



LaborNet

Dear All,

The Supreme Court of Justice of the Province of Buenos Aires has regulated the responsible use of **Artificial Intelligence**, aimed at improving judicial management through technology and work streamlining; as well as its increasing adoption into professional legal practice and the work dynamics of the Judiciary itself.

WHEREAS:

1) Artificial Intelligence (AI) has ceased to be an emerging technology and has transformed into a tool already embedded—both formally and informally—into multiple areas of the administration of justice at global and regional levels for a wide variety of uses such as communication with court users, process optimization, data management and analysis, case law systematization, and support for the judicial function.

This accelerated expansion, **coupled with the growing strategic relevance that AI holds for the judicial sector**, requires the adoption of an institutional and legal framework to regulate its use within the Administration of Justice. The aim is to avoid disparate or inappropriate uses, anticipate potential risks, and ensure that it is implemented in an orderly and safe manner, and in compliance with the principles governing the judiciary functions and administrative management.

2) The Supreme Court of Justice has consolidated its position by steadily implementing technological innovations in line with multiple changes in workflows and the systematic enactment of regulatory reforms, including:

- Regulations for electronic filings and service —Agreement No. 4013
- Continuous Deliberation and Signing System. Digital Signature for judicial and administrative oversight acts —Agreement No. 3971, consolidated text as per Agreement No. 3976;

- Creation of the Registry of Electronic Domiciles of the Judiciary —Agreement No. 3989, consolidated text by Agreement No. 4113, endorsed by Law No. 15,230—; inter-jurisdictional integration through the nationwide digital platform *Federal Justice Bus* —Resolution No. 1481/23—; among others)— a functional, technological, and institutional ecosystem that enables, at this stage, the progressive and regulated adoption of AI tools.
- The Judiciary in the Province of Buenos Aires —in almost all of its offices and agencies— currently operates electronically creating the most ideal environment to advance a gradual, responsible, and strategic adoption of Artificial Intelligence.

3) The Argentine Constitution, specifically Sections 1, 18, and 75, paragraph 22, guarantees the right to effective judicial protection, due process, and equal access to justice, values that must guide any technological innovation policy, so that the use of such tools does not undermine fundamental rights.

4) Likewise, the Constitution of the Province of Buenos Aires, Sections 15 and 164, guarantees continuous and effective judicial protection, as well as unrestricted access to justice, and vests the Supreme Court of Justice with the essential powers of administrative oversight to streamline and improve the administration of justice and ensure full respect for fundamental rights.

5) For the Judiciary to adopt Artificial Intelligence is a strategic opportunity to strengthen institutional modernization processes, optimize workflows in terms of efficiency, and improve the quality of the administration of justice. However, these technologies must be implemented in an ethical, safe and responsible manner, safeguarding the fundamental principles of law, procedural guarantees, and public trust.

6) The broad variety and diversity of AI possible uses show not only its technological versatility but also the different levels of risk associated with its implementation. This ranges from low-risk adoption for administrative management to make significant improvement to high-risk use that can affect the administration of justice and the protection of litigants' fundamental rights. AI tools for dispute resolution and judicial decision-making can carry structural risks that cannot be ignored. Far from being neutral or objective, AI systems can reproduce—and even perpetuate—biases, errors, and discriminatory patterns in the data with which they were trained.

I. Highlights by the Supreme Court of Buenos Aires about AI implementation and specific risks

- a) AI tools may influence the critical judgment of judicial officers as a result of the so-called **automation bias**, which leads to over-rely on algorithmic recommendations.
- b) These circumstances call for a clear stratification of uses based on their potential impact on fundamental rights, applying proportionality criteria in management: the higher the risk level identified, the more rigorous human validation and supervision must be.

c) The use of Artificial Intelligence systems also carries specific risks—such as **inaccurate results, hallucinations, and biased or unverifiable content**—which must be addressed with particular attention to the respect for human rights and constitutional guarantees.

d) As a result, responsible usage guidelines, human validation mechanisms, mandatory training, algorithmic impact assessments, and governance standards are required to ensure transparency, explainability, auditability, and accountability, in order to **effectively assist judicial officers without replacing their reasoning**.

II. The Planning and IT Secretariats have drafted an initial document: “**Rules for the Responsible Use of Artificial Intelligence**” (Supreme Court of Justice). AI International Standards and Directives

- The Planning and IT Secretariats have taken international and regional initiatives, such as the UNESCO's Guidelines for the Use of AI in Courts and Tribunals (2026) for reference. This document sets forth principles for AI adoption, governance, and oversight in the judiciary, such as the protection of human rights, proportionality, security, accuracy and reliability, explainability, auditability, transparency, accountability, meaningful human supervision, and governance.
- Likewise, consideration has been given to United Nations General Assembly Resolution A/RES/78/265, adopted on March 21, 2024, entitled “Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development”. This resolution adopted by the General Assembly urges member States to ensure that the development and use of artificial intelligence systems are carried out in conformity with international human rights law and meet adequate standards of safety, security, and trustworthiness.
- In addition, studies and guidelines by the Justice Studies Center of the Americas (JSCA), in particular the report “**Artificial Intelligence in the Judiciary: Reflections and Guidelines for the Americas**” (2025) have been taken for reference as it identifies different risk levels, possible uses, and conditions for a responsible implementation of AI systems across the region's judiciaries.
- Furthermore, consideration has been given to Agreement PCSJA24-12243 of December 16, 2024 by the Colombian Superior Judicial Council, “whereby guidelines are adopted to foster the respectful, responsible, safe and **ethical use of Artificial Intelligence** in the Judiciary,” as it sets a relevant regulatory precedent in Ibero-America regarding the institutional regulation of these tools under principles of fundamental rights, human supervision, transparency, and collaborative governance.

III. The Purpose of AI Integration.

There is one principle that the Supreme Court wishes to preserve: “The judicial function is **non-delegable and irreplaceable, and can neither be exercised nor replaced by automated systems**”.

- AI must be conceived and used exclusively as an assistive—**not substitutive**—tool for human activity, and AI tools must be subject to the control, validation, and responsibility of judicial officers.
- The use of these tools does not release judicial officers from their full responsibility for the content, validity, and legality of the acts in which AI may have been used. THEREFORE, the Supreme Court of Justice of the Province of Buenos Aires, in the exercise of its powers (Sections 164 of the Constitution of the Province of Buenos Aires and 32, paragraphs “a” and “s” of Law 5827), and in accordance with the provisions of Section 4 of Agreement No. 3971 and Section 1 of Agreement No. 4148, resolves as follows:

IV. The following compliance standards are verified:

- Natural Language Processing (NLP): “a machine learning technique that analyses vast amounts of human text or speech data (transcribed or acoustic) for specific properties, such as meaning, content, intention, attitude, and context.”
- Safe AI System: Throughout its entire lifecycle—from design to decommissioning—it actively identifies, evaluates, and mitigates risks of unintended harm to individuals, institutions, and the environment, ensuring that its results do not exceed what is necessary to achieve the intended target and remain within acceptable risk levels.
- Secure AI System: It implements robust technical and organizational measures to preserve the integrity, confidentiality, and availability of data and processes, blocking unauthorized access, malicious manipulations, or cyberattacks, and featuring data access frameworks that respect privacy and guarantee the quality of the information used.
- Trustworthy AI System: It is transparent, explainable, traceable, subject to effective human supervision and respecting fundamental rights.
- Algorithm: A series of instructions for performing calculations that enable a computer to learn how to learn from its environment and execute a set of tasks.
- Algorithmic Impact Assessment (AIA): A process conducted during the piloting or preliminary design phase with the objective of anticipating potential impacts before the system enters into operation. It allows for the adjustment of parameters, the early detection of risks (e.g., biases), and the evaluation of the tool's performance under controlled real-world conditions, in order to subsequently decide on its potential final implementation. This assessment is fundamental to evaluating whether a given tool is technically viable, socially acceptable, and legally compatible with the institutional context in which it is intended to be applied.
- Algorithm Impact Assessment (AIA): It is intended to assess the system's performance, including unaccounted biases in its design, unrepresentative or incomplete training data, or any necessary institutional changes to correct its operation. The AIE toolkit is aimed at correcting deviations, updating mitigation

measures (or taking action where an AIA was not conducted), and ensuring that the tool continues to comply with the required ethical and legal standards.

- Lifecycle of AI Systems: Cycle that includes the stages of pre-design, design, development, evaluation, testing, deployment, use, sale, procurement, operation and decommissioning.
- Prompt or Input: An instruction, query, or set of input data that a user enters into an AI system to generate a response.
- Hallucinations and Misinformation: Inaccurate or imprecise results that generative AI systems can generate, especially based on Large Language Models (LLMs).
- Artificial Intelligence Bias: AI bias is a systematic difference in the treatment of certain objects, individuals, or groups (for example, stereotypes, prejudices, or favoritism) compared to others through AI algorithms. **These types of biases result from the training data used**, which can reinforce prejudices based on race, gender, sexuality, ethnicity, or disability. Judicial Officer: Any human person belonging to the Supreme Court of Justice—or acting on its behalf or under its authority—who, in the exercise of their judicial or administrative functions, uses, supervises, manages, or makes decisions by using Artificial Intelligence. They take direct responsibility for the conditions of use, the human supervision of the system, and the legal consequences of the results produced by such a system within the framework of judicial activity.

V. The Duties of Judicial Officers: “ON THE DUTIES OF JUDICIAL OPERATORS”

1. Before using AI systems, be aware of the functionalities, technical limitations, known risks—including hallucinations and biases—and the terms and conditions of use published by the provider;
2. Verify that the tool intended to be used has been authorized.
3. Refrain from using general-purpose chatbots in their free-access versions for the performance of tasks linked to judicial functions or the processing of judicial information;
4. Evaluate, before each use, whether the task in question can be performed in a more reliable or secure manner using tools that do not involve generative AI.

VI. Duties of Humans Interacting with AI: The Human Value

- For the Administration of Justice, judicial officers must refrain from using AI tools when applying the legal system, providing legal reasoning, or adopting decisions in a proceeding, where the responses provided by the system are taken as the sole or determining basis;

- Under no circumstance, enter personal data, sensitive information, data from ongoing investigations, or any other confidential data into publicly or commercially accessible generative AI tools whose terms of service authorize the use of such data to retrain future models or permit third-party access;
- Refrain from using AI tools if the output may cause potential harm, especially human rights violations, or lead to bias or discrimination;
- Refrain from attributing synthetic text as your own. Cite when any materials are produced with AI assistance.
- Verify, cross-reference, and validate with reliable sources all information, case law citations, regulatory references, or analyses produced by an AI system before its use in legal materials and documents;
- Report immediately to the IT Secretariat any failure, unexpected behavior, biased result, or negative impact identified in an AI system, in accordance with the procedure established in Section 32.

VII. Personal Data Protection

Section 27. Principles of data protection when using AI tools. The use of AI systems for the Administration of Justice must observe the following principles regarding the protection of personal, sensitive, and confidential data:

1. Data Minimization: To mitigate the risk of data breaches, AI systems that require minimal personal data to function. Hence, the judiciary should deploy AI systems that are based on privacy-enhancing processes.
2. Informed Consent: Consent protocols shall be developed and implemented for personal data processing using AI tools in the judiciary, in accordance with applicable national data protection legislation.
3. Data Anonymization Techniques: When AI systems process personal data, anonymization techniques shall be used, particularly in the creation of databases for legal analytics or precedent study, except in the cases covered under the final paragraph of Section 10.
4. Institutional Control: Only duly qualified personnel with the competence and need to access individual's data should be allowed to do so. Data protocols should outline who can access data and under what circumstances.
5. Protection Against External Providers: When judicial data processing involves external providers or cloud services, ensure that the level of protection offered by the provider matches local legal standards and organizational security standards.

Section 28. Prohibition on Sharing Confidential Data with Commercial AI. The parties covered under Section 2 of these Regulations shall not enter personal data, confidential information, data from ongoing investigations, or any other sensitive data in prompts or instructions for publicly or commercially accessible generative AI tools whose terms of service authorize the use of the inputted data to train future models or permit third-party access.

VIII. INFORMATION SECURITY AND RISK MANAGEMENT

Section 31. Pre-Deployment Security and Cybersecurity Measures. Prior to deploying any AI system, the Judicial Information Technology Secretariat shall: Test the system's resilience against adversarial attacks, including prompt injection, data extraction, evasion, and data poisoning attacks.

Please feel free to contact us for further information.

Best regards,

Leading **Law Firm - de Diego & Asociados** [These reports are prepared by our Senior Consulting Team, a sophisticated team of lawyers specialized in labor and employment law, with more than 40 years of solid experience serving clients with the latest trends, carefully selecting topics for Human Resources executives