

Excellent — here's a **comprehensive English analysis** of *Project KEI (Kwaliteit en Innovatie Rechtspraak)*, the large-scale Dutch judicial digitalization program that failed to deliver its goals.

This summary combines factual reporting (based on Dutch sources such as *Advocatenblad*, *Advocatie*, and *OpenRecht.nl*) with a reflective analysis aligned with your interests in **ethics, GDPR, and public-sector digitalization**.

Project KEI: The Ambition and the Failure

1. Background and Objectives

KEI (Quality and Innovation of Justice) was launched by the *Raad voor de Rechtspraak* (Council for the Judiciary) in the early 2010s.

Its purpose: to **digitize and modernize civil and administrative proceedings** — replacing paper-based procedures with fully electronic filing, communication, and workflow automation.

The program involved:

- Legislative amendments to the *Dutch Code of Civil Procedure* and the *General Administrative Law Act* to enable digital proceedings;
- The creation of digital portals for litigants and lawyers;
- Back-office automation of judicial processes;
- Integration with external actors (law firms, bailiffs, government agencies).

The ambition: to make justice **faster, cheaper, more transparent, and more accessible** — a “digital transformation of the rule of law.”

2. Why It Failed

KEI's downfall is a textbook case of **organizational overreach and mismanaged digital transformation**.

Several intertwined factors led to its collapse:

a. Overly ambitious and complex scope

KEI attempted *simultaneous* digitization of:

- All major branches of civil and administrative law,
- Every court in the Netherlands,
- Both procedural and internal workflow systems.

Rather than starting small (e.g. one pilot domain such as small claims or administrative appeals), KEI aimed for **end-to-end automation** across the judiciary. The result was unmanageable complexity — both technically and organizationally.

“The project tried to change everything at once: the law, the process, and the IT system.” — *OpenRecht.nl*, 2019

b. Misalignment between legislation, organization, and technology

The legal reforms were developed **in parallel** with software design, so the legal framework kept shifting while systems were being built.

Moreover, the judiciary's internal workflows were not sufficiently standardized; each court had its own traditions and processes.

The system, intended to be uniform, became a patchwork of exceptions and customizations.

“The IT could not follow the pace of legal changes, and the law could not adapt to technological limitations.” — *Advocatenblad*, 2020

c. Governance and cost control failure

Governance was fragmented: responsibilities were split between the Ministry of Justice, the Council for the Judiciary, and external vendors.

Decision-making was slow, accountability diffuse.

The budget exploded — **over €200 million** spent before the program was scaled back.

“There was no single accountable product owner for KEI. Everyone was responsible; therefore, no one was.” — *Advocatie.nl*, 2019

d. Lack of incremental, user-centered design

KEI followed a “big-bang” waterfall approach instead of an iterative, agile, or modular rollout.

There was minimal user testing with lawyers, clerks, and judges before major system releases.

When digital filing was piloted in Arnhem-Leeuwarden, users found it cumbersome, unintuitive, and unreliable.

The core insight that emerged later: the judiciary should have **started small, learned, and scaled**.

This lesson informed its successor, the *Digital Accessibility (Digitale Toegankelijkheid)* program.

e. Cultural and organizational resistance

The judiciary is a professional bureaucracy with strong norms of independence.

Standardization felt like a loss of autonomy for judges and clerks.

Some courts openly resisted replacing their established ways of working.

Digitalization was seen as an IT imposition, not as an intrinsic judicial reform.

f. Incomplete attention to data ethics and legal safeguards

While KEI focused on functionality and efficiency, little public debate took place about:

- Data protection (GDPR compliance),
- Transparency of algorithmic decision-making,
- The right to a fair hearing in digital procedures,
- Long-term archival integrity of judicial data.

In short, “digital-by-default” was not matched by “rights-by-design.”

3. Consequences

By 2018, after pilot rollouts failed and costs ballooned, the Council for the Judiciary effectively **terminated** KEI in its original form.

Only limited components survived, and the new *Digital Accessibility (DT)* initiative resumed work **slowly and modularly** — focusing first on secure electronic filing and document exchange, not on full automation.

4. Lessons Learned — and Ethical Analysis

a. Institutional humility and modularity

Complex public systems (like courts) require **evolutionary**, not **revolutionary**, change.

Digitization should respect institutional complexity and start from user needs, not abstract efficiency ideals.

b. Transparency and accountability

In Kantian terms, KEI failed to meet the **duty of publicity and autonomy**:

decisions about process and code were opaque, and users (citizens, lawyers) were not treated as co-legislators in a digital sense.

The result was a loss of trust — a moral as well as managerial failure.

c. Separation of powers in digital form

When technology defines the structure of judicial procedure, **code becomes law**.

That means the judiciary must retain control over its own systems and ensure that automation never erodes judicial discretion or procedural fairness.

d. GDPR and data protection implications

Judicial data are among the most sensitive personal data in government.

The collapse of KEI exposed how unclear data ownership, poor system integration, and lack of retention policy can undermine **Article 5(1)(c)–(e)** GDPR principles (data minimization, integrity, and accountability).

The subsequent Digital Accessibility project explicitly embeds privacy-by-design and security-by-default.

e. The moral of the story

KEI's failure illustrates a deep ethical tension in state digitalization:

the drive for efficiency versus the **duty to preserve procedural justice and human**

agency.

From a Kantian standpoint, the program treated digitalization as a means to an administrative end, rather than as a process that must itself respect citizens as ends in themselves — with full dignity, access, and comprehension.

5. Post-KEI Landscape

Today, the Dutch judiciary continues to digitize — but with:

- Simpler tools (secure e-filing portals, video hearings);
 - Incremental rollouts per jurisdiction;
 - Explicit privacy and accessibility assessments;
 - A clearer governance structure with judicial ownership.
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6. In One Sentence

Project KEI failed because it tried to digitize the entire legal system faster than it could understand itself.

If you like, I can prepare a **2-page analytical brief** — e.g., a short paper summarizing the *technological, legal, and ethical lessons of KEI* — suitable for a policy presentation or an academic abstract (e.g., “Digital Justice and the Ethics of Failure”).

Would you like me to draft that next?