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Technological challenges, with particular attention being paid to the introduction of digital technology and artificial intelligence into the organisation of the administration and administrative justice

QUESTIONNAIRE

Responses from: The Supreme Court of Denmark.

This questionnaire has been prepared in anticipation of the seminar to be held in Turin on 23 and 24 November 2026. In accordance with point 2 of the guiding principles adopted by the Hellenic Presidency of ACA-Europe, it aims to explore the current challenges facing administrative judges, particularly those related to technology, and more specifically the introduction of digitalisation and artificial intelligence into the organisation and functioning of the administration and administrative justice.

In order to gain an in-depth understanding of the various dimensions of these technological challenges, the survey is split into three parts:

Part A - The digitalisation of administrative proceedings, with a focus on the experience of various supreme administrative jurisdictions and the impact of this transformation on the organisation and conduct of judicial activity.

Part B - Automated administrative decision-making and judicial review by administrative courts, particularly issues of technical discretion, automation and the delimitation of judicial powers.

Part C - The role of the administrative judge and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, particularly in light of Regulation (EU) 2024/1689, known as the 'AI Act', as well as other European Union standards and regulations, such as Regulation (EU) 2016/679, known as the 'GDPR', Regulation (EU) 2022/2065, known as the 'DSA', and Regulation (EU) 2022/1925, known as the 'DMA'.

Part A

The digitalisation of administrative proceedings and the use of artificial intelligence tools by the administrative justice system

A.I – Infrastructure and technological organisation

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A.I.1 – Digital equipment and resources

1. What is the level of digital equipment available to judges and administrative staff?

☐ Non-existent
☐ Limited
☐ Intermediate
X High
☐ Complete
Please explain if necessary:

Every judge is provided with hardware and software that enable secure, continuous connectivity from anywhere. This equipment inter alia comprises:

- A laptop and a work smartphone
- An email account
- VPN (Virtual Private Network) with an authenticator.
- Access to Microsoft Office 365.

2. Is the technological infrastructure (networks, servers, equipment, connectivity) suited to the day-to-day operational needs of the administrative jurisdictions?

☐ Strongly disagree
☐ Somewhat disagree
☐ Neither agree nor disagree
☐ Somewhat agree
X Strongly agree

Please explain if necessary:

A.I.2 – Cloud solutions, remote access and interoperability

3. To what extent does your jurisdiction use cloud-based solutions for its information systems?

☐ Not at all
☐ To a limited extent
☐ Moderately
X Extensively
☐ Completely
Please explain, where applicable, and, in the absence of cloud solutions, specify the alternative infrastructure solutions implemented:

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3a. Do the adopted technical solutions enable judges and staff to perform their duties remotely using the institutional equipment made available to them? If so, please specify any limitations.
Yes - through the use of provided laptop and VPN.

3b. Are the applications being used interoperable with other national or cross-border judicial IT systems? If so, please specify the extent of this interoperability.
Generally, all Danish courts operate using the same digital case management systems although access to certain parts (i.e. namely the individual cases) of the systems are limited depending on the court. New systems may be tested and rolled out at different periods to the different courts.

A.II – Digitalisation and dematerialisation of judicial administrative proceedings

A.II.1 – Dematerialised administrative proceedings

4. Is a dematerialised judicial administrative proceedings system in place within your jurisdiction?

☐ No
☐ Yes, at an initial stage
☐ Yes, at an intermediate stage
☐ Yes, at an advanced stage
X Yes, on a fully integrated basis
Please explain if necessary:

4a. When this system exists at least at an initial stage, do judges and staff process and sign documents exclusively in digital format in their everyday working practice?

☐ Never
X Rarely
☐ Occasionally
☐ Frequently
☐ Always

Please explain if necessary:

4b. Percentage of paper files prior to the implementation of dematerialised administrative proceedings that have been digitised:
It is not possible for us to estimate this.
☐ 0–20%

☐ 20–40%

☐ 40–65%

☐ 60–80%

☐ 80–100%

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A.II.2 – Digital services for members of the public, lawyers and public authorities

5. Are digital services available for filing documents, consulting files, notifications, payments or other related services? If so, please specify which ones.

Yes. In civil cases we have a digital service where parties can file and consult files, view notifications, payments and other related services, which can be accessed through ww.minretssag.dk. Another example is "skifteportalen" which provides access to cases concerning the estate of a deceased person and where claims in the estate can be reported. The digitalization of criminal cases is under development.

6. Do these digital services guarantee an adequate level of accessibility for people with disabilities?

☐ 0–20%

☐ 20–40%

☐ 40–65%

☐ 60–80%

X 80 - 100%

7. Are lawyers involved in the design, development and implementation of digital platforms and tools intended for their use?
If so, please specify the terms of this involvement.
Yes. Lawyers (through their organizations) have been involved in the process of providing input, comments and feedback.

8. Are there any support and training measures in place for users outside the court system (lawyers, members of the public, government agencies) regarding the use of the digital tools available to them?
X YES
☐ NO

If so, please specify which ones

Videos and guidance have been prepared on how to use the systems. It is also possible to receive guidance from the courts.

A.III – Security of information systems and data protection

A.III.1 – Compliance with the regulatory framework

Several

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Some questions in A.III concerns matters that are not dealt with by the Supreme Court of Denmark itself, but by the Danish Court Administration (DCA). We have tried to answer the questions in accordance with our limited understanding of how the security of our information systems and data protection is handled.

9. Do your jurisdiction's information systems comply with European and national standards on security, data protection and digital preservation?

☐ Strongly disagree
☐ Agree only slightly
☐ Indifferent
☐ Somewhat agree
X Strongly agree

Please explain if necessary:

A.III.2 – Incident management and business continuity

10. Are IT security incidents dealt with promptly and effectively?
☐ Never
☐ Rarely
☐ Occasionally
☐ Frequently
X Always

11. Are business continuity and disaster recovery plans regularly updated and tested?

☐ Never
☐ Rarely
☐ Occasionally
X Frequently
☐ Always

A.III.3 – Publicity and dissemination of court decisions

12. Are court decisions available online in their entirety?

☐ Never
☐ Rarely (only for the most significant decisions)
☐ Occasionally
☐ Frequently
X Always

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Please add any additional information and explain if necessary:

13. Where a system for publishing decisions online is in place, is there an internal policy to ensure the protection of personal data and respect for the right to be forgotten?

☐ No
☐ No formalised policy; anonymisation is carried out by the registry services on a case-by-case basis
☐ No formalised policy; anonymisation is decided on a case-by-case basis on the instructions of judges
☐ Yes, personal data are systematically anonymised
X Yes, personal data are anonymised in accordance with an internal policy providing for targeted exceptions
☐ Other (please specify)

A.IV – Training and digital skills

14. Does your jurisdiction offer structured and regularly updated digital technology training courses for judges and staff?

If so, please specify which ones.

Inter alia the DCA has issued a mandatory online course for employees at the courts, which they must complete before using AI to perform work-related tasks. In addition, they have held an AI conference aimed at judges. At these events, both target groups are informed and equipped to carry out their functions.

A.V – Involvement of judges in digital transformation

15. To what extent are judges involved in decision-making and design processes relating to technological innovation and digital transformation in the judiciary? If applicable, please provide details. There are no general rules concerning the matter, but the DCA – whose board, for the most part, consists of judges – is deeply involved in the matter.

A.VI – Use of AI systems in administrative justice

A.VI.1 – Tools and level of deployment

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16. Are artificial intelligence systems currently used to assist in judicial or administrative activities?

If the individual court has decided so, employees at the Courts of Denmark are allowed to employ Microsoft 365 Copilot for administrative matters only and under certain guidelines of responsible use.

16a. If so, which ones are used? (Please tick all that apply)

☐ Chatbots

☐ Semantic search tools

☐ Automated anonymisation of decisions

☐ Text analysis and assistance with legal research

☐ Tools to assist with organisation and court management

☐ Other (please specify)

As mentioned in relation to question 16, the functions of Copilot can be used for administrative purposes and under certain guidelines of responsible use.

16b. Overall level of internal deployment of AI systems:

X Occasional or isolated use
☐ Trial phase
☐ Development phase
☐ Widespread use
☐ Full integration

Please explain if necessary:

A.VII – Governance, regulation and ethical framework for AI

A.VII.1 – Internal guidelines and regulatory compliance

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17. Has your jurisdiction adopted any internal guidelines, charters or policies governing the use of AI systems, in particular in application of Regulation (EU) 2024/1689 (the AI Act), the GDPR and other relevant European instruments?

X YES

☐ NO

If so, please specify which ones.

The Danish Supervisory Authority (Datatilsynet) has issued numerous guidelines which regulate the use of AI and other digital systems in public administrations and at the courts. Furthermore, the DCA has issued internal guidelines and policies which regulate the use of AI and other digital systems at the courts. The internal policies include a number of rules which supplement regulation at national and European level.

It should be noted that a draft act on the development and use of AI systems in the processing of personal data within the public administration has been proposed. The law aims, inter alia, to establish a clear legal basis for authorities within the public administration to develop and use AI systems.

18. Are AI systems subject to prior risk assessments?
X YES

☐ NO

If so, please specify the terms of these assessments
In the internal set-up of the Danish courts, the DCA is responsible for conducting risk assessments of new systems. Consequently, the Danish Supreme Court is not involved in the implementation process. The DCA performs risk assessments before any AI system is put into use. These assessments are carried out by specialists in law and security and are subsequently approved by management, including the relevant courts.

19. Are there specific requirements in terms of transparency for the use of AI systems? If so, please provide details.

Not outside of what follows from e.g. the EU Artificial Intelligence Act and GDPR.

20. Is the use of AI systems accompanied by human oversight mechanisms?

X YES

☐ NO

To the extend any assistance of AI is used, this is strictly supplementary. If AI is employed, it is done under the watch and responsibility of an employee at the Court.

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21. Are specific methodologies implemented during the design, development and deployment of AI systems to ensure their traceability, reliability, integrity and accuracy? If so, please provide details.

The Danish Supreme Court is not involved in the design, development and deployment of AI systems, but it should be stressed again that AI (Copilot) is only used as an auxiliary tool.

A.VIII – Innovation, prospects and future needs

A.VIII.1 – Current innovation projects

22. Are there any innovation projects currently under way in the following areas? (please tick all that apply)

☐ Process automation
☐ System interoperability
☐ Modernisation of existing systems
☐ Advanced digital services for external users
☐ AI systems
☐ Other (please specify)

Unaware

A.VIII.2 – Barriers to digital transformation

23 What do you consider to be the main barriers to the digital transformation of administrative justice? (please tick all that apply)
In our view, it is not for the Danish Supreme Court to answer this.

☐ Complexity of the regulatory framework
☐ Insufficient financial resources
☐ Lack of specialised human resources
☐ Organisational complexity
☐ Resistance to change and digital skills gap
☐Cybersecurity risks and challenges

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☐ Other (please specify)

A.VIII.3 – Investment priorities

24. What do you think should be the priority areas for investment over the next few years? (please tick all that apply)
In our view, it is not for the Danish Supreme Court to answer this.

☐ Modernisation of infrastructure
☐ Cybersecurity
☐ Training and skills development
☐ Deployment of AI systems
☐ Interoperability at European level
☐ Complete digitalisation of administrative procedures
☐ Other (please specify)

25. Please describe one or more good practices in digitalisation that have been implemented or are planned within your jurisdiction.

We never prompt AI systems (Copilot) with personal information subject to data protection. We do not prompt with names, addresses, phone numbers, IP addresses or any type of confidential information.

Part B
Automated administrative decisions and judicial review

B.I – Automated administrative decisions: substantive legality and procedure

1. Are there provisions in your legal system that authorise public administrations to use digital or algorithmic technologies in the exercise of their powers?

X YES

☐ NO

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If so:

1.a. According to these provisions, what are the authorised tools and the objectives pursued by their use?

The authorised tools mainly consist of digital self-service platforms and automatic collection and entry of information. The digital tools employed are primarily aimed at providing basis for administrative decisions, which are based on meticulous calculations or other objective criteria, where digital technologies are efficient and appropriate.

For example, article 87 of the executive order on State Educational Grants (SU) (nr. 794 of June 6 2025), stipulates that the Administration is to establish and make available an electronic self-service platform for applicants applying for student educational grants.

1.b. What types of acts can be adopted using these technologies?
In particular, is the use of algorithms permitted for the adoption of administrative decisions involving discretionary powers?

The technologies may be used for decision support, but the general principles of administrative law must be observed, including the prohibition of subjecting discretion to a rule.

2. Are there provisions in your legal system governing the design, deployment and use of artificial intelligence systems employed by public administrations?

X YES

☐ NO

If so,

2.a. what type of implementation measures are these? (for example, legislative or soft law):

As mentioned earlier a draw act regarding authorities' development and use of AI systems has been proposed. The proposed act is intended to address the lack of a national legal basis for processing of personal data, which has impeded a number of AI projects in the public sector.

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2.b. Is there an obligation for public administrations to inform the public or individuals about the use of AI systems?

There are no general regulation of the question, but it may follow from the principle of good administrative practice (god forvaltningsskik).

2.c. Are any authorities or bodies responsible for developing general rules or standards for the use of artificial intelligence within public administrations?

The government agency of digitalization (Digitaliseringsstyrelsen) is the main regulatory authority for the use of artificial intelligence within public administrations. It is also the national regulatory authority with the AI Act by the European Union.

According to article 3(2) of the proposed act on the development and use of AI systems in the processing of personal data within the public administration, the minister responsible will be, within his or her area of responsibility, responsible for laying down specific measures to safeguard the rights and interests of the data subject in connection with processing where such processing involves personal data covered by Article 9(1) and Article 10 of the General Data Protection Regulation, and where such measures are required under data protection law.

3. What conditions must be met to ensure the legality of administrative procedures involving the use of artificial intelligence systems?

There are no regulatory conditions set specifically to ensure the legality of administrative procedures involving the use of artificial intelligence systems, but these procedures must adhere to the general rules, such as administrative law rules, including the earlier mentioned prohibition of exercising discretion under a rule, as well as data protection rules.

On a more general level, the government agency of digitalization is the main body responsible for issuing rules and standards on the use of artificial intelligence and other algorithmic technologies. The government agency of digitalization undertakes inspections to ensure compliance with these rules within public administrations. It is the government agency of digitalization's task to implement the AI act in Danish legislation and to communicate the demands and duties that follow from the AI Act. The implementation process is still at a relatively early stage and the answers to the questions cannot firmly be answered at this stage.

In particular:

3.a. Is the decision-making administration required to indicate the type of algorithmic system used and its principal characteristics?

Please refer to GDPR article 13(2)(f), 14(2)(g), 15(1)(h) and 22. These rules are supplemented by the principle of transparency and the requirement to accompany

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authoritative decisions by a statement of reasons, cf. Section 22 of the Danish Public Administration Act (Forvaltningsloven).

3.b. At what stage of the procedure must the administration provide information about the use of an algorithmic system and its characteristics?

Under Section 19 of the Danish Public Administration Act on right to be heard, a party must be able to comment on factual elements that may be decisive.

3.c. Does the interested party have the opportunity to comment on or challenge the use or operation of the AI system before the final decision is made?

The interested party may challenge the use and operation of the automated system through ordinary procedural guarantees.

4. Are specific areas of administrative law in your country subject to express authorisation for the use of administrative decisions based on artificial intelligence systems?

No.

5. Are there specific areas of administrative law in which the use of artificial intelligence systems for issuing administrative decisions is expressly prohibited?

Not outside of article 5 of the AI Act. However, as mentioned earlier, without legal basis, IT may only be used as decision support.

B.II – Judicial review of automated administrative decisions

6. Does national case-law recognise the legality of automated administrative decisions?

X YES

☐ NO

Please explain if necessary:

If so:

6.a. What principles and conditions have been identified by national case-law as necessary for these decisions to be legally valid?

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Any automated administrative decision must have a separate legal basis according to national legislation, in accordance with article 22 of Regulation (EU) 2016/697. Furthermore, any automated administrative decision needs to comply with the general principles of Danish administrative law as well as other conditions imposed by Regulation (EU) 2016/679 and Regulation (EU) 2024/1689.

6.b. Have any limitations been identified with regard to the possibility of delegating the administration's decision-making power to algorithmic systems?

The process requires a legal basis in law, compliance with general rules such as data protection rules, and that the decision continues to meet the general requirements of administrative law, such as providing reasons and ensuring proper case handling including respecting the prohibition of subjecting discretion to a rule.

6.c. In particular, which of the following principles must be respected, according to national case-law, when adopting an automated administrative decision? (Please tick all that apply)

x Principle of transparency
x Principle of non-exclusivity of human intervention ('human in the loop')
x Principle of non-discrimination
x Principle of knowledge and comprehensibility of algorithmic functioning
x Principle of attributing the decision to an authority vested with power
x Other (please specify)

Principle of legality Principle of proper administration Duty to give reason

7. Has national case-law ruled on the nature and legal classification of the algorithm or AI system used for administrative decision-making?
Not to our knowledge.

8. What are the limits of the judicial review that administrative judges can exercise over automated administrative decisions?

In principle, there are no limits to the judicial review that administrative judges can exercise over (automated) administrative decisions, as any administrative decision can be tried before a court, as stipulated by art. 63 (1) of the Danish Constitution,

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9. According to national case-law, is the right of access to the algorithmic process that led to the automated administrative decision recognised?

☐ YES
X NO

If so:
9.a. What information relating to the AI system (data, logic, key parameters) must be made available to the party concerned?

Part C
Administrative judges and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, in light of Regulation (EU) 2024/1689 (the 'AI Act') and other European Union standards and regulations, such as the GDPR, the DSA, the DMA, etc.

1. Does your country recognise, at constitutional level, principles that expressly refer to the use of artificial intelligence in the performance of judicial functions?

☐ YES

X NO

If so, please specify which ones

2. Has your country adopted or is it in the process of adopting national measures to implement Regulation (EU) 2024/1689 (the AI Act) concerning the use of artificial intelligence to support judicial decision-making, which is classified as a 'high-risk' activity (Annex III, point 8(a))?

X YES

☐ NO

If so:

2.a. What is the nature of these measures (legislative, regulatory, guidelines, soft-law instruments)?

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As a part of implementing the AI Act in Denmark, a group has been set with the purpose of giving central stakeholders the possibility to actively engage in the implementation. The group is set with a diverse composition of representatives from both the public and private sector to ensure that the many different challenges and opportunities that the technology and legislation will bring is considered.

2.b. For what purposes is the use of AI permitted? (Please tick all that apply)

X Research and interpretation of the law

X Research and assessment of the facts

☐ Application of the law to a specific factual situation

☐ Administrative activities that are purely ancillary (recital 61 of Regulation (EU) 2024/1689)

Please explain if necessary:

2.c. What measures are taken to ensure human oversight (Article 14 of Regulation (EU) 2024/1689)? In particular, under what conditions is the user able to ignore, cancel or override the result produced by the artificial intelligence system (Article 14(4)(d) of the AI Act), or to suspend or interrupt its use (Article 14(4)(d) of the AI Act)?
The user is in no way bound to use results produced by the AI.

2.d. What regulatory measures have been adopted to ensure the transparency, accuracy and robustness of the artificial intelligence system used (Articles 13 and 15 of Regulation (EU) 2024/1689 – the AI Act)?
Denmark has adopted an act on supplementary provisions to the AI Act, which, inter alia, designates the national competent authority responsible for supervising compliance with the Regulation.

The authority has, inter alia, established a regulatory sandbox for AI, where companies and public authorities can obtain free access to relevant expertise and guidance on the GDPR and risk classification under the AI Act.

3. Are there any official forms of testing or use of artificial intelligence systems for decision-making or generating judicial decisions currently in place in your country?

☐ YES

X NO

Please explain if necessary:

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If so:

3.a What do they consist of?

3.b. What data sets are used?

3.c. Is the software used publicly owned or provided by private operators?

3.d. Have any biases been identified in its operation? If so, what kind?

4. Are measures planned in your country to ensure a sufficient level of artificial intelligence literacy specifically for judges (Article 4 of Regulation (EU) 2024/1689)?
☐ YES

X NO (not to our knowledge)

4.a. What do these measures consist of?

4.b. Is specific training planned to prevent or limit the phenomenon known as 'automation bias' (Article 14(4)(b) of the AI Act)?

☐ YES

X NO

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Please explain if necessary:

At present, the DCA do not have specific training planned to prevent or limit automation bias, as only a very limited number of AI systems have been implemented so far. However, dedicated training initiatives are in the pipeline and will be developed once the use of AI becomes more widespread and consistent at the Danish courts.

5. Is the use of generative or agentic artificial intelligence systems permitted in your country to assist in the drafting of procedural documents or court decisions?

To help you understand the question better: **generative artificial intelligence (AI)** is a category of AI models which, thanks to machine learning and training on vast amounts of data, are capable of creating original content (text, images, videos, music, etc.). **Agentic AI** is described as a system capable of autonomously planning, making decisions and executing complex tasks with minimal human intervention to achieve a defined objective [source: OECD].

There are no provisions governing how a judge prepares for a case, or what assistance he may use when drafting a judgment. As previously mentioned, Copilot can be utilized as a generative AI tool in the performance of administrative tasks at the Danish Courts.

6. Has the national case law of your country addressed issues concerning the interpretation and application of EU Regulation 2024/1689?

☐ YES

X NO (not to our knowledge)

Please explain if necessary:

6.a. If yes, which principles have been established?

7. Have national courts of your country submitted preliminary rulings to the Court of Justice of the European Union regarding EU Regulation 2024/1689?

☐ YES

X ☐ NO (not to our knowledge)

Please explain if necessary:

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7.a. If yes, which questions were referred? What answers has the Court of Justice of the European Union provided?

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