

Guangzhou Intermediate People's Court of Guangdong Province

Sui Zhong Fa [2016] No. 321

Notice on the issuing the Revised *Measures of Guangzhou Intermediate People's Court for the Implementation of the Issuance of Adjudicative Instruments on the Internet*

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

The revised *Measures of Guangzhou Intermediate People's Court for the Implementation of the Issuance of Adjudicative Instruments on the Internet* has been reviewed and adopted by the leaders of the court on December 5, and are hereby issued to you. Please implement it in light of the real situation.



Guangzhou Intermediate People's Court
December 5, 2016

Measures of Guangzhou Intermediate People's Court for the Implementation of the Issuance of Adjudicative Instruments on the Internet

In order to implement the principle of open trial, regulate the issuance of adjudicative instruments on the Internet by people's courts at both levels in Guangzhou, promote the justice of judiciary, and enhance the credibility of the judiciary, in accordance with the *Several Opinions of the Supreme People's Court on Promoting the Construction of Three Platforms for Judicial Openness*, the *Provisions of the Supreme People's Court on the Issuance of Adjudicative Instruments on the Internet*, the *Form Requirements and Technical Processing Regulations on the Issuance of the Adjudicative Instruments on Website Platform of the Supreme People's Court*, the *Detailed Rules for the Implementation of the Construction of the Open Platform for the Adjudicative Instruments of Guangdong Courts*, the *Work Plan of Guangzhou Intermediate People's Court on the Comprehensive Improvement of the Level of Judicial Openness* and other relevant regulations, these Measures are hereby formulated in light of the real work of the court.

1. The issuance of adjudicative instruments on the Internet shall be legal, comprehensive, timely and standardized.

2. The "Internet" mentioned in these Measures refers to the websites designated by the courts such as wenshu.court.gov.cn, www.gdcourts.gov.cn, and www.gzcourt.gov.cn to issue adjudicative instruments.

3. The court shall inform the parties in the notice of case acceptance and the notice of response of the scope of the issuance of the adjudicative instruments on the Internet, and also inform the public of the relevant provisions that the people's court shall follow for issuance of the adjudicative instruments on the Internet through Guangzhou Trial Network, electronic touch screens, litigation guidelines and other methods.

4. The following adjudicative instruments shall be issued on the Internet:

4.1. Criminal, civil, or administrative judgments;

4.2. Criminal, civil, or administrative rulings, or rulings for enforcement;

4.3. Payment orders;

4.4. Notices on the dismissal of petitions in criminal, civil, administrative or enforcement cases;

4.5. Decisions on State compensation;

4.6. Decisions on compulsory medical services or decisions on rejecting the application for compulsory medical services;

4.7. Decisions on penalty execution and alteration;

4.8. Decisions on detention or fine for any act of obstructing proceedings or enforcement, decisions on removing detention in advance, or reconsideration decisions made for the application for reconsideration due to refusal to accept such sanctions as detention and fine;

4.9. Administrative mediation or civil public interest action mediation; and

4.10. Any other adjudicative instrument that has the role of suspending or concluding judicial proceedings or has impact on the parties' material interests or significant impact on the parties' procedural interests.

5. Under any of the following circumstances, the adjudicative instruments shall not be issued on the Internet:

5.1. It involves state secrets, trade secrets and personal privacy;

5.2. It involves the juvenile delinquency;

5.3. The case is closed by mediation or the effect of a people's mediation agreement is confirmed; unless it is really necessary to disclose it for the purpose of protecting the state interests, public interests, and the lawful rights and interests of others;

- 5.4. It is divorce proceedings or involves the support and guardianship of minor children;
- 5.5. It involves death sentence according to law;
- 5.6. The trial is not open according to law;
- 5.7. The case is sensitive or may cause adverse effects when issued on the Internet;
- 5.8. If the party applies for not issuing the adjudicative instrument on the Internet and obtained the permission of the court;
- 5.9. Other circumstances that the People's Court deems unsuitable for issuance on the Internet.

6. For any adjudicative instrument that is not issued on the Internet, the case number, the court of trial, the date of the judgment and the reasons for non-disclosure of such adjudicative instrument shall be issued, except that the issuance of the above-mentioned information may disclose state secrets.

7. The legally effective adjudicative instrument shall be issued on the Internet within seven working days from the date when the adjudicative instrument becomes effective.

The judgment or ruling of first instance that the protest or appeal is filed according to law shall be issued by the court of first instance on the Internet within seven working days after the judgment or ruling of the second instance takes effect.

8. When an adjudicative instrument is issued on the Internet, the names of the following persons shall be treated as anonymous:

8.1. The parties and their agents ad litem in cases of marriage, family and inheritance disputes;

8.2. The injured party in criminal cases and their agents ad litem, plaintiffs in incidental civil proceedings and their agents ad litem, witnesses, and appraisers;

8.3. Minors and their agents ad litem.

9. When anonymity is handled in accordance with Article 8 of these Measures, it shall be handled as follows:

9.1. Keep the surname and replace the name with "xx";

9.2. For the names of ethnic minorities, keep the first word, and replace the rest with "xx";

9.3. For the Chinese translation of the names of foreigners and stateless persons, keep the first word, and replace the rest with "xx"; for the English names of foreigners and stateless persons, keep the first English letter and delete other contents

If there are duplicate names after handling different names with anonymity, such names shall be distinguished by adding Arabic numerals after them.

10. When issuing adjudicative instruments on the Internet, the following information shall be deleted:

10.1. Personal information of a natural person such as the home address, communication method, identification number, bank account number, health status, license plate number, movable property or immovable property ownership certificate number;

10.2. Information such as the bank account number, license plate number, movable property or real property ownership certificate number of legal persons and other organizations;

10.3. Information related to trade secrets;

10.4. Information related to personal privacy in disputes such as family matters and personality rights;

10.5. Information related to technical investigation measures;

10.6. Other information that the people's court deems unsuitable for disclosure.

If the deletion of information according to Article 10.1 affects the correct understanding of the adjudicative instruments, the symbol "X" shall be used as a partial replacement.

11. When issuing the adjudicative instruments on the Internet, the following information of the parties, agents ad litem, entrusted agents and defenders shall be retained:

11.1. Except for the handling of anonymity in accordance with Article 8 of these Measures, if the parties and their agents ad litem are natural persons, keep the name, date of birth, gender, and the county or district which the place of residence belongs to; if the parties and their agents ad litem are legal persons or other organizations, keep the name, place of residence, organization code, and the name and title of the legal representative or principal person in charge of each of them;

11.2. If the entrusted agent or defender is a lawyer or a grassroots legal service worker, keep the name and practice certificate number and the name of the law firm or grassroots legal service institution; if the entrusted agent or defender is other person, keep the name and date of birth, gender, and the county or district to which the place of residence belongs, and the relationship with the parties.

12. The trial management department of the court shall be responsible for supervising and guiding the issuance of adjudicative instruments on the Internet and perform the following duties:

12.1. Organize and guide the issuance of adjudicative instruments on the Internet;

12.2. Supervise, inspect, manage, and circulate the work of the courts at two levels in the issuance of adjudicative instruments on the Internet;

12.3. Coordinate the technical department with technical support and guarantee;

12.4. Other related management work.

13. The competent information technology department of the court is responsible for providing technical support for the issuance of adjudicative instruments on the Internet. The adjudicative instruments submitted for the issuance on the Internet shall be technically processed in accordance with Articles 8, 9, 10, and 11 of these Measures within 2 days, and shall be uploaded to wenshu.court.gov.cn, www.gdcourts.gov.cn, and www.gzcourt.gov.cn in a timely manner after review and confirmation of the presiding judge.

The Information Technology Service Center shall be responsible for the operation and upgrading of the issuance of adjudicative instruments on the Internet, and facilitates the legal use of the adjudicative instruments by all sectors of society.

14. The investigation and research department of the court shall be responsible for the investigation and research on the issuance of adjudicative instruments on the Internet, collect, summarize and analyze the opinions of the public and the parties on the effective adjudicative instruments issued, put forward countermeasures and suggestions, and promptly submit them to the case handling department for research and processing, and simultaneously report to the Judicial Open Office and the Trial Management Department for filing.

15. The presiding judge shall be responsible for the consistency of the adjudicative instruments issued on the Internet and the texts of the adjudicative instruments, as well as the standardization of technical processing.

The presiding judge shall submit the adjudicative instruments that shall be issued on the Internet within 2 days after the adjudicative instruments become effective, and review and confirm the adjudicative instruments that have been anonymously processed within 3 days.

16. If the presiding judge considers that the adjudicative instruments fall in the circumstances listed in Article 5.1-5.8 of these Measures, and are not suitable for issuance on the Internet, the judge shall report to the department leader of the court for approval. If the judge considers that the adjudicative instruments fall in the circumstance listed in Article 5.9 of these Measures "Other circumstances that the People's Court deems unsuitable for issuance on the Internet", such adjudicative instruments shall be reviewed by the department leader of the court and reported to the competent president for approval.

17. The adjudicative instruments issued on the Internet shall be consistent with the adjudicative instruments served on the parties, except for the technical processing at the requirements of these Measures.

Where corrections are made to the adjudicative instruments served on the parties, the correction rulings shall be promptly issued on the Internet.

18. Where the adjudicative instruments issued on the Internet are inconsistent with the original adjudicative instruments or are not properly technically processed, such adjudicative instruments shall be withdrawn in a timely manner and issued again after correction.

The adjudicative instruments issued on the Internet shall be withdrawn in a timely manner and dealt with in accordance with Article 6 of these Measures where after examination there are the circumstances listed in Article 5 of these Measures in such adjudicative instruments.

If the adjudicative instruments are indeed necessary to withdraw due to statutory reasons or other special reasons, the presiding judge shall submit written comments and reasons. The intermediate court of the city shall report to the department leader of the court for approval, and the grass-roots level court shall report to the competent president for approval. After the approval of the department leader and the president, the presiding judge shall fill out the *Registration Form for Withdrawing the Adjudicative Instruments Issued on the Internet* and submit it to the Trial Management Office and the Automation Section in the form of OA. At the same time, the leaders' approval copy shall be submitted to the Trial Management Office for filing.

19. The issuance of adjudicative instruments on the Internet shall be covered by performance assessments of judges and departments at the end of the year. The Trial Management Office shall report to the Political Affairs Department every year on the statistics of the random inspection of online adjudicative instruments.

20. These Measures are applicable to the courts at two levels in Guangzhou.

21. These Measures shall be implemented as of the date of promulgation, and the original *Measures of Guangzhou Intermediate People's Court for the Implementation of the Opening of Adjudicative Instruments Online* shall be abolished at the same time.

22. The problems to be encountered in the implementation of these Measures shall be interpreted by Guangzhou Intermediate People's Court.

