

APPROVED
the decision of the High Qualification
Commission of Judges of Ukraine
22.05.2024 № 137/zp-24
(as amended by the decision of the High
Qualification Commission of Judges
of Ukraine
13.01.2025 № 5/zp-25)

REGULATION

on ensuring full access to the materials of the judicial dossier (dossier of a candidate for the position of judge) for members of the Public Integrity Council, Public Council of International Experts and other subsidiary bodies of the High Qualification Commission of Judges of Ukraine

1. This Regulation determines the procedure for ensuring full access of members of the Public Integrity Council established in accordance with Article 87 of the Law of Ukraine “On the Judiciary and Status of Judges”, members of the Public Council of International Experts established in accordance with Article 9 of the Law of Ukraine “On the High Anti-Corruption Court”, and other subsidiary bodies of the Commission established in accordance with the law to the materials of the judicial dossier (dossier of a candidate for the position of judge) in paper and electronic forms for the purposes of qualification evaluation, taking into account the provisions of the laws of Ukraine “On Information”, “On Personal Data Protection”.

2. In order to exercise their powers within the framework of the relevant procedures conducted by the Commission, members of the Public Integrity Council, the Public Council of International Experts and other subsidiary bodies of the Commission have the right of full access to the materials of the judicial dossier (dossier of a candidate for the position of judge) in cases provided for by law.

3. Full access to the materials of the judicial dossier (dossier of a judicial candidate) of the members of the Public Integrity Council, Public Council of International Experts and other subsidiary bodies of the Commission shall be provided by the Secretariat of the Commission upon written request (Annex № 1) indicating the qualification evaluation procedure in which the judge (judicial candidate) participates, no later than three business days from the day following the day of receipt of the request.

Upon the decision of the Head of the Commission’s Secretariat, the period during which full access to the judicial file (file of a candidate for the position of a judge) is provided may be extended up to 10 working days in case of simultaneous receipt of several requests for full access to the same judicial file (file of a candidate for the position of a judge).

The Commission may determine the priority of processing requests depending on the priority of the judicial career procedures being conducted.

4. In order to obtain full access to the materials of the judicial dossier (dossier of a judicial candidate), members of the Public Integrity Council, the Public Council of International Experts and other subsidiary bodies of the Commission shall provide a written commitment not to disclose in any way personal data or restricted information that they have become aware of as a result of familiarization with the materials of the judicial dossier (dossier of a judicial candidate), except in cases directly related to the performance of their duties as members of the Public Integrity Council, the Public Council of International Experts and other subsidiary body of the Commission.

The obligation of a member of the Public Integrity Council, Public Council of International Experts and other subsidiary body of the Commission shall also contain an assurance (obligation) to destroy data and copies of documents and/or remove (delete) such information from electronic media (cloud storage), that it has received with full access to the judicial dossier (dossier of a judicial candidate), no later than fifteen working days after the completion of the qualification evaluation procedure (adoption of the final decision of the Commission in respect of a judge or a judicial candidate).

5. The Commission's Secretariat shall notify the judge (judicial candidate) of the receipt of a request for full access to the judicial dossier (judicial candidate dossier).

6. Full access to the materials of the judicial dossier created and existing exclusively in paper form shall be provided directly at the Commission's premises for review and copying. Documents containing medical information, information on the results of testing for the purpose of verifying personal moral and psychological qualities, and information containing state secrets are not available for copying.

7. Full access to the materials of the judicial dossier (dossier of a judicial candidate) created and/or existing in electronic form (electronic documents, electronic copies of paper documents and electronic copies of electronic documents), a member of the Public Integrity Council, Public Council of International Experts and other subsidiary body of the Commission may be provided through:

- Modules of the Unified Judicial Information and Communication System "Judicial Candidate Dossier" and "Judicial Dossier" that ensure a high level of trust in the electronic identification of a member of the Public Integrity Council, Public Council of International Experts and other subsidiary body of the Commission;

- Provide information (to members of the Public Integrity Council, Public Council of International Experts and other subsidiary bodies of the Commission) in the format of a cryptographic message;

- Provide information (to members of the Public Council of International Experts) in the form of an electronic message on hardware-encrypted media.

8. Full access to the members of the Public Integrity Council, the Public Council of International Experts and other subsidiary bodies of the Commission in the format of a cryptographic message shall be provided by an authorized employee of the Commission's Secretariat in the following sequence:

- 1) archiving of information (folder (file) with electronic documents, electronic copies of paper documents and electronic copies of electronic documents) using a standard software tool;

- 2) encryption of archived information using an encryption tool, the personal key of an authorized employee of the Commission's Secretariat and electronic signature certificates of a member of the Public Integrity Council, Public Council of International Experts and other subsidiary body of the Commission that has requested full access;

- 3) recording encrypted information on a removable storage device (flash memory, flash drive, optical disk);

- 4) transfer of removable storage device with encrypted information to a member of the Public Integrity Council, Public Council of International Experts and other subsidiary body of the

Commission who has full access to the materials of the judicial dossier (dossier of a candidate for the position of judge).

9. Full access of the members of the Public Council of International Experts to the materials of the judicial dossier (dossier of a candidate for the position of a judge) shall be provided by an authorized employee of the Commission's Secretariat in the form of an electronic message on hardware-encrypted media in the following sequence:

1) archiving of information (folder (file) with electronic documents, electronic copies of paper documents and electronic copies of electronic documents) using standard software;

2) recording information on a removable storage device with hardware encryption;

4) transfer of the hardware-encrypted removable storage device with the information recorded on it to a member of the Public Council of International Experts who has the right of full access to the materials of the judicial dossier (dossier of a candidate for the position of a judge).

10. If the materials of the judicial dossier (dossier of a judicial candidate) contain information on the pre-trial investigation, a member of the Public Integrity Council, Public Council of International Experts and other subsidiary body of the Commission shall have full access to it only with the written permission of the investigator or prosecutor and to the extent they deem it possible.

A member of the Public Integrity Council, Public Council of International Experts and other subsidiary body of the Commission may not be restricted in obtaining information on the number of criminal proceedings in the Unified Register of Pre-trial Investigations, the body conducting the pre-trial investigation, the surname, name and patronymic of the official who sent such information to the Commission.

11. Members of the Public Integrity Council, the Public Council of International Experts and other subsidiary bodies of the Commission who have the right of full access to the materials of the judicial dossier (dossier of a candidate for the position of judge), upon completion of the qualification evaluation procedure for a judge (candidate for the position of judge), shall destroy (delete) information and copies of documents obtained in the course of exercising the right of full access to the judicial dossier (dossier of a candidate for the position of judge) in a manner that excludes further possibility of their renewal.

The fact of destruction (deletion) of information and copies of documents shall be certified by a relevant act sent to the Commission no later than 15 working days from the date of completion of the qualification evaluation.

12. A request for access to the dossier, an obligation not to disclose personal data and restricted information, and an act confirming the destruction (deletion) of information and copies of documents obtained in the course of exercising the right of full access to the judicial dossier (dossier of a candidate for the position of judge) shall be attached to the judicial dossier (dossier of a candidate for the position of judge).

13. Members of the Public Integrity Council, the Public Council of International Experts and other subsidiary bodies of the Commission shall bear liability established by law for disclosure or misuse of personal data or restricted information.

Annex 1

to the Regulation on access to judicial dossiers (dossiers of judicial candidates) of the public integrity council members, the Public Council of International Experts and other subsidiary bodies of the High Qualification Commission of Judges of Ukraine

To the High Qualification Commission of Judges of Ukraine
of a member of the Public Integrity Council /
Public Council of International Experts /
_____ [name of other subsidiary
body of the Commission established in accordance
with the law].

[name, SURNAME]

[contact phone number]

[e-mail address for correspondence]

Request

In connection with the qualification evaluation for suitability for the position / ability to administer justice at _____ and in accordance with the provisions of the Law of Ukraine “On the Judiciary and Status of Judges”, the Regulation on access to judicial dossiers (dossiers of judicial candidates) of the public integrity council members, the Public Council of International Experts and other subsidiary bodies of the High Qualification Commission of Judges of Ukraine, I request full access to the materials of the judicial dossier (dossier of a candidate for the position of judge)[\[1\]](#) [name of the person in respect of whom the request is made].

Appendices:

1. Obligations on non-disclosure of personal data and restricted information.
2. Electronic signature certificate (if any).

Date

name, SURNAME

Annex 2

to the Regulation on access to judicial dossiers (dossiers of judicial candidates) of the public integrity council members, the Public Council of International Experts and other subsidiary bodies of the High Qualification Commission of Judges of Ukraine

Obligation

on non-disclosure of personal
and restricted information

I, _____,

(last name, first name)

member of the Public Integrity Council / Public Council of International Experts / _____ [name of other subsidiary body of the Commission established in accordance with the law], in accordance with Article 10 of the Law of Ukraine “On Personal Data Protection”, Article 21 of the Law of Ukraine “On Information”, I undertake not to disclose in any way personal data or restricted information that was entrusted to me or became known as a result of familiarization with the materials of the judicial dossier (dossier of a candidate for the position of judge), except for cases directly related to the exercise of my powers as a member of the Public Integrity Council / Public Council of International Experts / _____ [name of other subsidiary body of the Commission established in accordance with the law].

I also undertake to destroy (*delete*) all data and copies of documents obtained by me in the course of exercising the right of full access to the judicial dossier (judicial candidate dossier) after the qualification evaluation procedure is completed. The Commission will be notified of the destruction (*deletion*) of data and/or documents that I have received in the course of full access to the judicial dossier (dossier of a candidate for the position of judge) no later than 15 working days from the date of destruction (*deletion*).

I confirm that this obligation will remain in force after my termination of powers as a member of the Public Integrity Council / Public Council of International Experts / _____ [name of other subsidiary body of the Commission established in accordance with the law], except in cases established by law.

(date)

(signature)