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CIVIL JUSTICE PROGRAMME
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iSupport
cross-border recovery
of maintenance obligations
pour le recouvrement
transfrontière des
obligations alimentaires

iSupport Advisory Board 4-5 December 2014 Meeting

Draft Meeting Report (Extracts)

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OPENING OF THE MEETING OF THE ISUPPORT ADVISORY BOARD

1. Philippe Lortie, First Secretary, opened the meeting on behalf of Christophe Bernasconi, Secretary General, who on short notice was unable to attend the meeting. Philippe Lortie warmly welcomed the experts to the new premises of the Permanent Bureau of the Hague Conference on Private International Law. He reminded the experts that the iSupport project is an *ad hoc* project which is not supported by the Regular Budget of the Hague Conference but which is nevertheless of very high importance to the Organisation.

2. It was indicated that a detailed report of this meeting would be circulated to experts for their comments before being made available to the public. It was clarified that, with the exception of the members of the Permanent Bureau (the Secretariat of the Organisation) and members of the iSupport Team, comments would not be attributed to any individuals or organisations.

"TOUR DE TABLE"

3. After a brief "Tour de table" during which the experts introduced themselves, a promotional video of the Hague Conference on Private International Law was shown to the experts.[1]

INTRODUCTION – ROLE OF ADVISORY BOARD

Composition of the Advisory Board

4. Philippe Lortie explained the composition of the Advisory Board: First, representatives of States that have contributed to the funding of the project in a substantial way were invited to join the Advisory Board. These States are France,[2] Germany,[3] the Netherlands,[4] Norway[5] and Switzerland.[6] Furthermore the United States of America was invited to join the Advisory Board as a signatory State and soon a Contracting State to the 2007 Convention with a strong interest in the project and solid information technology (IT) experience.

[1] The promotional video of the Organisation is available under the Hague Conference website at the following address < www.hcch.net >under the "iSupport" specialised section then "Advisory Board" and "4-5 December 2014 Meeting".
[2] The French Ministry of Foreign Affairs has contributed € 15,000 towards the iSupport project where the French Senate has contributed € 3,000 in addition to the European Union Action Grant.
[3] Germany has contributed € 15,000 towards the iSupport project.
[4] The Netherlands has contributed € 25,000 towards the iSupport project.
[5] Norway has contributed € 43,000 towards the iSupport project.
[6] Switzerland has contributed € 30,000 towards the iSupport project.

5. Also included in the Advisory Board are the iSupport project co-beneficiaries. These are the partners involved in the project on an 80% cost recoverable basis: Austria (the Bundesrechenzentrum GmbH), the Council of Bars and Law Societies of Europe (CCBE) and the Institute of Legal Information Theory and Techniques (ITTIG) from the Italian National Research Council. Austria and ITTIG have been involved in the e-CODEX project and will contribute to the iSupport project in this respect. CCBE will make certain that issues relating to lawyers and their clients, including data protection, are properly addressed in the course of the iSupport project.

6. In addition to CCBE, another non-governmental organisation was invited to join the Advisory Board. The National Child Support Enforcement Association (NCSEA), whose members represent child support professionals in a number of countries around the world, will provide a vast amount of expertise in this area. Furthermore, the representative of NCSEA, Hannah Roots, Managing Director, British Columbia Family Maintenance Enforcement Program, is the author of the Hague Conference Practical Handbook for Caseworkers under the 2007 Child Support Convention. Finally, experts from the industry that have shown an interest[7] in this project were invited to join the first meeting of the Advisory Board with a view to sharing their expertise on a *pro bono* basis.

Role of the Advisory Board

7. Philippe Lortie briefly explained the role of the Advisory Board. He highlighted that the Hague Conference on Private International Law could not pretend to know everything about the development of electronic case management systems, an area which is not part of its core activity. He noted that the Organisation has experience in the development of the iChild case management system under the 1980 Child Abduction Convention in co-operation with WorldReach. Nevertheless, although the Organisation has subject matter expertise in the area of child support recovery, it was felt important to put in place a collaborative forum where expertise and experience from both the public and private sector in relation to electronic case management and secured communication systems could be shared in a transparent way.

8. Philippe Lortie stated that, at its first meeting, the role of the Advisory Board would be to provide advice on the broad lines of the iSupport project including advice on some initial questions concerning the functional and technical requirements of the system. These broad lines would serve as the basis for the work of the Working Groups to be established under the project in early 2015[8] and thereafter, the Advisory Board would be the recipient of the iSupport Working Groups documents and reports, as well as a draft tender. All of these documents will be made available to the public.

9. Philippe Lortie addressed the question as to whether the fact that some representatives of the industry attended the first Advisory Board meeting could result in a conflict of interest if those same companies were interested in bidding on the iSupport work. He advised that this should not be the case for the following reasons: First, the general nature of the discussions should not create any undue advantage for any member of the Advisory Board. Second, the report of this meeting as well as all documentation in relation to this project will be made available to the public in order to put all members of the industry on an equal footing. Finally,

[7] Alphinat (excused), IBM, Oracle and WorldReach responded to the invitation of the Hague Conference on Private International Law addressed to all major global integrators to attend the 10-17 November 2009 Special Commission on the implementation of the 2007 Child Support Convention and of its Protocol on Applicable Law. CGI was invited at the request of Alphinat and Microsoft and Xerox-ACS have shown an interest in the past few years.

[8] Different Working Groups (WG) will be established under the iSupport project, namely: WG I Functional requirements; WG II Technical requirements; WG III Secure Communications (e-CODEX); WG IV Data protection; and, WG V Tender, maintenance and governance.

the next meeting of the Advisory Board would be one where all members of the industry interested in responding to the tender would be invited to attend with a view to addressing questions on the draft tender. Philippe Lortie underlined that the intent of the Advisory Board structure is to create a collaborative approach with and between members of the industry.

Presentation of the iSupport project

10. Philippe Lortie presented the main features of the iSupport project.[9] He underlined that the 2009 Regulation[10] and the 2007 Convention[11] have the potential to benefit millions of children and adults in Europe and around the world by facilitating the effective cross-border recovery of maintenance obligations, while at the same time reducing State welfare and social security dependency. He emphasised that to ensure these instruments are used to their full potential and to facilitate the fast, efficient, easy, cost-effective and results-oriented international recovery of maintenance obligations, advances in e-government and Information and Communication Technology (ICT) must be exploited. The iSupport electronic case management and secure communication system will provide States with the ICT needed to achieve these goals.

11. Philippe Lortie explained that iSupport will address all major challenges raised by cross-border recovery of maintenance, such as:

- large volume and long duration of cases
- high volume of communication between authorities
- numerous repetitive actions, including electronic transfer of funds
- secure communications
- language barriers
- real time access to information across time zones

12. Philippe Lortie mentioned that iSupport will overcome these challenges by providing an ICT bridge/platform between Central Authorities of different States to communicate and process data under both the 2009 Regulation and the 2007 Convention. Once implemented, iSupport will:

- greatly facilitate communication between Central Authorities
- alleviate translation problems by operating in different languages and using the language and medium neutral forms developed under the 2009 Regulation and the 2007 Convention
- ensure consistent practices at both the European and global level
- allow States to implement paperless case management

13. By accomplishing the above objectives, States will provide effective access to justice to their citizens and realise considerable savings. The time and money saved through the operation of iSupport is expected to quickly exceed the costs relating to its development and implementation.

14. Philippe Lortie underlined that iSupport will build on the experience of existing national electronic case management systems and ICT systems and protocols that provide for secure

[9] The Power Point of this presentation is available under the Hague Conference website at the following address < www.hcch.net >under the "iSupport" specialised section then "Advisory Board" and "4-5 December 2014 Meeting".
[10] Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.
[11] The Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.

electronic cross-border transmission of dematerialised documents such as e-CODEX (www.e-codex.eu). He indicated that the fact-finding missions undertaken by Juliane Hirsch, Legal Consultant to the iSupport project, have already gathered a fair amount of very valuable information in this respect.

15. Philippe Lortie advised that the development of iSupport will be undertaken with the assistance of Working Groups (WG) comprised of various subject matter experts, including Central Authority maintenance experts, government and private sector electronic secure communication and fund transfer experts, government data protection experts and government financial and public procurement experts. The Permanent Bureau (Secretariat) of the Hague Conference will coordinate the work of these groups with the assistance of a team of three highly qualified experts hired for the project.

16. The objective is to develop a stand-alone electronic case management and secure communication system. The system could possibly include an electronic transfer of funds component if there is a clear immediate need in this respect. The development of the electronic case management system will require the development of a front-end as well as a back-end database. iSupport will also include instructions and technical requirements for States that want to ensure the interoperability / mapping / connectivity of iSupport to an existing electronic case management system that they intend to continue to use for these cases.

17. iSupport is based on a decentralised approach that consists of an e-delivery platform, a gateway, electronic case management and secure communication system and national connectors combined with national systems where they exist. iSupport's further capability to integrate the e-country profile developed under the 2007 Convention (completed in 2012) is not part of the present grant and will be implemented later. The front end of the case management system will be developed in both English and French. If enough funding is received, the system could also be developed in Spanish. States may have the application in their own language as long as they pay for it.

18. Philippe Lortie pointed out that he was confident that iSupport could be developed rather swiftly since many of the functional requirements have already been decided. In that respect, the text of both the 2009 Regulation and 2007 Convention sets out a number of the functional requirements. As the text of the 2007 Convention is medium neutral, the processes can be implemented in either a paper or electronic environment, or a combination of both, without any additional implementing measures.

19. In addition, mandatory and recommended medium and language neutral forms under both instruments clearly identify the data that needs to be collected and exchanged for both instruments to operate properly. On this point, it was noted that the European forms, unlike the Convention forms, require a signature. This means that, unless an effective electronic signature system can be implemented in the future (which is not part of the iSupport project), scanned copies of the signed forms will need to accompany the XML data content of the 2009 Regulation forms when transmitted between Central Authorities.

20. Philippe Lortie further highlighted that the Practical Handbook for Caseworkers under the 2007 Child Support Convention clearly describes all the processes and procedures relevant for any application and request for specific measures under the 2007 Convention and that these Central Authority processes and procedures are largely identical with the 2009 Regulation processes and procedures. He underlined that the Country Profile under the 2007 Child Support Convention is an additional source of information with regard to functional requirements. Finally, he referred to the Business Plan for iSupport drawn-up in 2009 including the mock-up of a case management system developed in 2006 which was endorsed by

Members of the Hague Conference during the 10-17 November 2009 Special Commission on the implementation of the 2007 Child Support Convention and of its Protocol on Applicable Law.

21. Philippe Lortie stated that in 2009, the iSupport Business Plan recommended a "web-based" approach for low cost deployment and pointed out that the technical requirements discussion planned for Friday 5 December 2014 would determine whether experts share the same view today. Furthermore, he underlined that consultations at the time recommended that the data of each State rest on local servers in light of the very sensitive nature of the data (*e.g.*, names, social security numbers, bank account references and employers contact details). In 2009, the iSupport Business Plan also recommended that the iSupport system facilitate possible integration with existing national case management systems.

22. Philippe Lortie summarised the basic objectives of the iSupport system. iSupport will be a case management system that securely initiates, transmits and receives applications between participating States, processes those applications, supports follow-up, and provides status reports on outgoing and incoming applications. Users will be assisted by a task management and alert system conforming to the 2009 Regulation and 2007 Convention requirements. He indicated that this design is consistent with the result of the consultations undertaken so far with regard to the needs of the States. Even States with advanced electronic case management systems cannot, at this stage, exchange data (such as that required by the mandatory and recommended forms) across borders electronically in a secure way on the basis of an agreed-upon standard. Hopefully, e-CODEX will provide a solution in that respect. In addition, States currently cannot electronically complete the forms.

Budget

23. Philippe Lortie made a few remarks on the budget of the project before moving to the work plan. He underlined that the total funding gathered so far was in the order of € 920,000. This is intended to cover all costs associated with the project for a period of two years, including the salaries of the Director and the Working Group and Financial Assistant, legal consultancy fees, as well as costs associated with the meetings of the Advisory Board and Working Groups (basically cost-free in the latter case as they will take place by videoconference), and the development of the system.

Work Plan

24. Philippe Lortie provided a brief summary of the suggested work plan. He stated that the case management system for the 2009 Regulation will be developed first since there is a pressing need in that respect, as the instrument is operational between 28 States. Enhancements to this system could be introduced in the second year of the project so that it could also apply to the 2007 Convention. Philippe Lortie noted that the 2009 Regulation and the 2007 Convention are very similar with regard to the roles and functions of Central Authorities.

25. To date, two-thirds of the fact-finding missions and the most important questionnaires have been completed. A preliminary version of the Deliverables Document has been drawn-up for the Advisory Board. This document will be supplemented by the results of the work of the Working Groups[12] which will start meeting in January 2015. This plan has been developed with a view to drawing up a draft tender document to be made public by the end of March. The draft tender document will be reviewed and finalised at a second meeting of the Advisory

[12] See the Working Groups listed under footnote no 8, *supra*.

Board at the end of April, at which interested members of the industry will be invited to ask questions and make comments. Interested members of the industry will be invited to respond to the tender before the end of May. It is hoped that the programming of the iSupport system will start in July 2015 for delivery of the system before the end of 2015. Discussions concerning the 2007 Convention version of the system would ideally take place during the autumn of 2015. The 2009 Regulation version of the system will then be offered to States which would like to pilot it in early 2016. The necessary enhancements to the system to make it compatible with the 2007 Convention will be implemented during the spring of 2016.

26. It was noted that those Central Authorities integrating the iSupport system during the piloting phase will benefit from the expertise and assistance of the iSupport Team.

27. A member of the industry asked whether it was possible to have a one year break between the implementation of the 2009 Regulation version of the system and the implementation of the 2007 Convention version of the system. The suggestion was that a one year testing period for the system would allow the fixing of all possible bugs prior to implementing the 2007 Convention version. However, it was noted that the project is only currently funded for a period of two years ending 31 August 2016. Thus, subject to additional available resources at that time, the project would ideally have to be completed by August 2016.

PRESENTATION OF SYSTEMS AND PROCESSES

28. Philippe Lortie, First Secretary, explained that following presentations of different case management systems were arranged for members of the Advisory Board with a view to sharing information, learning from each other, identifying good practices and better managing expectations.

29. Case management systems from four different jurisdictions were identified for their specific features, namely: British Columbia (Canada), Norway, New Jersey (USA) and the Netherlands. In each case, the presenters were asked to, where feasible, provide some financial data concerning their systems.

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FACT-FINDING MISSIONS OF CENTRAL AUTHORITIES OF STATES PARTNERS

44. Juliane Hirsch, Legal Consultant to the iSupport project, summarised the fact-finding missions undertaken so far in seven States that have provided funding to the iSupport project, namely Finland, France, Germany, the Netherlands, Norway, Switzerland and the United Kingdom. She thanked the representatives of the States present for their support. She mentioned that further fact-finding missions, using Skype or videoconference, are envisaged for Austria, Latvia and Romania.

45. Juliane Hirsch pointed out that the objective of the fact-finding missions was to collect information on processes and procedures followed in individual States for the recovery of maintenance obligations and to analyse existing electronic case management systems with a view to developing an iSupport system that would meet the needs of the largest number of possible States. The States that were the subject of her fact-finding missions were five EU Member States and two non-EU Member States, one of which is a Contracting State to the 2007 Convention. She noted that all EU Member States (with the exception of Denmark) are bound by the 2007 Convention.

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46. Juliane Hirsch stated that the overall picture was very diverse. She drew attention to the major differences between the legal systems concerned as to how they handle the recovery of maintenance obligations. In some of these legal systems, such as Finland, the Netherlands, Norway and Switzerland (canton of Geneva), both national and international maintenance claims are handled through centralised structures; in other States, such as France and Germany, only international cases are handled in a centralised way. In some States, the establishment of maintenance claims is under the responsibility of judicial authorities and in others under the responsibility of administrative authorities.

47. In certain States, such as Norway, the competent administrative authority is also the Central Authority. There are additional differences concerning the role of the Central Authority in the enforcement process. In some States, the Central Authority is the competent body for the enforcement including for the declaration of enforceability. In some States, although the Central Authority is not the competent authority it is in charge of the enforcement process, whereas in other States the Central Authority is not involved in the enforcement process at all but merely transmits the case to the competent enforcement body. Finally, not all Central Authorities are involved in the transfer of maintenance payments to the creditor.

48. Juliane Hirsch stated that the landscape concerning existing electronic case management systems is also very different. Certain Central Authorities, such as the Dutch and Norwegian Central Authorities, have access to a comprehensive case management system whereas some Central Authorities, such as the French Authority, currently have very little IT support. Most of the Central Authorities visited in the course of the fact-finding missions still work with paper files; the e-file remains an exception.

49. Juliane Hirsch stated that the fact-finding missions show that e-files and comprehensive electronic case management systems are more likely to be found in States which have a centralised national maintenance system and therefore a very large number of cases. These States are more likely to have invested in a database and an electronic case management system. However, Central Authorities in these States tend to face some challenges with the handling of international cases: Often their electronic case management systems have been introduced with a focus on national maintenance cases, which are the clear majority of cases (often more than 95% of the cases). Certain particular features of international case management, such as dealing with foreign currencies, different foreign indexation rules and foreign languages, can cause some problems.

50. Central Authorities that handle international cases only and do not handle national cases, have not usually, due to budget constraints, been able to invest in a specific case management system for the recovery of maintenance obligations. Some have managed to obtain funding to implement different levels of adaptations of existing general case management systems used in other departments of their Ministry / administration. This results in “stand alone solutions” that fulfil certain important case management functions allowing a more effective case work. These solutions, however, are not fully comprehensive and can be quite expensive to maintain and to adapt to new requirements.

51. Juliane Hirsch shared some general observations with respect to the current handling of 2009 Regulation and 2007 Convention cases. At this point in time, Central Authorities have very few Convention cases, as the Convention came into force only in August 2014 for most of the States visited. A number of particular challenges were observed in the handling of 2009 Regulation cases. These include logistical challenges around the completion of the 2009 Regulation application forms, which have implications for the requirements of the iSupport system. The forms Annex VI and VII are included in one document but separated into two parts: Part A to be filled in by the Central Authority and Part B to be filled in by the applicant,

both of which have to be signed. States have found different ways to address this challenge and to assist applicants in filling out the forms. In some States, often States with larger territories, the task of assisting the applicant with filling in the Part B of the application forms is delegated to regional entities. This is the case for example in Germany, where certain concentrated jurisdiction courts are responsible for a pre-check of the application and assisting applicants with filing part B. In the context of iSupport this may mean that these regional entities might need direct access to the iSupport system to generate these forms or to be able to input the electronic data linked to these forms into iSupport.

52. Another challenge for iSupport with respect to the 2009 Regulation forms is the signature requirement mentioned previously[13] for forms transmitted between Central Authorities. iSupport will need to allow Central Authorities to transmit a PDF copy of the signed form at the same time as the data contained in the form is transmitted electronically.

53. Juliane Hirsch concluded her report with observations highlighting what the visited States hoped to obtain from iSupport: (1) a comprehensive electronic case management system with all the features necessary for international maintenance case processing to assist States in fulfilling their Central Authority obligations under the 2009 Regulation and the 2007 Convention; (2) the possibility to work with e-files instead of paper files; (3) a case management system that is flexible enough to be used in different office structures; depending on the organisation of the Central Authorities including different access rights for different users; (4) a system that provides multilingual output capacity and automatic population of data into outgoing forms as well as electronically feeding in data into the case management system from incoming forms received from foreign Central Authorities; (5) secure communications between Central Authorities; and (6) the ability to produce the required 2009 Regulation and 2007 Convention statistics.

54. As a final observation, Juliane Hirsch added, that in view of budget constraints of States, the prospect of a wide implementation of iSupport would be increased if iSupport could offer States the option of using the case management system for all international maintenance cases, *i.e.*, also those that are not yet 2007 Convention cases. This way States could concentrate on the implementation of iSupport and could abandon their "stand alone" solutions, as maintaining both solutions would be expensive.

55. A discussion followed with regard to the possible different structures for the iSupport system. Some IT experts noted that States that already have comprehensive electronic case management systems would only need a secure communication system integrated with iSupport where States that do not have an electronic case management system would need both the case management system features as well as the capacity to communicate securely. In this regard one IT expert suggested that two clearly distinct components should be created: an electronic case management system supported by a local database (for States that do not yet have a system) and a secure communications component. He asked whether in view of the restricted budget available for iSupport it might not be better to concentrate on the secure communications component.

56. It was clarified that currently only a small number of States have elaborate electronic case management systems for international maintenance cases and that in the European Union these States are in the clear minority. The implementation of a secure communication component only would therefore be insufficient for most States. Furthermore representatives of States that possess an elaborate case management system also considered problematic the development of a secure communication component apart from the iSupport case

[13] See para. 19 above.

management system. The cost of integration of their case management system with iSupport for secure communications only might be too high given the number of international cases handled. This integration could also be rather complex as these existing systems do not have the capacity to generate the 2009 Regulation and 2007 Convention forms. Therefore several State experts indicated their preference at this point for running iSupport in parallel to their domestic systems. In this respect, they indicated their preference for interoperability between iSupport and their existing systems instead of full integration. Under this scenario, States would communicate between themselves using identical standardised iSupport databases thus limiting the number of possible integration errors. It was noted that this scenario would better meet the wishes of States as summarised by Juliane Hirsch.

DELIVERABLES DOCUMENT

57. Brigitte Voerman, Project Director iSupport, presented the Deliverables Document.[14] She described the structure and content of the document and explained its living nature as it will expand with details as the different Working Groups will complete their tasks. In particular, this document will form the basis for the tender, the development of iSupport and the post-development phase including updates and system maintenance. She asked the Advisory Board members for their comments on this approach. Members of the Advisory Board were in general satisfied with the approach. It was felt that the document was very clear.

58. An expert from a State mentioned that the document was very comprehensive. He suggested adding some systems architecture requirements to match the business requirements expected by the IT industry. He pointed out that the document should contain the minimum viable product requirements. It was agreed that the Deliverable document, as well as the Report of this meeting, would serve as a basis for the work of the different Working Groups which would then supplement the document with the result of their work *e.g.*, description of the functional requirements (including mock-up screens), technical requirements, data protection, etc.

59. A discussion followed with regard to "off the shelf" systems in comparison to "built on purpose" systems using open source components. An IT expert recommended buying standard products already in use in the market as they are tested and proved. These are usually mature products. It was mentioned that iSupport should avoid building a complete system from scratch and then spend huge efforts and resources in testing.

60. Philippe Lortie, First Secretary, mentioned that the off the shelf software often has a license cost associated with it. If the system is built on open source, there are no license costs. The cost from building from scratch may be higher, but in the end there are no license fees to be paid. It was noted that experience shows that when you take an off the shelf solution, and it requires modifications, it usually costs much more than expected.

61. Hannah Roots, Vice-President International Reciprocity, NCSEA, explained that there is a very important difference between "commercial" off-the-shelf (*e.g.*, Microsoft Office), and a "customized" off-the-shelf product.

62. An IT expert referred to research comparing "off the shelf" and "built on purpose" systems. There are many factors that need to be considered. For example: the research shows that only 10% of the total cost of ownership is driven by the license fee. Therefore, the potential saving is only 10%. The remaining 90% of the cost of the system comes from development,

[14] The 28 November 2014 version 0.09 of the Deliverable Document is available under the Hague Conference website at the following address < www.hcch.net >under the "iSupport" specialised section then "Advisory Board" and "4-5 December 2014 Meeting".

design and organisation costs. At the end of the discussion, there was a general consensus that a "built on purpose" system without licenses fees should be given proper consideration.

MONITORING PAYMENTS & TRANSFER OF FUNDS

[…]

POSSIBLE BUSINESS MODELS INCLUDING A TENDER

[…]

DATA PROTECTION

81. A document entitled « Data Protection – Analyses of Questionnaire 1 Responses in relation to Data Protection » served as a background to the discussion of data protection.[15] Provisions of the 2007 Convention[16] and 2009 Regulation[17] that deal with protection of personal data, confidentiality and non-disclosure of information also served as a background to the discussion. Finally, it was explained that mandatory and model forms under both the 2007 Convention and 2009 Regulation have been developed and approved by States providing clear agreement as to what data can be collected and shared between States.

82. It was noted that although there is a clear understanding of data protection in the paper-based environment, it now has to be transposed into an electronic environment consisting of a case management system and a secure means of communication. Experts were reminded that the expectation for iSupport is that each State will have its own database containing the data it has collected from applicants in its jurisdiction and the data it has received from other States.

Access rights and user profiles

83. Brigitte Voerman, Project Director, made a summary of the Responses to Questionnaire 1 in relation to "Access rights" which cover the logon / identifying functionality to the application itself (not the administrator). 60% of the respondents to the Questionnaires reported that access rights are restricted in their current system. Access can be restricted by individual or restricted for specific cases: one respondent indicated that access restrictions are usually put in place where there is a history of domestic violence or threats of domestic violence. In another State, viewing access only is available to a limited number of employees.

84. The Advisory Board clearly agreed that iSupport should provide / operate with access rights as well as with "user profiles" which could be tailored to the specific policy of each Central Authority. It was explained that "user profiles" mean that a user can have restricted access rights to some of the data and / or restricted functional rights to some of the functionalities of a system. Brigitte Voerman reported further that most States have a restriction policy: 92% have restrictions based on user profiles. She also indicated that most States have two profiles. Mentioned user profiles include: Normal caseworker only profile; limited access profile (restriction on access to cases involving domestic violence); Manager profile; and view profile only.

[15] This document is available under the Hague Conference website at the following address < www.hcch.net >under the "iSupport" specialised section then "Advisory Board" and "4-5 December 2014 Meeting". 26 States responded to Questionnaire 1.
[16] See Art. 38 "Protection of personal data", Art. 39 "Confidentiality" and Art. 40 "Non-disclosure of information" of the 2007 Convention.
[17] See Art. 57(3), 61, 62 and 63 of the 2009 Regulation.

85. A number of issues were raised during the discussion of these items, which are worth noting. It was noted that lawyers, not associated with a Central Authority, representing a client may need to have access rights to the information concerning their client in accordance with the local law if authorised by a proper power of attorney. Questions were raised as to who in the different States would ensure the governance of these issues.[18] It was also recommended that the system be the subject of a privacy impact analysis. Questions were also raised with regard to data life cycle management issues in relation to filing and archiving requirements.

86. It was recommended that access rights and user profiles be determined taking into account the types of persons having access to the data, their role, and the type of cases they have access to. Furthermore, access rights and user profiles should take into consideration the role of the user at different points in the life cycle of the data such as collection, disclosure (sharing) and ultimately archiving and, where applicable, deletion.

External access

87. Brigitte Voerman made a summary of the Responses to Questionnaire 1 in relation to "external access" which was explained as persons outside a Central Authority having access to (part of) the case management system. 42% of the respondents mentioned providing external access to their system either because of local call centres, or because there is only one general case management system for the whole Ministry of Justice which may operate in different locations. 14% of the respondents indicated that the Central Authority does not allow external access due to security reasons. 14% of the respondents would like to provide external access but are not able to. Finally, 28% do not allow external access for other reasons.

88. A discussion followed as to the nature of those external players. Do these players include government agents, public bodies or other bodies physically working outside the Central Authority? Reference was made to collection agencies, whether governmental or non-governmental, having access to specific parts of the case management system with a view to updating and monitoring enforcement information of given cases. Reference was also made to competent authorities having access to specific parts of the case management system with a view to updating and monitoring recognition and enforcement information of given cases or to update and monitor information concerning the establishment and modification of a decision. It was explained that competent authorities may also need to have access to the system for the purpose of completing certain forms directly in the case management system. It was also mentioned that applicants and / or their legal representatives might find it useful to have external access to specific parts of the case management system but that this feature would be for a future release / version of iSupport.

89. It was agreed that the case management system should provide access to such external players with the exception of applicants and / or their legal representatives. These external players would consist of public bodies, or other bodies subject to the supervision of a competent authority of the State, performing functions necessary for the proper management of iSupport cases.

Web-browsers and web-based systems

90. It was explained that a web-based system uses a web-browser, such as Internet Explorer, Google Chrome or Mozilla Firefox, as a user interface. The database and the functionalities

[18] Under the Technical requirements discussion it was recommended that iSupport keeps track of who is viewing what.

(*i.e.*, software) can be stored either on a local server, in the cloud, or in a combination of the two. Updates of web-browsers are usually released because of security reasons and it is therefore important for users to use the most recent browser versions and for the iSupport system to be compatible with the latest versions of different browsers.

91. Responses from Questionnaire 1 show that 33% of the respondents are not using the most current version of their chosen web browser. This could cause serious security problems if they then run a web-based application.

92. The Advisory Board generally agreed that iSupport should be developed as a web-based application in order to provide greater functionality, despite the possible security risks for Central Authorities using older browser versions.

93. In that respect, it was recommended that iSupport be developed to run at any given time on the latest two versions of the three most popular web-browsers. It was noted that supporting more browsers in iSupport will result in increased development costs. It takes time and effort to upgrade and test the application for each new version of a browser. If developing iSupport for three browsers is too expensive, development could be limited to two browsers only. It was recommended that States be given very clear instructions during implementation of iSupport including a list of approved web-browsers the appropriate versions of such browsers. Furthermore, it was recommended that States be given notice to implement the latest version of their browser well in advance of implementation. One Central Authority indicated that some open source software exists to test applications for different web-browser versions. It was also noted that the impact of a browser change is not too significant if functionalities in the application are kept simple and straight forward, with few exceptions, and with a very simple implementation.

Access to external websites

94. Responses to Questionnaire 1 show that 15% of the respondents indicated that they provide no access to external websites for security reasons. 60% have unlimited access to the internet, 25% have limited access (which includes access to hcch.net).

95. In terms of whether there should be access to a hyperlink in a help-screen in iSupport to assist States without access to external websites, one Central Authority indicated that the more access that is provided, the more management that requires, and the more possible viruses that have to be dealt with. It was recommended that iSupport provide access to tools and documents in a limited way. Providing general access was probably not necessary and would be costly to maintain.

Additional questions relating to data protection

96. It was suggested that additional questions relating to data protection be addressed in the near future including questions relating to technical details of to the security and / or the encryption of communications and database, database access restrictions, desired security protocol, etc. Some experts indicated that other restrictions on the use of applications in a governmental environment would need to be considered such as the use of macros, uploads, Java, and plug-ins. Often these need to be blocked. A number of experts recommended the use of Java scripts which are safer to use. Finally, it was recommended that security scans be run during the development process with a view to fixing as many problems as possible before the testing / piloting phase.

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SECURED COMMUNICATIONS – E-CODEX

97. Philippe Lortie, First Secretary, introduced the discussion of secured communications including e-CODEX. He indicated that secured communications between Central Authorities using iSupport was an important part of the project. It appears that e-CODEX, which stands for e-Justice Communication via Online Data Exchange, could provide a solution in that respect. E-CODEX provides a secure means of communications accepted by most ministries of Justice across Europe. Therefore, it would appear to be a readily available solution with regard to communications within Europe for the purpose of the 2009 Regulation. He mentioned that the objective of the presentation was to introduce e-CODEX to the Advisory Board and, in particular, to States outside Europe that have not been involved in the development of e-CODEX. It would be important to obtain the feed-back of these States with regard to the use e-CODEX for secure communications outside Europe in the context of the 2007 Convention. It was agreed to make a similar presentation to national experts through a Working Group with a view to obtaining their feedback on the use of e-CODEX.

98. Carsten Schmidt, Project Coordinator e-CODEX, Ministry of Justice North Rhine-Westphalia, presented e-CODEX.[19] The project started in December 2010 and is planned to end in May 2016. It includes 25 Partners namely, Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Jersey, Lithuania, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, Turkey, United Kingdom, CCBE, CNUE and ETSI. The total cost of the project is € 24 million (€ 12 million funded by the European Union and € 12 million funded by the partner States).

99. Carsten Schmidt indicated that e-CODEX provides solutions that will: (1) enable secure cross-border electronic communication through signature verification in cross-border data exchange in e-Justice applications; (2) enable secure and reliable cross-border data transportation and routing of documents and data; and, (3) enable the handling of documents and metadata for cross-border judicial procedures. e-CODEX does not do this in isolation but builds on the solutions already developed in other large scale pilots, namely STORK 2.0, epSOS, PEPPOL and SPOCS. He underlined that the value of this approach is that there is no "reinventing the wheel" but instead it creates a consistent set of "Building Blocks" for cross-border services that can be re-used and expanded if applicable. The "Building Blocks" consist of e-Signature & e-Identity, e-Payment, e-Delivery and e-Document.

100. Carsten Schmidt explained further that e-CODEX enables access to justice systems across Europe. e-CODEX provides easy and secure access to legal information and procedures. It improves the cross-border access of citizens and businesses to legal means in Europe as well as improving the interoperability between legal authorities within the European Union. Finally, e-CODEX provides greater cross-border effectiveness to legal processes through common standards and greater interoperability of information systems.

101. Information and Communication Technologies such as e-CODEX allow the use of e-Services and interconnection within national infrastructures that Member States have already established. E-CODEX automates legal procedures without "reinventing the wheel", thus making the system more mature. In this context transport of data and documents is a key piece of the solution. Any functionality to be developed for a cross-border e-Justice service will necessarily mean transport of information from one country to another. Because there is a focus on security and availability for the cross-border e-Justice service, e-CODEX coordinates and establishes an e-Delivery solution. This interconnection requires interoperability in several

[19] The Power Point of this presentation is available under the Hague Conference website at the following address < www.hcch.net >under the "iSupport" specialised section then "Advisory Board" and "4-5 December 2014 Meeting".

technical and semantic aspects. Thus e-CODEX cross-border e-Justice services are based on a decentralized approach consisting of: (1) the e-Delivery platform; (2) the e-CODEX Gateway; (3) the National Connector; and, (4) the National System. This approach makes it easier to integrate existing national solutions into a new cross-border e-Justice service.

102. Carsten Schmidt then explained in greater details the e-CODEX system. The National Connector is responsible for all semantic mapping and ensures the ability of the national system to communicate with the e-CODEX Gateway. The Gateway will add a "Trust OK" token and provides interoperability. The National Connector transforms the data from a national data format into a standardised European data format. The National Connector is usually linked to a National System which is in turn used by the courts. In the case of iSupport, National Connectors would be linked to the iSupport database of each participating State. The iSupport e-CODEX Gateway would establish a secure and standardised connection with any other iSupport e-CODEX Gateway. The Gateway establishes the connection, wraps all the data into an SX container and sends it. Then, another Gateway receives, extracts and rechecks the data. The connector transforms it from the international standard to the national standard. In summary, in the context of iSupport, every communication would flow through the National iSupport System, the National Connector, the e-CODEX Gateway – via the e-Delivery platform to – the foreign countries e-CODEX Gateway, their National Connector and their National iSupport System. It was mentioned that this would be rather simple to implement in the iSupport context since it would involve a limited number of Central Authorities.

103. In the discussion that followed the presentation, questions were raised with regard to the sustainability of e-CODEX past the May 2016 end date of the project. It was noted that it is clear that one cannot switch off e-CODEX. With regard to long-term sustainability, discussions are taking place with the European Commission with a view to asking a long-standing Agency of the Commission to sustain and maintain the project with the assistance of an advisory board that would involve all the necessary stakeholders with the necessary development (*e.g.*, the connector gateways and XML schemas will need to be maintained and updated). As for short term sustainability, it was explained that the e-SENS project which is funded by the CEF (Connected Europe Facility) program would serve as a solution. The CEF program which has a budget of more than € 1 billion until 2020 is devoted to this kind of project. ISA is another European program which is dedicated to sustain and maintain similar projects. It was indicated that e-CODEX is owned by a consortium of partners.

104. Another discussion took place with regard to the collection of statistics. The question was raised whether it would be possible to gather statistics from the e-CODEX Gateway transactions. Because the data is secured during its transport it is not possible to obtain any information from it. However, Carsten Schmidt indicated that it would be possible to provide additional information on top of the wrapping as long as the information is not sensitive. Therefore, it would be possible to collect global statistics through the e-CODEX Gateway as to what types of applications are being transmitted, etc.

105. In summary, Carsten Schmidt reminded the participants that e-CODEX is an open source product. It is free of cost. e-CODEX will provide assistance with the interconnection of end applications. e-CODEX is based on international standards and most of its components will be sustained by the European Commission.

TECHNICAL REQUIREMENTS

106. A document entitled "Technical Requirements – Analyses of Questionnaire 1 Responses in relation to technical requirements" served as a background to the discussion of data protection.[20]

Database

[…]

Operating system

[…]

Integration with existing national systems / interfaces / web-services

112. Brigitte Voerman reported that 68% of the respondents indicated that their current case management system is integrated into a national or jurisdiction-wide electronic system. The trend is toward an increasing use of integrated systems. It was explained that such integration can be done by the use of an "interface" which refers to a shared boundary across which the iSupport system would exchange information with another system. The other system can be internal (*e.g.*, the national case management system) or external (*e.g.*, a bank account file or a tax register). Brigitte Voerman reported that 52% of the respondents use some form of internal interface(s); 48% have external interface(s).

113. With regard to the integration with existing national case management systems two primary scenarios were discussed. The first was a 'mapping' interface where the national system would populate an outgoing interface with particular fields (forms with key data *e.g.*, name and / or case number), or States could use a service based on Service Oriented Architecture (SOA). Both IT experts and CA experts recommended using a SOA.

114. There was a general agreement that interfaces from and to the iSupport system should be handled in XML format in addition to web-services. It was noted that if iSupport does not have a business intelligence layer or a statistical layer that it would be possible to export data into a .CSV (Excel). Furthermore, it was recommended that the importing and exporting of data should always be done through the web service layer. There should be no extra export / import functionality on top of that.

Logging of changes and views / "time-stamp" / "audit trail"

115. There was a general agreement that any change, view or search should be recorded for audit purposes but with the understanding that States could scale down the amount of information recorded. Therefore, iSupport should provide for a default "Time-stamp" / "audit trail" which could be scaled down in accordance with an individual State's requirements.

Application based locally or in the cloud

116. It is accepted, as noted earlier, that each Central Authority will host its database locally and that data will not reside in the cloud because of the sensitive nature of the data.

[20] This document is available under the Hague Conference website at the following address < www.hcch.net > under the "iSupport" specialised section then "Advisory Board" and "4-5 December 2014 Meeting". 20 States responded to Questionnaire 1.

117. The Advisory Board recommended not hosting the iSupport application in the cloud for two reasons. First, data would be visible in the cloud when accessed by the application thus creating a higher risk with regard to the protection of such data. Secondly, there would likely be performance issues with an application in the cloud accessing data hosted locally. The best performance would come from having both the data and the application run locally. This being said, running the iSupport application in the cloud, once the cloud is more mature, could be envisaged in the long term future as it might result in significant savings.

FUNCTIONAL REQUIREMENTS

118. Brigitte Voerman, Project Director iSupport, and Juliane Hirsch, Legal Consultant to the iSupport project, presented some of the most important functional requirements described in the Deliverables Document.

Access Rights

119. Juliane Hirsch made reference to point 6.2 of the Deliverables Document and noted the necessity to provide for different access rights in the iSupport system. Two questions are of importance: Who will be granted access to which part of iSupport? And what kind of rights will be granted, *i.e.*, only viewing or also editing rights? She added that two situations must be distinguished: (1) different rights of access for members of the same Central Authority, and (2) the possibility to grant access rights to competent authorities which are not part of the Central Authority. The latter situation was discussed in detail earlier during the meeting.[21] For the first situation, the fact finding mission has shown that several States currently use a number of "access rights" profiles. For example, in some Central Authorities the right to create statistical reports is limited to the team leader and the right to make financial transactions is limited to the accountant. As concerns the core case data, in many Central Authorities all cases can be viewed by all caseworkers; however, in one of the visited Central Authority viewing access to data from domestic violence cases is restricted. Juliane Hirsch noted that iSupport would have to allow the head of the Central Authority to manage access rights of the Central Authority staff and permit masking of sensitive data relating to domestic violence cases (*e.g.*, the address of the applicant / creditor) if required.

120. A representative from the IT industry indicated that it is indeed a challenge to include different roles and responsibilities, in particular if roles and responsibilities differ from one State to another, but as long as roles and responsibilities are clearly defined it is feasible. Representatives from the industry added with regard to the option of masking certain information in domestic violence cases, that it would technically not be difficult. For example, one could activate a tick box in the relevant case marking it as a case in which certain information needs to be hidden. Then, only caseworkers with specific access rights could view and edit this information.

121. Overall, the experts suggested keeping the access rights simple. It was suggested having a maximum of 3 or 4 roles including a manager role. Further details will be discussed by the Functionality Working Group.

Procedure for forms

122. Juliane Hirsch noted that, in contrast to the 2007 Convention forms, the 2009 Regulation forms have to be signed which means that iSupport should allow for the transmission of a scanned signed form at the same time as the transmission of the data. It was explained that

[21] See paras 51 and 87-89 above.

this would only be appropriate for those States that accept scanned versions of the signed form instead of the original signed paper version. Otherwise the original signed version will have to be sent by mail as is done currently.

123. An IT expert mentioned that the electronic transmission of packages of different kinds of information including raw data and electronic documents is a very common functionality. The integrity of the information sent can be ensured if the PDF scan and the associated electronic data are wrapped together as a single item before being transmitted.

124. Several IT experts and experts from States suggested including the use of electronic signatures as a functionality in a future release of the iSupport system. It was noted that e-CODEX is currently developing within its project an electronic signature which will be freely available for all interested parties. The e-CODEX expert gave some details on the current landscape with regard to the use of electronic signatures in different States across Europe and indicated his availability to answer further questions in the future on the matter.

Status of a case

[…]

Workflow, messages and notes

[…]

Status report

[…]

CLOSING REMARKS

130. In closing, the Advisory Board adopted the attached Conclusions and Recommendations. Furthermore, Philippe Lortie indicated that a Report of the meeting would be prepared as soon as possible and distributed to the experts who attended the meeting of the Advisory Board for their comments. He reminded the experts that the report of the meeting would be made public. The report of the meeting would serve as an excellent basis for the work of the different Working Groups.

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