

Guideline for the use of AI applications by judicial experts

7 April 2025

1. Application

- 1.1 This guideline applies to the use of *Artificial Intelligence* (AI), *Large Language Models* (LLMs), and Generative AI (hereinafter collectively: "**AI applications**") by judicial experts in general and by experts registered with the LRGD in particular.
- 1.2 Experts are appointed in a personal capacity and use AI applications only to support their work. Carrying out the entire expert investigation exclusively by means of AI applications is not permitted.
- 1.3 The use of AI applications is entirely the own responsibility of experts. The LRGD is in no way involved in the execution of expert investigations. The LRGD is in no way liable for investigations conducted by experts or the use of AI applications therein.

2. Appropriate knowledge

- 2.1 Experts understand how the AI applications they use work, they can identify risks and can apply the AI applications in a responsible manner.
- 2.2 Experts comply with the terms of use and license conditions of the AI application used and are required to use the AI application in accordance with the user instructions provided by the AI application's provider.

3. Confidentiality of data and rights of third parties

- 3.1 Experts respect the confidentiality of the data they work with by only using AI applications that offer sufficient safeguards regarding the confidentiality of data, or by not using confidential data in the AI application.
- 3.2 Experts take adequate measures to protect confidential business information.
- 3.3 Experts only enter personal data when using AI applications insofar as this is in accordance with privacy and data protection laws and regulations.
- 3.4 Experts respect intellectual property rights when using AI applications and take measures to prevent infringement of copyright and other IP rights of third parties.

4. Responsibility

- 4.1 Experts are at all times ultimately responsible for the content of the (expert) report.
- 4.2 Experts review every result, including the sources cited therein, that is generated by means of an AI application against their own knowledge.
- 4.3 Experts justify the use and application of the results from the AI application.

5. Transparency

- 5.1 Experts ensure transparency about the use of AI applications in the execution of the expert investigation by adequately stating that use in the (expert) report.
- 5.2 That statement may include:
 - a. The AI application, version, and model used,
 - b. The information entered,

- c. The question asked (prompt),
 - d. The result obtained,
 - e. Any sources mentioned therein,
 - f. The manner in which the expert has processed or used the result,
 - g. The justification why the used results are appropriate and relevant.
- 5.3 The statement enables the user of the (expert) report to assess and weigh the use of the AI application.

6. Evaluation of the AI application used

- 6.1 Experts periodically evaluate the AI application used with regard to its suitability for the expert investigation. The use of the AI application is adjusted adequately if necessary.

7. Legislation and regulations

- 7.1 Experts use one or more AI applications within
- a. The frameworks provided with the assignment or appointment,
 - b. The legal frameworks,
 - c. The frameworks of the professional group (including any professional secrecy) and/or the employer.
- 7.2 The use is not in conflict with any Code of Conduct or Guideline.

Established by the board on 7 April 2025

This guideline may be amended. The latest version is always published on the LRGD website.

In case of any discrepancies, the Dutch text shall prevail.

Explanatory notes to the Guideline

1. **Application**

Judicial experts are engaged when in-depth knowledge of a specific field is required. AI applications can provide support in the work of experts.

2. **Appropriate knowledge**

When experts use AI applications during their expert investigations, the expert has adequate knowledge of the AI application. The requirement to use an AI application in accordance with the provider's instructions for use is also established in the AI Act.

3. **Confidentiality of data**

Confidentiality of the entire file is an existing precondition in the execution of expert investigations. The use of AI applications does not change this. What does change, however, is the way that confidentiality must be ensured. Experts must use AI applications that safeguard the confidentiality of data. Preferably, documents to be analysed should be anonymised. Documents from the expert or from the case file may also contain confidential business information. The application used by the expert must also provide safeguards for that data.

4. **Responsibility**

When conducting expert investigations, the appointed expert remains responsible for the content of the (expert) report, as is currently the case. This, again, does not change with the use of AI applications. This places the responsibility on the expert to verify the use and the results of the AI application for accuracy and relevance to the specific investigation. All results within the expert's field of expertise must be assessed against their own knowledge or verified sources. Experts are aware of the risk of hallucinations, completely fabricated sources, and the risk of plagiarism when using AI-generated texts or images, and they pay specific attention to these issues when reviewing the results.

5. **Transparency**

The transparency to be practiced by the expert must enable users of the expert report – such as the judiciary, legal counsel, parties involved, and other experts – to assess whether the investigation was carried out properly.

6. **Evaluation of the AI application used**

AI applications are developing at a rapid pace. By periodically evaluating whether the use and the obtained results of the AI application(s) used still comply with the provisions in this guideline, the expert ensures that the use remains adequate for the intended purpose within the expert investigation.

7. **Legislation and regulations**

Insofar as experts use one or more AI applications, that use must not conflict with the frameworks set by the appointing judge. If the expert's professional group imposes limitations on the use of AI applications, in whatever form, the expert is bound by the rules of the professional group. If the expert is subject to professional confidentiality under the rules of their professional group, the expert must always respect that confidentiality.