

CHAPTER XVI: ACCESS TO DATA

151. Request for bulk data access:

- (1) Any person may make a request for bulk data access from the digital records of the Court in a prescribed format.
- (2) The request shall:
 - (a) Identify what data is sought,
 - (b) Describe the purpose for requesting the data,
 - (c) Explain how such data will be securely protected.
- (3) Requests should only be allowed for purposes which are in public interest and facilitate the interests of justice. These may include scholarly, journalistic, governmental, research, evaluation or statistical purposes where the identification of specific individuals is ancillary to the purpose of the inquiry.
- (4) Bulk access must not be granted for:
 - (a) Surveillance, except as conducted by the competent authority, in fulfilment of its legal mandate, within the bounds of its enabling legislation and any other law in force;
 - (b) Profiling, meaning any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements. Additionally, to guard against the risks that may arise from the use of automated decision-making systems and other tools that draw inferences from anonymised datasets, the Court could allow data access contracts to specify conditions and standards that parties accessing court records would have to comply with.
- (5) If a request for bulk access/distribution of restricted access data is accepted, access to such data will be given under and governed by an agreement between the applicant and the Court.
- (6) Access may be registered and logged. Upon request, such logs may be made available to members of the public, as determined by the Court.
- (7) Applicants shall not access the data or disseminate any information obtained under the agreement except as necessary to fulfil the purposes for which access was granted.

- (8) The data may be regularly checked against the source of the court record for accuracy, especially if this data is to be published or redistributed.
- (9) The data will not be used directly or indirectly to sell a product or service to an individual or the general public or for any other commercial purpose, except with the express permission of the Court.
- (10) Any use of the data by the applicant should comply with all its contractual obligations as well as any other applicable law.
- (11) Where the volume of data requested exceeds a threshold prescribed by the Court, the applicant may be required to pay appropriate fees, to meet the cost of providing the data. Fees may be levied at the discretion of the [Registrar/ Designated Judge/ Designated Officer] to whom the application is made for which a specific disclosure with respect to the purpose for which access is sought must be made. Generally, fees should be exempted when access is granted for research purposes, and fees should be levied when access to such data is used for any commercial purposes or to derive pecuniary gains.