

Jurimetrics

Information and Privacy Management Practices and Policies

6 October 2017

A. Introduction

1. This document sets out the privacy management practices and policies of Jurimetrics Pty Limited (ABN 29 611 528 404) (**Jurimetrics**) with respect to the information published by Australian courts and tribunals, in particular the published decisions of these institutions. In this policy document, this information is referred to Court and Tribunal Information (or **CTI**).
2. Jurimetrics has developed systems that analyse, process, and collate a selection of publicly available information from courts and tribunals, regulators, and a collection of publicly available sources of information (the **Jurimetrics System**). Our aim is to make the Jurimetrics System available to customers (including individuals, corporations, and government) in a format that improves their decision-making processes.
3. Jurimetrics is concerned to ensure that its information and privacy management practices and policies are reflective of best emerging international practice as well as the guiding Privacy Principles found in the *Privacy Act 1988 (Cth)* (the **Privacy Act**).
4. To do this, Jurimetrics has worked closely with BarNetwork Pty Limited (ABN 32 092 121 198) (**BarNet**), the creator of the JADE legal research platform (**JADE**) so that Jurimetrics collects no more information than the minimum required for the purpose of providing the Jurimetrics System, and to ensure that Jurimetrics and the Jurimetrics System is always compliant in relation to take-down, removal, or suppression procedures of Australian courts and tribunals.
5. **Secondary use.** Jurimetrics intends to use a subset of CTI for the secondary purpose of providing data analytics and litigation statistics for consumption in the Jurimetrics System. In this policy document, the subset of CTI is called (**Court Metadata**). Court Metadata is descriptive metadata described in part B of this policy document.

B. Court Metadata

6. Jurimetrics will receive Court Metadata from an arrangement with BarNet by utilising JADE, in which BarNet extracts Court Metadata in a proprietary format developed by

Jurimetrics, using BarNet’s own systems and where the full text of CTI is not transferred or made available to Jurimetrics otherwise in its summary limited extract format.

7. **Court Metadata for automated extraction.** The following Court Metadata is to be extracted into the Jurimetrics System by automated processing described in Part C of this document, but subject, always, to the exclusions set out in paragraphs 9 or 10, and 10, or any action taken by the Privacy Officer stipulated in paragraph 11 of this document:
 - (a) **the parties** to the court or tribunal process;
 - (b) **representation:** barristers, solicitors and law firms involved and the parties they represented;
 - (c) **Courts, Tribunal, and decision maker:** jurisdiction, location, forum, division and decision maker;
 - (d) **key dates:** including hearing dates, judgment dates and publication dates;
 - (e) **authorities:** the legislation and case law cited in a judgment;
 - (f) **litigation history:** matter file numbers and medium neutral citations used to associate different judgments forming part of the same dispute;
 - (g) **catchwords:** court-supplied catchwords; and
 - (h) **orders:** orders as made by the Court or Tribunal.
8. The Court Metadata is information which has been extracted by BarNet for use in JADE from CTI.
9. **Information Automatically Excluded from Court Metadata.** Jurimetrics has promised to BarNet and has developed systems to ensure that at all times the Court Metadata will not contain:
 - (a) the names of individuals where those individuals are mentioned as a party to a matter;
 - (b) addresses, phone numbers and names of individuals, where those details appear within the catchwords or orders section of CTI;
 - (c) the names of barristers, solicitors or law firms where such entities have requested that their names be removed from the system;
 - (d) any records of court judgments which fall within sensitive categories such as the following areas of law:

- (i) Criminal Law;
 - (ii) Immigration;
 - (iii) Mental Health;
 - (iv) Professional Discipline;
 - (v) Sexual and Racial Discrimination; and
 - (vi) any other areas of law which a court or tribunal may request BarNet to include in this category of metadata sensitivity; and
- (e) any record of judgments already marked as suppressed or restricted and not available to the public, or which is subsequently suppressed or restricted.
10. **Additional Exclusion Process.** In addition to automatically excluded Court Metadata listed in paragraph 9 above, upon the request of any Court, Tribunal, or BarNet (on behalf of a Court or Tribunal), Jurimetrics will also promptly exclude and remove from the Jurimetrics System any Court Metadata, including by reason of a take down process or otherwise.
11. **Nomination of a Privacy Officer.** Jurimetrics will appoint one of its senior managers as its Privacy Officer with responsibility and accountability for ensuring that the requirements of this policy document are met and that members of the public may confidentially raise with that person any privacy concern not otherwise addressed by the practices and procedures nominated in this document.
12. **Court Metadata to remain in Australia.** At all times, Jurimetrics will ensure that all of its processing systems and Court Metadata will remain on servers or storage located in Australia.

C. The Extraction Process

13. Jurimetrics and BarNet have jointly developed and will maintain a data processing system (**Extraction System**) which will automatically:
- (a) extract only the Court Metadata as described in paragraph 7; and
 - (b) restrict certain types of metadata, being the items set out in paragraphs 9, 10, and 10 and any action taken by the Privacy Officer stipulated in paragraph 11.
14. **Extraction System.** The Extraction System will operate as follows:

- (a) Jurimetrics will make available to BarNet a set of computer programs (the **Jurimetrics Scripts**) which are capable of recognising information that would constitute personal and/or sensitive information as those terms are defined by the Act;
 - (b) the Jurimetrics Scripts use machine learning and natural language processing technology to recognise certain fields of metadata and to then “scrub” those metadata fields of personal and/or sensitive information;
 - (c) scrubbing removes Court Metadata so that Jurimetrics complies with the policies stipulated in this document;
 - (d) the Jurimetrics Scripts will be uploaded to a secure and encrypted server operated by BarNet, where those scripts will be periodically run;
 - (e) the resulting Court Metadata will be uploaded to a secure and encrypted Jurimetrics server in Australia.
15. **Takedown process to be automated and immediate.** Where a decision is later subject to a suppression order or take down, any metadata previously provided to Jurimetrics will be suppressed throughout the entire pipeline within at least one hour.
16. **Jurimetrics to receive only scrubbed Court Metadata.** Jurimetrics will receive only the metadata processed by the Extraction System. Therefore, Jurimetrics will not have any visibility of any original Court Metadata.
17. **Auditing.** Both Jurimetrics and BarNet will periodically, and no less than every month audit (by sampling) the result of the operation of the Jurimetrics Scripts to ensure compliance with Part B of this document. In the event that any audit shows any discrepancy, Jurimetrics and BarNet will take the Court Metadata offline until remediation takes place.

F. Data Storage and Security

18. Jurimetrics will store all information published on the Jurimetrics Platform in a secure and encrypted location hosted on Amazon Web Services (**AWS**) Data Centers in Sydney, Australia.
19. Jurimetrics’ data will be hosted in Australia in a location completely separate and isolated from other AWS worldwide locations, however the data may be accessed off-shore in cases where it is accessed by overseas users of the Jurimetrics Platform.

20. Subject to compliance with policy document, local privacy, and any data retention laws (where applicable), Jurimetrics will periodically destroy older archives of information as new data-sets are processed by the Data Processing system.

G. Use of Court Metadata

21. Court Metadata processed by the Extraction System will be used by Jurimetrics in two ways:
- (a) Analysis (the **Jurimetrics Analytics**) for the purposes of providing the Jurimetrics Platform to subscribers, including tools which allow users to visualise litigation and regulatory compliance/enforcement patterns of corporations, businesses, industries; the performance of law firms and legal professionals through the use of charts and graphs.
 - (b) The provision of Jurimetrics Analytics to Jurimetrics' customers, including actuarial firms, insurers, litigation funders, law firms and other professional services bodies for use in the course of the business activities of those partners. These partners have special skills and resources in technologies such as deep learning and statistical analysis and will be able to generate risk assessment models based on litigation and regulatory trends.
22. Jurimetrics Analytics will be linked to other publicly-available information. For example, the name of a corporation will be matched by its ACN to entries within publicly-available registers such as ASIC, the ACCC and other state and territory-based regulators.
23. Subscribers to the Jurimetrics Platform and users of the Jurimetrics Analytics, both in Australia and overseas, will be bound by the Jurimetrics' Terms of Service (**Terms of Service**).
24. The Terms of Service will require that all users abide by the Australian Privacy Principles when using the Jurimetrics Analytics and other data available on the Jurimetrics Platform. Jurimetrics reserves the right to immediately terminate access to the Jurimetrics Platform by users who fail to abide by the Terms of Service.

Jurimetrics Pty Limited (ABN 29 611 528 404).

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