official translation

APPROVED
Decision of the High Qualification Commission of Judges of Ukraine №. 194/zp-23
dated December 21, 2023

Procedure for creating and maintaining a dossier of a candidate for the position of a judge in electronic form

(as amended by the Commission's decision №. 5/zp-25 dated January 13, 2025)

1. General provisions

1.1. This Procedure has been developed pursuant to the Law of Ukraine "On the Judiciary and the Status of Judges" and defines the organizational and legal framework for automating processes related to the formation, maintenance, access and publication of a dossier of a candidate for the position of a judge.

1.2. The following terms (abbreviations) are used in this Procedure:

1) Dossier – a dossier of a candidate for the position of a judge, i.e. a set of data and documents related to the participation of a candidate for the position of a judge in the judicial career procedures as defined by the current legislation of Ukraine and this Procedure;

2) Subsystem – a subsystem (module) of the Commission that ensures the formation and maintenance of a candidate's dossier;

3) Procedure – the Procedure for creating and maintaining the dossier of a candidate for the position of a judge in electronic form;

4) Commission – the High Qualification Commission of Judges of Ukraine;

5) Candidate – a candidate for the position of a judge;

6) Judicial career procedure – the procedures set forth in Sections IV and V of the Law of Ukraine "On the Judiciary and the Status of Judges".

1.3. Formation of a Dossier is a process that ensures the creation of a Dossier in connection with the participation of a judicial candidate in the judicial career procedure by submitting documents in the Subsystem.

When a Dossier is created, it is assigned a unique seven-digit number in the format "0000000/XXXX", where "0000000" is the serial number of the Dossier and "XXXX" is the year in which the Dossier is created.

1.4. Dossier maintenance is a process that ensures the accumulation of data and documents about a judicial candidate in connection with his/her participation in subsequent judicial career procedures by submitting data (information) and documents to the Subsystem.

1.5. Formation and maintenance of the Dossier shall be ensured by the Commission.

1.6. The Subsystem is hosted on servers controlled by the Commission or used to host the Unified Judicial Information and Telecommunication System.

Information on access to the Subsystem shall be posted on the Commission's website.

1.7. The main principles of creating and maintaining the Dossier are: legality, automation of business processes, permissible openness, reliability, integrity and

accessibility.

1.8. The Dossier consists of a start page and the following sections:

1) personal data about the candidate;

2) candidate's documents;

3) the candidate's appeal;

4) declarations of family ties and integrity;

5) candidate's vetting materials;

6) decisions of public councils;

7) decisions on judicial career;

8) stages of the judicial career procedure;

9) information on public access to the dossier;

10) other information.

1.10. Access to and changes to the Dossier of all users shall be made using a qualified electronic signature.

1.11. Information about the persons who accessed the Dossier shall be stored in the Subsystem with the display of data on the date of login, login IP address and browser settings.

2. Data and document statuses

2.1. Data and document statuses:

1) for general access – data and copies of documents available for viewing by any user;

2) restricted access – data and copies of documents available to a limited number of users.

2.2. Data on a document is information open for public access.

2.3. Restricted data include:

1) information about addresses of residence (stay, correspondence), except for the address for correspondence with the public specified in the questionnaire of a candidate for the position of a judge:

- postal code
- street address
- house number
- building number
- apartment number;

2) date of birth

3) phone number of the individual;

4) e-mail address of the individual;

5) registration number of the taxpayer's account card;

6) unique number of the record about the individual in the Unified State Demographic Register;

7) series and number of passport, birth certificate;

8) series and number of a document certifying the right to reside abroad;

9) military ID card data;

10) information on the location of the property:
- registration (cadastral) number of real estate;
- postal code
- street
- house number
- building number
- apartment number;

11) vehicle registration number;

12) information on the results of testing to verify personal moral and psychological qualities;

13) information on the results of general ability testing;

14) medical information;

15) any information and data on minor children, except for information on property, property rights, assets, other objects of declaration owned by them in accordance with the declaration of a person authorized to perform the functions of the state or local self-government submitted by the candidate for the position of judge;

16) any information and data on adoption;

17) information containing state secrets.

2.4. The status of the document is determined by the user who has the appropriate rights.

2.5. Documents with restricted access include:

1) documents submitted by a candidate for the position of a judge on participation in the judicial career procedure prior to their moderation, except for:
- application for participation in the judicial career procedure;
- personal data of the judicial candidate that does not contain information with restricted access;
- motivation letter;
- declarations of family ties and integrity;
- documents (diplomas, certificates) on academic degree, academic title;
- consent to the collection, storage, processing and use of information;
- certificate of proficiency in the state language;

2) other documents that have been granted “restricted access” status by the user.

2.6. Documents for general access include documents after their moderation.

3. Access to the Dossier

3.1 Types of access rights to information and documents contained in the Dossier:

3.1.1. Full access means access (review, use and temporary storage) to the information in the Dossier, as well as the data on the basis of which it was included, without the possibility of changing it;

(sub-clause 3.1.1. of clause 3.1 of section III is set out in the wording of the Commission’s decision №. 5/zp-25 dated January 13, 2025)

3.1.2. Direct access – the right to:

- reviewing all data and documents of the Dossier with the possibility of changing them (except for changing copies of documents created by the candidate for the position of a judge);
- determining (changing) the status of data and a copy of the Dossier documents;
- determining the status of the Dossier (published/not published).

The user may have the right to directly access the Dossier or its individual procedure.

3.1.3. General access – the right to view the data and documents of the Dossier as public information without the possibility of changing them, which is carried out at the request of the person, using a qualified electronic signature.

3.2. Full and/or direct access to the Dossier may be granted to:

3.2.1. Members of the Commission;

3.2.2. Authorized employees of the Commission's secretariat:

1) Head of the Commission's Secretariat, Deputy Head of the Commission's Secretariat or their deputies;

2) an inspector of the Commission;

3) an employee of the structural unit of the Commission's Secretariat whose main powers include the functions of forming and maintaining the Dossier;

4) other employees of the Commission's Secretariat, whose additional (temporary) powers include the functions of forming and maintaining the Dossier on the basis of an order of the Chairman of the Commission or his/her acting representative.

3.2.3. Members of the High Council of Justice;

3.2.4. Assistant to a member of the High Council of Justice and other authorized employees of the High Council of Justice Secretariat.

3.2.5. Authorized employees of the State Judicial Administration of Ukraine.

3.3. Full access to the Dossier may be granted:

3.3.1. To a judicial candidate – in relation to his/her own Dossier through the official website of the Commission;

3.3.2. To other persons in cases specified by law.

3.4. Any person shall have the right of public access to the Dossier through the Commission's website.

4. Set of data and documents of the Dossier sections

4.1 The section "Candidate's Personal Data" of the Dossier shall be formed in accordance with the data of the candidate's application form submitted within the relevant judicial career procedure.

4.2. Section "Candidate's Documents" of the Dossier is formed by including documents submitted by the candidate for the position of a judge.

4.3. Section "Candidate's Appeal" of the Dossier.

4.3.1 This section shall be formed by including data on the candidate's appeals related to the information in the Dossier, responses to them, as well as relevant copies of documents.

4.3.2. The components of data on documents in this section are:

1) the name of the procedure;
2) announcement document;
3) type of appeal;
4) content of the appeal;
5) date of appeal;
6) number of the appeal;
7) incoming date of registration;
8) incoming registration number;
9) note.

4.4. The section "Declarations of Family Relationships and Integrity" of the Dossier is formed at the request of any user by displaying all declarations of family relationships and integrity of a judge and a judicial candidate submitted by the respective judicial candidate.

4.5. Section "Candidate's vetting materials" of the Dossier.

4.5.1. This section is formed by including data on the rapporteur in the case and the vetting materials (inquiries, responses and appeals (notifications) regarding the candidate), as well as relevant copies of documents.

4.5.2. The components of the data on the rapporteur are:

1) the name of the procedure;
2) announcement document;
3) type of document;
4) kind of document;
5) content (result) of the document;
6) author of the document;
7) date of the document;
8) document number;
9) note.

4.5.3. The data on vetting materials shall include:

1) name of the procedure;
2) announcement document;
3) type of document;
4) kind of document;
5) content (result) of the document;
6) the author of the document;
7) addressee of the document;
8) date of the document ;
9) document number;
10) incoming date of registration;
11) incoming registration number;
12) note.

4.6. Section “Decisions of Public Councils” of the Dossier.

4.6.1 This section shall be formed by including data on decisions (opinions, notifications) of the Public Council of International Experts and the Public Integrity Council related to the participation of the judicial candidate in the judicial career procedures, information on their changes and reversals, as well as relevant copies of documents (with annexes).

4.6.2. The data in this section shall include:

1) name of the procedure;
2) announcement document;
3) type of document;
4) kind of document;
5) content (result) of the document;
6) the author of the document;
7) addressee of the document;
8) date of the document;
9) document number;
10) incoming date of registration;
11) incoming registration number;
12) note.

4.7. Section “Decisions on Judicial Career” of the Dossier.

4.7.1 This section is formed by including data on decisions of the Commission, the High Council of Justice and the President of Ukraine related to the participation of the judicial candidate in judicial career procedures, information on their changes and reversals, as well as relevant copies of documents.

4.7.2. The data in this section shall include:

1) name of the procedure;
2) announcement document;
3) type of document;
4) kind of document;
5) content (result) of the document;
6) the author of the document;
7) addressee of the document;
8) date of the document;
9) document number;
10) incoming date of registration;
11) incoming registration number;
12) note.

4.8. Section “Results of Judicial Career Procedures” of the Dossier.

4.8.1. This section is formed by including data (with the possibility of attaching copies of documents) on the results of the candidate’s participation in the main stages of the judicial career procedures, in particular, admission to the procedure (stage), results of tests, practical tasks, interviews, evaluation, etc.

4.8.2. The data in this section shall include:

1) name of the procedure;

2) announcement document;
3) the position for which the candidate is applying;
4) stage of the procedure;
5) date of the stage;
6) result;
7) note.

4.9. The section “Information on the provision of general access to the dossier” of the Dossier is formed on the basis of data on requests for viewing the dossier as public information and contains the following information

1) surname, name, patronymic of the requestor (according to the qualified electronic signature)
2) date of login;
3) IP login.

4.10. The “Other Information” section of the Dossier is formed by including any other information (data, information) by the user with direct access to the Dossier, on the basis of which the compliance of the candidate with the position of judge with the qualification evaluation criteria may be established, as well as relevant links to open sources of information on the Internet and/or copies of documents (if any).

5. Publication of the Dossier

5.1. The Dossier is open to the public on the official website of the Commission regardless of the results of the judicial candidate’s participation in the judicial career procedure.

5.2. The Subsystem shall provide open round-the-clock access to the Dossier by allowing viewing, copying and printing of its data and documents.

5.3. General access to the Dossier may be restricted by a decision of the Commission.

6. Transitional provisions

6.1. The formation and maintenance of the Dossier in electronic form shall begin from the date of the Commission’s decision.

6.2. Paper forms of the Dossier formed before the entry into force of this Procedure within the framework of competitions to the High Court on Intellectual Property and the Appeals Chamber of this court shall continue to be maintained in paper form in the form effective at the time of their formation, unless otherwise provided by the Commission’s decision.

6.3. Direct access to the Dossiers of members and authorized employees of the High Council of Justice and authorized employees of the State Judicial Administration of Ukraine shall be provided after determining the scope of such access rights and expanding the relevant functional requirements of the Subsystem.