
Plan Overview

A Data Management Plan created using DMPonline.be

Title: Simple solutions for complex problems? Multi-party proceedings in Belgian civil procedure

Creator: Stien Dethier

Affiliation: KU Leuven (KUL)

Funder: Fonds voor Wetenschappelijk Onderzoek - Research Foundation Flanders (FWO)

Template: FWO DMP (Flemish Standard DMP)

Project abstract:

Multi-party proceedings conflict with the binary character of Belgian civil procedure, which at its origin was mostly devised for one-on-one proceedings. The mismatch between multi-party proceedings and our procedural framework leads to legal uncertainty and may contribute to longer court disposition times. The latter is especially problematic in view of Belgian court delay.

Procedural change can tackle this problem. In the past, procedural change has been tested in view of reducing disposition times.

However, speed cannot be the only goal of procedure: celerity sometimes conflicts with the right to a fair trial and the principle of party autonomy. This holds especially true in the context of multi-party proceedings.

This project aims to gather more in-depth and coherent knowledge on the position of multi-party proceedings in Belgian civil procedure. Their current position will be profoundly studied in a doctrinal analysis, reinforced by semi-structured interviews with judges. It will then be evaluated in light of the normative framework, using the principles of celerity, party autonomy and legal certainty, as well as the right to a fair trial as criteria. The criteria will be operationalized through a comparison with the Netherlands and France, ensuring its relevance beyond Belgium. Lastly, recommendations for scenarios with and without the possibility of legislative change will be formulated.

ID: 213834

Start date: 01-11-2024

End date: 31-10-2028

Last modified: 25-03-2025

Simple solutions for complex problems? Multi-party proceedings in Belgian civil procedure

FWO DMP (Flemish Standard DMP)

1. Research Data Summary

List and describe all datasets or research materials that you plan to generate/collect or reuse during your research project. For each dataset or data type (observational, experimental etc.), provide a short name & description (sufficient for yourself to know what data it is about), indicate whether the data are newly generated/collected or reused, digital or physical, also indicate the type of the data (the kind of content), its technical format (file extension), and an estimate of the upper limit of the volume of the data.

				Only for digital data	Only for digital data	Only for digital data	Only for physical data
Dataset Name	Description	New or reused	Digital or Physical	Digital Data Type	Digital Data format	Digital data volume (MB/GB/TB)	Physical volume
		<i>Please choose from the following options:</i> <ul style="list-style-type: none"> • Generate new data • Reuse existing data 	<i>Please choose from the following options:</i> <ul style="list-style-type: none"> • Digital • Physical 	<i>Please choose from the following options:</i> <ul style="list-style-type: none"> • Observational • Experimental • Compiled/aggregated data • Simulation data • Software • Other • NA 	<i>Please choose from the following options:</i> <ul style="list-style-type: none"> • .por, .xml, .tab, .csv, .pdf, .txt, .rtf, .dwg, .gml, ... • NA 	<i>Please choose from the following options:</i> <ul style="list-style-type: none"> • <100MB • <1GB • <100GB • <1TB • <5TB • <10TB • <50TB • >50TB • NA 	
Academic literature	Academic literature/scholarship (articles, books, book chapters) on multi-party proceedings	The publications already exist, but the relevant publications will be assembled during the literature review	Primarily digital, complemented with physical copies of books	Other	pdf or html for the texts	<1GB	
Published case law	Case law published on juportal or in journals	The case law already exists, but will be collected and selected during the project	Digital	Other	pdf	<1GB	
Case law from court registries	Case law collected from court registries	The case law already exists, but will be scanned, collected and selected during the project	Digital	Other	pdf	<1GB	
Interview recordings	Audio recordings of semi-structured interviews with judges	New	Digital	Observational	mp.3	<100GB	
Interview transcripts	Transcripts of interviews	New	Digital	Observational	docx	<1GB	
Notes of interviews	Notes of interview on paper, scanned	New	Digital	Observational	pdf	<1GB	
Signed consent forms	Signed informed consent forms of interviewees	New	Digital	NA	pdf	<1GB	
Interviews	Coding key for pseudonymization of personal data	New	Digital	NA	xlsx	<1GB	
Interviews	Qualitative data analysis documents in NVivo	New	Digital	Observational, other	NVivo-files and code-book exported as xlsx	<100GB	

If you reuse existing data, please specify the source, preferably by using a persistent identifier (e.g. DOI, Handle, URL etc.) per dataset or data type:

Case law: (partly) collected from <https://juportal.be/zoekmachine/zoekformulier>

Are there any ethical issues concerning the creation and/or use of the data (e.g. experiments on humans or animals, dual use)? Describe these issues in the comment section. Please refer to specific datasets or data types when appropriate.

- Yes, human subject data

The recorded interviews will contain personal data of the interviewees.

An privacy and ethics approval will be submitted to the SMEC of KU Leuven for the interviews with judges to be conducted in WP 2.

Will you process personal data? If so, briefly describe the kind of personal data you will use in the comment section. Please refer to specific datasets or data types when appropriate.

- Yes

Personal data of the respondents (judges) of the interviews will be collected in the research. This concerns their name, contact information (email, mobile phone and professional address) gender, and profession (including in which court they are employed). The transcribed interviews will be pseudonymized.

An privacy and ethics approval will be submitted to the SMEC of KU Leuven for this part of the research.

Does your work have potential for commercial valorization (e.g. tech transfer, for example spin-offs, commercial exploitation, ...)? If so, please comment per dataset or data type where appropriate.

- No

Do existing 3rd party agreements restrict exploitation or dissemination of the data you (re)use (e.g. Material/Data transfer agreements/ research collaboration agreements)? If so, please explain in the comment section to what data they relate and what restrictions are in place.

- No

Are there any other legal issues, such as intellectual property rights and ownership, to be managed related to the data you (re)use? If so, please explain in the comment section to what data they relate and which restrictions will be asserted.

- No

2. Documentation and Metadata

Clearly describe what approach will be followed to capture the accompanying information necessary to keep data understandable and usable, for yourself and others, now and in the future (e.g., in terms of documentation levels and types required, procedures used, Electronic Lab Notebooks, README.txt files, Codebook.tsv etc. where this information is recorded).

- The documentation of the collected documents will take place in Zotero.
- The collection and selection of case law will be documented in more detail by keeping a record of the keywords used when searching the relevant databases, date of searches and criteria for inclusion/exclusion of relevant items. This metadata will be stored in Zotero.
- The criteria for the selection of interviewees will be recorded and a list of all contacted persons will be kept.
- The pseudonymization of the interviews will be stored in an encrypted Excel-file.
- Information about the coding of the transcribed interviews will be stored in NVivo.

Will a metadata standard be used to make it easier to find and reuse the data? If so, please specify (where appropriate per dataset or data type) which metadata standard will be used. If not, please specify (where appropriate per dataset or data type) which metadata will be created to make the data easier to find and reuse.

- No
- For all published materials that will be collected, full bibliographic details will be kept.
- Findability will be ensured through the use of unique identifiers, including:
 - DOI for academic literature and other published documents (OECD materials all have a DOI).
 - ECLI-codes for case law.
- Offline copies of online publications for which the long-term availability cannot be guaranteed will be kept in Zotero either as snapshots or as pdf.

3. Data storage & back-up during the research project

Where will the data be stored?

- Collected published materials and case law will be kept in Zotero (laptop hard-drive and cloud).
- Recorded interviews and coding key for pseudonymization will be saved on a secure network-drive at KU Leuven, only accessible to the researcher and supervisors.
- Transcribed and pseudonymized interviews will be saved on OneDrive, a network-drive with automated back-ups.
- NVivo-files will be saved on OneDrive.

How will the data be backed up?

Back-ups are automatic for OneDrive and the KU Leuven network-drive.

Is there currently sufficient storage & backup capacity during the project? If yes, specify concisely.
If no or insufficient storage or backup capacities are available, then explain how this will be taken care of.

- Yes

OneDrive has sufficient capacity to store all data.

How will you ensure that the data are securely stored and not accessed or modified by unauthorized persons?

Data will not be stored on shared drives; access thereto is restricted with two-factor authentication.

The coding key for pseudonymization will be stored in a separate folder that will be encrypted with Bitlocker. This will only be accessible for the researcher and supervisors.

Recordings of interviews will be encrypted with Bitlocker and deleted after transcription.

What are the expected costs for data storage and backup during the research project? How will these costs be covered?

No additional costs for OneDrive and KU Leuven network drives.

4. Data preservation after the end of the research project

Which data will be retained for at least five years (or longer, in agreement with other retention policies that are applicable) after the end of the project? In case some data cannot be preserved, clearly state the reasons for this (e.g. legal or contractual restrictions, storage/budget issues, institutional policies...).

- Documents for which the long-term public availability is guaranteed: only full bibliographic data and unique identifiers will be kept for 10 years.
- Documents for which the long-term public availability cannot be guaranteed: local copies as well as full bibliographic data and date of

- access will be kept for 10 years.
- Recorded interviews: these will be deleted after the transcription and verification of the transcripts (as they contain personal data).
- Transcribed and pseudonymized interviews, the coding-key for the pseudonymization, coded interviews, and the code-book will be kept for 10 years.

Where will these data be archived (stored and curated for the long-term)?

The data will be stored in the network drive of the research team managed by the supervisor.

What are the expected costs for data preservation during the expected retention period? How will these costs be covered?

No additional costs.

5. Data sharing and reuse

Will the data (or part of the data) be made available for reuse after/during the project? In the comment section please explain per dataset or data type which data will be made available.

- No (closed access)

Provisionally, the closed access option was chosen because I cannot yet assess possible legal constraints in the sharing of the data (e.g., consent for (pseudonymized) sharing of interviewees, copyright on scholarly literature, restraint access to case law after introduction of online database by the Federal Public Service of Justice...), and because the added value of sharing the database has yet to be assessed. This will be continuously assessed throughout the research, especially at the end when I have a complete view of the collected data and possible constraints.

If access is restricted, please specify who will be able to access the data and under what conditions.

To be determined (see above).

Are there any factors that restrict or prevent the sharing of (some of) the data (e.g. as defined in an agreement with a 3rd party, legal restrictions)? Please explain in the comment section per dataset or data type where appropriate.

- Yes, Privacy aspects

If decided to grant access, privacy aspects in any case restrict the sharing of interview data (as they contain personal data).

Where will the data be made available? If already known, please provide a repository per dataset or data type.

For the creation of a database of relevant regulation and case-law, the following options will be considered: (i) RDR (KU Leuven data repository), (ii) specific data sharing webpages organized by the KU Leuven Law and Criminology library.

When will the data be made available?

To be determined.

Which data usage licenses are you going to provide? If none, please explain why.

To be determined.

Do you intend to add a PID/DOI/accession number to your dataset(s)? If already available, you have the option to provide it in the comment section.

- Yes

What are the expected costs for data sharing? How will these costs be covered?

No additional costs are expected.

6. Responsibilities

Who will manage data documentation and metadata during the research project?

Stien Dethier (PhD candidate)

Who will manage data storage and backup during the research project?

Stien Dethier (PhD candidate)

Who will manage data preservation and sharing?

Stien Dethier (PhD candidate) and Prof. Allemeersch (supervisor)

Who will update and implement this DMP?

Stien Dethier (PhD candidate) in consultation with Prof. Allemeersch (supervisor) and relevant support staff at KU Leuven