



Department of Judicial Administration

Court Administration Unit

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14 September 2015

Third Annual European Conference on Courts and Communication

## QUESTIONNAIRE

### Image and sound recording at courts

1. What type of legislation regulates the image and voice recording at courts in your country and in what way?

- Image and voice recording for the purposes of journalism is considered to be a part of the freedom of expression, guaranteed by The Constitution of Finland. On the other hand, everyone's private life, honour and the sanctity of the home are also guaranteed by the Constitution.

- In principle, recording is allowed in all public places. According to the Public Order Act (*Järjestyslaki*, 612/2003) the term *public place* includes "a building - - or similar, such as government office or other office - - ". However, this right is limited for the protection of the right to privacy. Eavesdropping and illicit observation are punishable according to the Criminal Code:

#### Section 5 - Eavesdropping (531/2000)

(1) A person who unlawfully listens to or records with a technical device

(1) a discussion, talk or other sounds of private life, where these are not intended for his or her knowledge, and which occur or arise in domestic premises or

(2) in secret in other than in domestic premises, talk that is not intended to his or her knowledge or to the knowledge of third parties in general, where the circumstances are such that the speaker has no reason to believe that a third party is listen-

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ing shall be sentenced for eavesdropping to a fine or to imprisonment for at most one year.

(2) An attempt is punishable.

Section 6 - Illicit observation (531/2000)

(1) A person who unlawfully watches or monitors with a technical device

(1) a person in domestic premises, a toilet, a dressing room or another comparable place, or

(2) a person in a building, apartment or fenced yard that is closed to the public, as referred to in section 3, where this violates the person's privacy, shall be sentenced for illicit observation to a fine or to imprisonment for at most one year.

(2) An attempt is punishable.

- Acts of Parliament concerning courts in specific:

- Act on the Publicity of Court Proceedings in General Courts (*Laki oikeudenkäynnin julkisuudesta yleisissä tuomioistuimissa, 370/2007*).
- Act on the Publicity of Administrative Court Proceedings (*Laki oikeudenkäynnin julkisuudesta hallinto-tuomioistuimissa, 381/2007*).

2. Is there a separate provision (legislation, recommendation, regulation, etc.) regarding image and sound recording at courts, court buildings, court hearings, court events?

- Section 21 of the Act on the Publicity of Court Proceedings in General Courts provides that

“(1) In open proceedings, someone other than the court may take a photograph, tape record and in another manner record and transfer video and audio signals by technical means only with the permission of the chairperson and in accordance with his or her instructions.

(2) Permission for recording before the beginning of consideration of the case or when the decision of the court is pronounced may be granted if

(1) the recording does not cause significant detriment to the protection of the privacy of a party or another person and it does not endanger his or her safety; and

(2) there are no other weighty reasons comparable to those in paragraph 1 for refusing permission.

(3) Permission to record other parts of court proceedings may be granted if the conditions provided in subsection 2 have been met and in addition the recording causes no detriment to the undisturbed progress of the oral proceedings and the participants in the court proceedings consent to the recording.”

- Section 14 of the Act on the Publicity of Administrative Court Proceedings provides that

“(1) In open proceedings, someone other than the administrative court may take a photograph, tape record and in another manner record and transfer video and audio signals by technical means only with the permission of the administrative court and in accordance with its instructions.

(2) Permission may be granted unless:

(1) the recording or transfer would cause significant detriment to the protection of the privacy of a witness, other person to be heard or a party or it endangers his or her safety;

(2) the recording or transfer would impede the undisturbed progress of the oral proceedings; or

(3) there are other weighty reasons comparable to those in paragraph 1 or 2 for refusing permission.”

3. Is the practise relatively uniform regarding image and sound recording at different courts in your country? If not, what characterises the types of recordings and what are the possibilities?

- Practise is relatively uniform, recording by someone other than the court isn't very common.

4. If recording is permitted, how is this applied in practise? Where is it permitted (in front of the building, in the court room itself, on the corridor, etc.)?

- The court house and its front are public areas. For the court rooms, see question 2. Usually the chairperson allows filming and photographing only at the beginning of the proceedings, so that it doesn't disturb the hearing.

5. Are there any common problems relating to image and sound recording and if so, what are these?

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6. Is a contribution required from the subject in order to record image and/or sound? Is there a difference in this aspect between public figures (judge, prosecutor, policemen, etc.) and others attending the trial (parties, witnesses)?

- See question 2.

7. In case the recording takes place at the court room, who decides about how the recording is done (location and movement of the press in the court room, who can be recorded, what is the time frame of the recording)?

- See question 2.

8. Do courts keep the press informed on current cases or substantive decisions? If so, are there any specific rules?

- Courts cooperate with the press in many ways. For instance, a list of all cases filed (as long as the information on record is public) may be provided on a regular basis. Some courts have a public relations officer.  
- A public report is prepared regarding the decision to be kept secret, if the case has social significance or it has caused considerable interest in public. The public report contains a general account of the case and of the reasons for the decision. In addition, a public report of a particularly sensitive offence involving the private life of a person shall be published in a manner that does not reveal the identity of the injured party.

9. Is the recorded material made available to the subjects before it is published? If yes, in what way?

- The court records the hearing of the parties and the witnesses. These records are not publicised, but a copy of them may be ordered from the court. One can also go to the court and listen to the recordings.

10. In case incorrect information is published about the courts, or the content of a statement changes in the course of post-production, are any measures taken? If yes, what are the means of correction?

- Incorrect information or misinterpretations should be corrected, if the quality of the matter so requires. However, the court cannot for example alter the reasoning of a judgment after it has been passed.

#### Strengthening of court PR: new trends of communication

1. What type of social programmes are organised by your court in order to bring the public closer to the court?

- Courts do not organise particular social programmes. They react well to students or interest groups visiting and coming to see hearings. *Customer service* is one of the key elements in good governance.

2. What kind of CSR programmes are organised by your court in the framework of corporate social responsibility?

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3. Are the programmes focused on a specific field of law? Are there significant programmes and events for a given field (e.g. domestic violence)?

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4. Are there programmes designed for specific groups of society (e.g. rights of children, helping the disabled)?

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5. Is there cooperation with partner organisations, non-governmental organisations relating to these programmes?

- The courts may work in cooperation with universities in different projects relating to research, training and education. Training events on topical issues may be organised with other interest groups as well, for example in cooperation with prosecutors or attorneys.

6. How and where are said programmes and results communicated?

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7. What are your courts international relations? In order to maintain them, do you have programmes, invite partner judges or send your own judges and experts to partner courts?

- The courts may have "friendship courts" or "twin courts" abroad. Finland also takes part in the exchange programme organised by the European Judicial Training Network.

8. Is your country or court involved in international scholarship programmes, exchange programmes or study visits?

- See question 7.

9. Is there a separate platform for the communication of international relations – foreign website, etc.?

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10. Does your country or court use social media surfaces, if yes, what type of events are published?

- The website *oikeus.fi* has information on the judicial system in Finland, including contact information and other useful information on the courts. Courts are discussed to some extent in the social media. There has been an occurrence where a lay judge used twitter during a hearing. This is prohibited and the person in question received a warning.

- The Ministry of Justice (<http://www.oikeusministerio.fi/en/index.html>) uses social media more. Social media is used as a platform for sharing information, but also for discussion. Social media sites include the following:

- Twitter
- Facebook
- YouTube
- Slideshare
- Wikipedia

#### Means and measures of crisis communication

1. How is a crisis defined in the life of a court?

- The courts conduct a risk analysis and create a contingency plan. In the analysis, all relevant factors are taken into consideration (e.g. location, staff, type of work performed, surroundings). A *crisis* in this sense could be defined as one of the greater risks identified materialising. For example, a fire occurring in archive rooms of the court house or other court premises, chemical spills at the near-by train station.

2. Is there a crisis communication plan at your court?

- It can be included in the contingency plan. However, the main focus is in the safety measures rather than communication.

3. If you do have a plan for crisis communication, what is the content?

- The plan contains information on persons named for certain tasks during a crisis. For example, on each floor of the court house, there is a person responsible for safety and thus informing others of safety issues. There can also be a person responsible for raising a certain alarm. Inside the court usually the chief judge informs the heads of departments (on the events and on follow-up actions), who then inform the staff. Electronic noticeboards or e-mail can also be used for informing the personnel.

4. Is there a declaration order in case of a crisis? If so, what is this order?

- Declaration order depends on the situation at hand, but as a general rule, everyone is advised to save themselves and those in danger and call the emergency number and the head of security.

5. What are the primary surfaces for the communication in case of a crisis?

- See question 3

6. What are the main messages in case of a crisis?

- See questions 3 and 4

7. What basic principles need to be followed during crisis communication?

- Crisis communication is specific kind of organisational communication. The main point is that it needs to be faster.

8. How are the publications documented and followed during a crisis?

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9. Is there any communication after the crisis and if yes, what is it like?

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10. How can a crisis be prevented? What crisis preventing strategies are used?

- See question 1