TechLitigation

Case Law Database on Automated Decision-Making

An Introduction to the Database

Launched in May 2024

Hertie School
Centre for
Fundamental Rights

VolkswagenStiftung

AFAR
Algorithmic Fairness
for Asylum Seekers &
Refugees

WHY A DATABASE FOR TECH LITIGATION?

A multitude of new technologies are being used and tested on individuals in the public sphere, often infringing upon their fundamental rights. These abuses and misuses take place in grey areas where the law has yet to catch up with the rapid development of technology. Legal discussions about these novel practices often begin only in retrospect, after countless rights have been violated.

As the march of new technology continues, the capacity for its misuse and abuse also grows. It is crucial that we advance our legal knowledge at the same time.

Legal challenges contesting how new technologies are deployed can result in landmark litigation and case law, but a complete understanding of what courts around the world have decided is hindered by barriers of geography, language and access. The Database aims to overcome these hurdles and improve awareness of legal precedents and standards for the use of new technologies.

The Tech Litigation Database is the first freely accessible resource compiling and collating judgments and decisions on the uses of new technologies, creating a reliable record which will be of inestimable value in the age of Artificial Intelligence.

" The Database will support scholars and practitioners in understanding how courts are addressing crucial legal questions on the intersection between technologies and human rights. "

Francesca Palmiotto
Editor of the Database

ADVANCING LEGAL KNOWLEDGE
ONE CASE AT A TIME

The Tech Litigation Database is the first open-access resource compiling and exposing the growing number of global litigation efforts against automated systems.

> "Churning out new regulation takes years. Cases, in contrast, are often only a heartbeat away from contemporary issues."

Moritz Schramm
Research Associate and
National Rapporteur

Currently, case law records on contested uses of new technologies are stored within separate national databases and they are often only available in the respective national languages. Compiling these records and presenting them for free in English, the Tech Litigation Database is truly the first resource of its kind.

As the legal challenges to contested uses of new technologies increase globally, the Database will allow legal practitioners to easily search case law records from around the world, helping them to inform their litigation strategies.

The Database will also be of great value to civil society organisations, scholars and researchers in the fields of AI governance and digital rights.
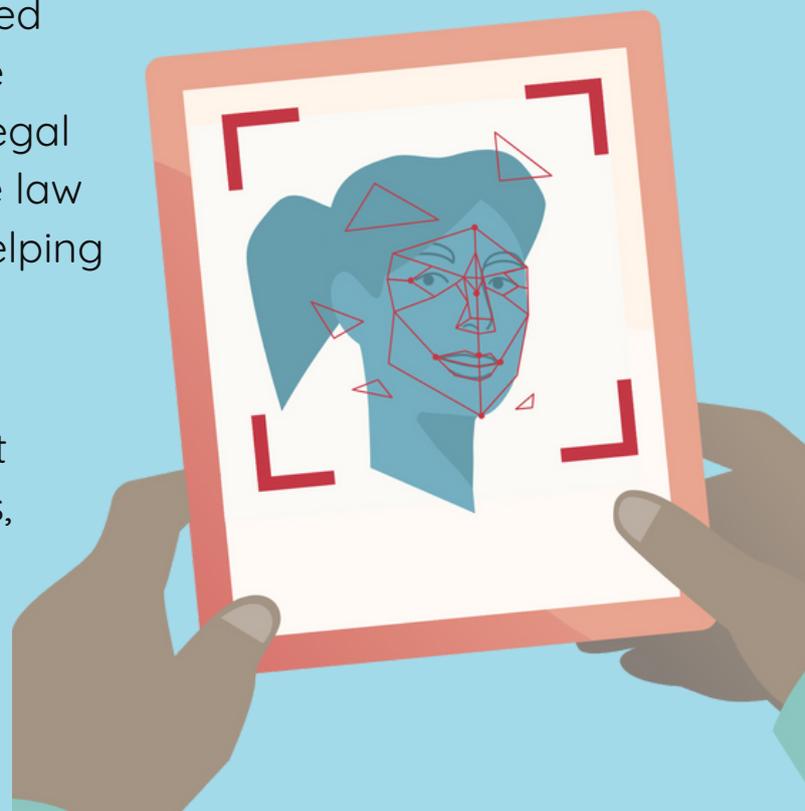
THE DATABASE
AIMS TO

raise awareness and provide transparency about the impact of new technologies on our society, informing and supporting the work of researchers, legal actors, and civil society organisations.

Whether it's facial recognition technology impinging on the individual's right to privacy, or predictive policing jeopardising the presumption of innocence, the fact that new technologies are impairing fundamental rights is beyond dispute.

Courts are currently tackling critical questions at the intersection of human rights and new technologies, but a comprehensive understanding of how they are responding to these legal challenges is hindered by language and access barriers.

With the Database, we are helping to bridge these barriers and close information gaps by translating, summarising and spreading legal knowledge about how courts around the world have decided and adjudicated how new technologies should or should not be used.

Simona Demkova
Assistant Professor and
National Rapporteur

"In the world of great technical complexity, the Tech Litigation Database is an invaluable resource allowing scholars, policy-makers, lawyers and judges to draw from existing practices and developments in safeguarding the legal protection of fundamental rights."

THE SCOPE OF THE DATABASE

The Database collects judgements on contested uses of automated decision-making systems in the public sphere. This encompasses areas such as criminal law, migration and asylum, the welfare state, social benefits, tax enforcement, law enforcement, education and detention.

Technologies

Facial Recognition	Risk Assessment	Performance Assessment
Emotion Detection	Predictive Analytics	Digital ID
Biometric Identification	Data extraction	Scoring
Fraud detection	Injury assessment	

Areas of Use

Public Administration	Criminal Justice	Education
Migration	Tax Enforcement	Law Enforcement
Asylum	Social Benefits	Justice
Employment	Detention	Welfare State

Landmark cases from other areas, such as banking or employment management, are also included in the Database due to their significance.

We do not provide a strict definition of automated decision-making. Indeed, the Database aims to reveal how judges and other authorities are approaching this concept. When selecting cases, we therefore consider instances in which an automated system replaces, supports, or aids a human at any stage in the decision-making process.

As the project and its team members are based in Europe, many of the case law and litigation records we have collated and compiled to date come mainly from Europe.

We aim to have a global scope broaden the impact of the Database thanks to the work of national rapporteurs from around the world.

A **COLLABORATIVE** DATABASE

We are building a global and comprehensive collection of cases on contested uses of new technologies. This collective effort depends on the collaboration of countless individuals around the world.

NATIONAL RAPPORTEURS

WEBSITE USERS

Thanks to the work of national rapporteurs worldwide, we aim to expand the geographical scope of the Database and fulfil its global potential.

We aim to be a collaborative platform, where users can report and suggest cases from their various juridiscitions.

Sebastian Björnberg
PhD Researcher and
National Rapporteur

66 The Tech Litigation Database will provide a crucially needed overview of rapidly evolving legal developments on a worldwide scale. It will also be a great resource for comparative legal research within the field of new technologies and automation. **99**
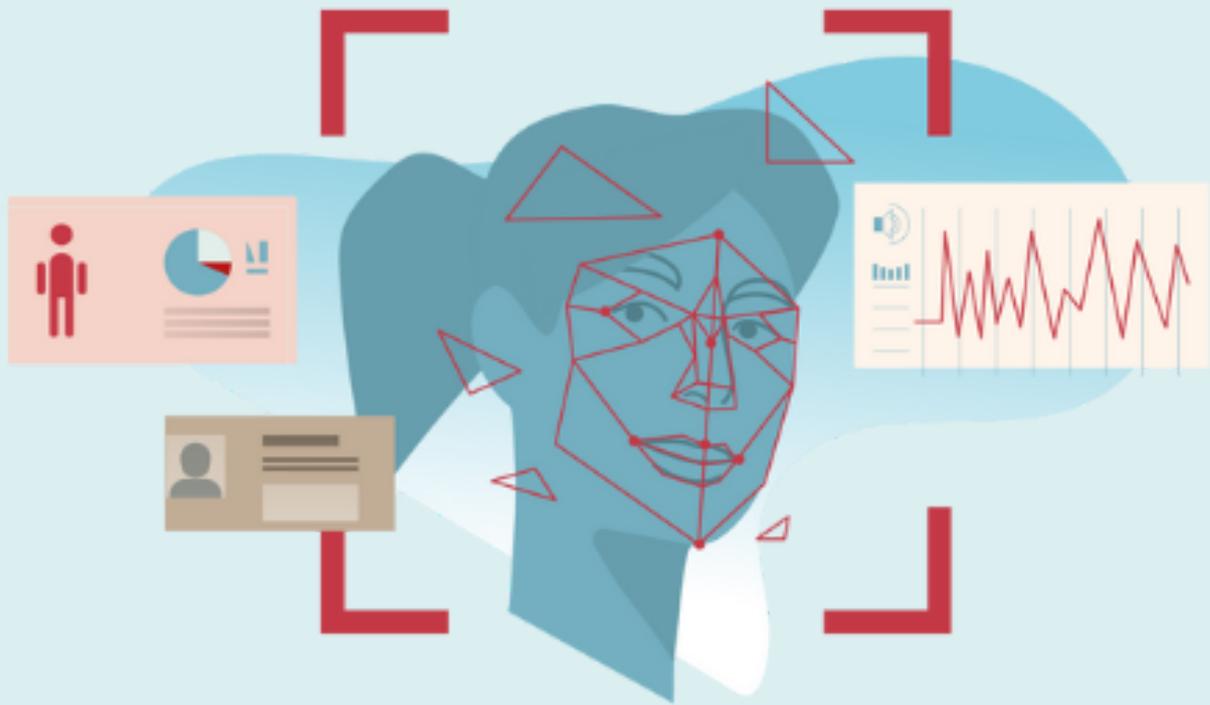
Advancing Legal Knowledge

One case at a time

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