

End report: the Agora project 'Databank GenderClaim'

Introduction

The project 'Databank GenderClaim' was carried out at Ghent University from 1 November 2005 until 31 October 2006. The project was developed in response to a request from the Institute for the Equality of Women and Men (from here on named the Institute) and financed by Agora (Federaal wetenschapsbeleid). It was carried out by two research teams of different faculties of the UGent. The supervisor of the database-technical aspect of the project was prof. dr. Guy De Tré. Prof. dr. Marysa Demoor was the supervisor on the domain-oriented part of the project. Researcher for the technical aspects was Bert Callens. Lise Gosseye carried out the research of the domain.

Aim and scope of the project

The aim of the project 'Databank GenderClaim' was the development of a database for the Institute. The need for such a database, was caused by the increasing number of complaints and questions, arriving at the juridical cell of the Institute. More professionalism was required, in the claim-handling method, as well as in the reporting towards the governments (cfr. Addendum 1 of the contract: technical specifications). Because the Institute is a federal institution, the development of the database had to be bilingual. The concrete aims for the database (and thus for the project consisting of the creation of the database) was described as follows:

- handling the complaints in a more rational and efficient manner;
- forming the basis for the yearly report (required by law); based on the registered data, the Institute will have at their disposal a systematic overview of the number of complaints, the language, the geographical distribution, the nature of the complaint, the different phases in handling of the complaints, the referring and closing of cases;
- indicating and rectifying discriminations that exist in society;
- introducing similar indicators at a European and international level;

- giving useful information to persons and institutions that enquire into the evolution (sociological, juridical or other) of equality of men and women in Belgium.

Situation

The Institute handles claims of men and women that feel discriminated against on the basis of their gender. But questions from employers or governments concerning laws or statistics of gender (in)equality are treated at the Institute as well.

Literature

Domain expert

The researcher for the domain has consulted literature on existing indicators of (or concerning) equality policies, for carrying out the gender analysis and putting together the list of indicators and criteria for the database. The literature that was studied, consisted of reports such as *Gelijke kansenindicatoren in Vlaanderen*, *Vlaams Indicatorenboek*, *Arbeid en Zorg*, *Verslagen van de Raad van de Gelijke Kansen*, reports from the Commissie Gelijke Behandeling in the Netherlands, etc.

While studying the literature, it needed to be taken into account that the jurisdiction of the Institute is different from that of other institutions and that the indicators that emerge from the other studies, can not be applied to the data of the Institute without important modifications.

Database expert

A true study of literature does not apply to the technical part of the database. However a comparison was made between different database management systems, from which eventually Caché (Intersystems) was chosen. Apart from that, several web technologies were compared, eventually choosing the Jakarta Struts technology.

Process

Database expert

Domain analysis

The domain analysis took place in close cooperation between the researchers and the Institute, to get an as accurate as possible view of the present and the desired course of the processes involved in claim-handling.

Analysis of the infrastructure

Based on the number of users for the application, the number of cases, the number of operations, and other data, the minimal specifications for the hardware were decided upon. In view of future use and possible expansions of the Institute's jurisdiction, amply performative hardware was acquired.

Functional analysis

Based on the analysis of the domain a functional analysis was written, serving as a blueprint for building the application.

The conceptual database plan

Based on the functional analysis a conceptual database plan was set up, outlining and framing the structure of the actual database. We will not expand on this.

Developing the software

There are three distinct parts in the development of the software:

- implementation of the database, according to the conceptual database plan in the Caché database system
- developing the web-interface using the Jakarta Struts technology and Java Server Pages
- developing the motor of the application and the link between interface and database, with Java.

Domain expert

Gender analysis

During the gender analysis pre-existing cases at the Institute were studied. Thereby the progress of the cases (the process that the cases go through) was revealed, on the one hand. On the other hand, the categories for the database necessary for the correct reporting of the existing data and statistics emerged from the gender analysis.

The gender analysis posed questions such as; what information is already being asked for from the applicant; what information should be asked for; what data are required for a case; what data is superfluous to a case or for the report; what categories are maintainable for a good categorization of the claims; how precise should the categorization be; what datasets are required or desired. These questions were always asked in regard to international criteria. For instance the system of categorizing claims at the Commissie Gelijke Behandeling in the Netherlands, was a guideline for the formulation of the categories of reported data.

Together with the database expert, the gender analysis was turned into a domain analysis, that in turn resulted in the 'functional description', a short summary of which can be found under the heading 'Functioning of the database'.

Privacy conditions

Because a large number of personal information shall be stored in the database, a declaration was filed with the Privacy Commission. The contacts and pressure points of the declaration are outlined briefly.

Course of the contacts

- 08/03/2006: first e-mail was sent asking for information about the next steps: a short description of the goal of the database was given.
- 25/04/2006: return e-mail from the commission requesting more information: specifically asking clarification about the person responsible for the processing
- 29/05/2006: e-mail sent containing a description of the database and aims of the Institute (as person responsible for the database) and the problems for the privacy case, based on the legislations that apply and on the e-mail from 25/04; most important question: is the database a form of primary processing of personals

details that is in accordance to its goal; the database does not correspond to any of the categories already at our disposal

- 11/07/2006: answer commission: yes it is a form of primary processing, the goal and the description of the processing are to be formulated by the researcher using the law of creation of the Institute (there appear to be multiple goals)
- 01/08: declaration
- 26/09/2006: receipt: number assigned, asking for clarification of the goal
- 05/10/2006: letter sent, giving clarifications

Content of the declaration

- Analysis of the conditions for privacy of our database, analysing rules of exception that do or do not extend to us; for example: collecting legal data
- Formulating categories for the data that needs to be processed (using the functional description); what data is consistent with the goal of the database and could therefore be inquired from the applicants and stored in the database, for how long can it be stored: personal details used for identification, personal characteristics (age, gender), family structure, education, profession.
- Looking up legal basis for the processing of legal data; justified by Institute's legal mission.
- Formulating categories of recipients (which data can be viewed by whom); list provided for perusal
- Formulating measures for notification.
- Collecting information about measures taken (in the database as well as in the Institute's building) for the protection of the data.
- Looking up possibilities for exceptions of notification (in case the applicant should name a third party).

Everything was formulated using the functional description, law of creation of the Institute, law of 8 December 1992 on privacy protection in relation to the processing of personal data.

Tools for reporting

Taking into account the wishes of the Institute and European and international studies, parameters were set up for the reporting of the data in the database. The description of the data up for reporting, can be found in the functional description of the database. They consist of categories of grounds as well as data from applicants and defendants, and of data from the course of a case (duration, start, end, etc.).

Symposium

The domain expert, in cooperation with the Institute, was responsible for organising a symposium. At the symposium: 'Gezocht: m/v met klachten over geslachtsdiscriminatie' ('Wanted m/f complaining about discrimination on the basis of gender'), that will be held 17 November 2006, the database will be introduced to a broader audience. There will also be room for reflection on equality and the relevance of the database for policy.

Database functions

In this caption, the reader will get a very short summary of the database's different functions. For a complete description of the functions and modalities of the database, we refer the reader to the functional description (that was presented at the meeting with the BGC on 21 March 2006). In the testing phase of the research, a user manual will be made up. For technical details of the database's functioning, we refer the reader to the process description by the database expert.

Two kinds of cases

To begin with, a distinction had to be made between the two kinds of requests that are dealt with at the Institute. Corresponding with those two kinds of request are two sorts of cases. The **claim cases** correspond to the Institute's task of procuring aid, in the scope of its competences, to any person formulating a demand concerning his/her rights and obligations. In these cases personal questions for help from a applicant are treated. If the person seeking out help from the Institute is making a general request for information concerning his or her rights or obligations, or has questions concerning legislation or jurisdiction (the request

could be made by lawyers, unions, or employers), we call the case an **information case**. The two sorts of cases require a different approach and process and should be distinguished from each other in the statistics of the Institute (as for example the yearly report).

Opening a case

It was the wish of the Institute to be able to register every request separately, irrespective of its medium. We distinguish between the following ways to receive requests (distinguished by medium): telephone contact, written contact (by letter or e-mail). The medium of the first contact is registered in the system and will appear in the reports.

The registration of the contacts, requires of the user that he or she enters a few data in the system. With every registration of an incoming case, be it by telephone or in written form, the user enters the necessary data thereby opening a case that automatically receives a case number. At first, the user will have to assess whether the request requires an information case or claim case.

After opening a claim case, the user has to make an assessment about a number of necessary conditions a case has to meet, in order to be treated at the Institute. The user decides over the case's admissibility, the Institute's jurisdiction in treating the case, and the case's validity. The user's assessment of these conditions will determine the course of the case.

Closing a case

An open case can be closed at different times and for different reasons. On the other hand, the system should allow for the reopening of a closed case (should new information arrive) at any time. If the person making a request has not replied to one of the form letters or reminders after six months, the user will receive a warning from the system asking him or her if the case should be closed. This is done to prevent a cluttering up of the system with old cases that distort the statistics and reports. These cases will be put on a list of cases to be closed, that is automatically generated by the system. This list will not automatically open itself up on the user's screen. The user has to look up and print out the list at regular intervals. The list can be looked up at any time and it lets the user decide whether to close a case or not.

A user can close any open cases at any time. It is however an act that the user has to perform. *The system never closes cases.* When a user closes a case he or she needs to state a reason for the closing. A list of reasons for closing is given, consisting of: concluded, no jurisdiction, not admissible, unfounded. The user clicks on the appropriate reason to close the case.

Form letters

In the process of handling claim cases, a few 'moments' will be similar for most cases. To avoid unnecessary work for the user, a number of form letters will be provided by the system. If the user fills in the right data in the provided fields, these form letters will be automatically generated by the system.

The form letter 'receipt of the claim', will be automatically generated by the system with every registration of a new case. Should the user decide that the Institute has no jurisdiction over a given case, the system can generate a form letter 'no jurisdiction'.

Should the autograph, date, important personal details or important information concerning the case be missing from a case, the user has a form letter 'missing information' at his or her disposal. This letter can be made up from a number of different form paragraphs asking for the missing information. This letter can be accompanied by an 'admissibility form', to be filled in and signed by the person making the request. Should the user judge that the claim is unfounded, he has the letter 'case unfounded' at his or her disposal.

For each of these letters there is also a reminder provided in the system. If the Institute has not received a reply after three months a reminder is sent.

Categories of content

The user will be able to categorize the content of a case by simply clicking on the appropriate field or subfield of discrimination. In addition to the lists that can be clicked on, the user can also freely fill in as much or as little information about the complaint as he or she likes, under the heading 'content'. Changes or additions to this content are always possible.

Parties

The data of the parties involved in a case will be stored in the screen 'parties'. It is of course possible that one and the same party appears in multiple cases, and even in different roles.

For example, the applicant of one case can become defendant in another case. It is advisable that all cases in which a person (natural person or legal body) is involved be linked to each other (with the mention of the role of the person in each case). If the personal details are entered in the system, all cases, open and closed involving that person shall appear on the screen.

The screen 'data applicant' always has to be filled in. The Institute does not treat anonymous claims. The applicant can be either a natural person or a legal body. If a case has more than one applicant, multiple cases are opened. Each case has only one applicant.

The data for identification (in the case of a natural person, first name and surname, in the case of a legal body, name and legal form) and the address of the applicant will automatically be filled in, in the letter head of any form letter generated by the system. There will be a linkage in the system between the data of the applicant and the letter forms.

The defendant is the opposite party in a case. It is the instance (natural person or legal body) against which the applicant wishes to file a complaint. Even though all cases will have a defendant, they will not always be known at the Institute. Filling in the name of the defendant is not obligatory in the system, therefore. If the information (for identification and address) of the defendant is filled in, in the system, a linkage will be provided to the letter forms, allowing the user to import data for writing letters.

Should the applicant of a case begin a procedure in civil law, or consider doing so, he or she may already have a lawyer. In that case, it could be important for the Institute to be able to store their name, address and other useful information in the system. This can be done under the heading 'representative applicant'. The same goes of course for the representative of the defendant, under the heading 'representative defendant'. It is also possible to provide a linkage from these sets of data to the form letter.

Under the heading 'interested parties' information of any third party with an interest in the case can be stored. For example unions or lobby groups could be interested in one of the cases. There is no linkage provided however to the writing of letters.

Under the heading 'witnesses' information regarding any witness to the case (for the applicant and the defendant) can be stored. The content of the witnesses' statements can be stored together with the contents of the case.

Conclusion

Thanks to a good cooperation between the two research teams, the desiderata for the project were met. The created database has all the desired modalities for the collecting of the necessary data and indicators as well as for the easy handling of claims. During the testing phase changes and additions will be made, providing that they do not entail fundamental changes to the application. The database will be subjected to a number of software-technical, functional and stress-tests. A non-technical manual will also be provided in the testing phase. The Privacy Commission has not yet passed judgement on the registration. That part of the work will therefore also be finished in the testing phase.