

22 JUN 2015

Anatoly Kern
Fyi-request-2651-e80a6775@requests.fyi.org.nz

Dear Mr Kern

Official Information Act request

Thank you for your email of 23 April 2015 in which you have requested under the Official Information Act 1982 ('the Act') information related to the transcription of judicial decisions.

You have specifically asked:

- To the best of my knowledge the transcription process has been outsourced previously to third-party company, but later on moved in-house. May I kindly request the documents related to that decision (background reasons, correspondence and motives for such move).
- Please provide any documents or staff instructions, governing the process of transcription of judicial decisions. Specifically I am interested in finding out definitions of the time allocated for transcriptions and situations where such transcriptions could be missed from action.
- I am also looking for any current archiving policies in regards of original audio records of already transcribed decisions. eg: for how long do they stored, on what media and etc.
- Related to above I am very interested in finding out what are the security measures, procedures put in place to prevent the staff from changing the wording of the original judicial decision to the point of completely different meaning. That is especially relevant keeping in mind current court practice/attitude towards having independent audio recordings of the hearings from the counsels/parties sides.

In relation to the first part of your request, the High Court and Maori Land Courts have never outsourced their transcription. However, until they were integrated into the National Transcription Service in 2011, the Environment Court and the Coronial Services Unit outsourced their transcription requirements to a company called Adept.

The Tribunals Unit and District Courts also outsourced some transcription to private transcribers. These private transcribers undertook transcription from their own premises and in some cases transcribed in-court hearings using the system Computer Aided Transcription. Development of the Ministry's evidence recording initiatives led to a change in the way transcriptions were managed. This meant that there was no longer a need to outsource transcription once the service was fully operational. We have provided the initial business case behind this development (*Document 1*).

All transcription is now undertaken by Ministry of Justice Court Reporters. We have attached the discovery documents that were behind the decisions to integrate the transcription requirements into the National Transcription Service:

- Environment Court Discovery People and Processes Stream (*Document 2*)
- Tribunals Unit, Discovery Synopsis, People Process and Technology (*Document 3*)
- Coronial Services Unit Discovery, People and Processes Stream (*Document 4*)

The second part of your request concerns documents or staff instructions governing the process of transcription of judicial decisions, specifically around time allocated for transcriptions. We have attached the following documents which reflect the service standards:

- Responsiveness Service Standards Maori Land Court (*Document 5*)
- Responsiveness Service Standards Special Jurisdictions (*Document 6*)
- Responsiveness Service Standards District Courts Contemporaneous (*Document 7*)
- Responsiveness Service Standards District Courts Non-Contemporaneous (*Document 8*)
- Responsiveness Service Standards High Court Contemporaneous (*Document 9*)
- Responsiveness Service Standards High Court Non-Contemporaneous (*Document 10*)

You also ask about situations where “such transcriptions could be missed from action”. We have interpreted this to refer to situations where a judgment is missed from being transcribed.

The transcription system is designed so that it is highly unlikely this would happen. When a Judge makes a judicial decision an electronic timestamp is made on an electronic logsheet and it is duly recorded on audio digital equipment which runs from the commencement of a court hearing until it is adjourned. The court taker of the hearing then enters the decision details into the Ministry of Justice Case Management System (“CMS”) and For the Record (“FTR”) system. This automatically defaults to a queue of work accessible only to court reporters and it is then transcribed. Because the work is transcribed according to the queue, it would be difficult for a judgment to be missed.

The third part of your request is for archiving policies of original audio records of already transcribed decisions.

Audio digital technology was introduced into the courts in 2007. All digital recordings are archived in perpetuity and are stored on an offsite server. Prior to 2007 recordings were made on cassette tape and these are stored as long as required under the Public Records Act 2005.

The fourth part of your request concerns security measures, procedures put in place to prevent the staff from changing the wording of the original judicial decision to the point of completely different meaning.

Once transcribed, the draft of the judicial decision is sent to the respective Judge’s personal assistant who prints the decision and passes it on to the Judge for approval. If the Judge has doubts as to the wording of the decision he or she can listen to the audio to clarify. Once the Judge signs the paper copy of the decision, that is the original judicial decision.

Access to the electronic version of the decision is strictly controlled to specified users. Any changes to the electronic version of a decision can be tracked to the person who made the change. If there is any doubt about the wording of a decision published online, it can be validated against the original, signed paper copy of the judicial decision.

If you require clarification of the information contained in this response, please contact my office at hccorrespondence@justice.govt.nz.

I trust this information is of assistance. You have the right, by way of complaint to the Ombudsman under section 28(3) of the Act, to seek an investigation and review of this response. The Ombudsman can be contacted by writing to PO Box 10152, Wellington, or by phoning 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Paula Tesoriero
General Manager, Higher Courts

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