

Law on Access to Public Information

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Chapter 1
General provisions

Art. 1. 1. Information on public affairs constitutes public information pursuant to this law and is subject to access on principles and by procedure set down by this law.
2. Provisions of this law do not infringe provisions of other laws setting down other principles and procedures for access to information constituting public information.

Art. 2. 1. Anyone is entitled, save for art. 5, to access to public information, hereinafter referred to as the "right to public information".
2. Persons enforcing the right to public information shall not be demanded proof of legal or factual interest.

Art. 3. 1. The right to public information shall include the right to:

- 1) obtain public information, including obtaining information processed in the scope, in which it is particularly significant for the public interest,
- 2) examine official documents,
- 3) access to sessions of collective public authority agencies elected by ballot.

2. The right to public information shall include rights to immediate obtaining of public information containing actual knowledge on public affairs.

Art. 4. 1. Public authorities and other entities performing public tasks shall access public information, in particular:

- 1) public authority agencies,
- 2) business and professional self-government agencies,
- 3) entities representing the State Treasury pursuant to separate provisions,
- 4) entities representing state legal entities or territorial local government legal entities and entities representing other state organisational units or territorial local government organisational units, (to be continued in next issue)
- 5) entities representing other persons or organisational units, which perform public tasks or manage public assets, and legal entities in which the State Treasury, territorial local government units or business or professional self-government hold a dominant position pursuant to provisions on protection of competition and consumers.

2. Trade unions and their organisations and political parties shall access public information.
3. Entities referred to in sec. 1 and 2 shall access public information held.

Art. 5. 1. The right to public information is subject to restrictions in the scope and on principles set down by provisions on protection of secret information and on protection of other secrets protected by law.
2. The right to public information is subject to restrictions due to the privacy of natural persons or entrepreneur secrets. Restrictions do not apply to information on persons holding public function, connected with holding such function, including on conditions of entrusting and performing the function, and in cases, where natural persons or entrepreneurs waive this right.
3. Save for sec. 1 and 2 access to information shall not be restricted on cases decided in proceedings before state agencies, in particular in administrative, penal or civil proceedings, due to protection of party

interests, where the proceedings regard public authorities or other entities performing public tasks or persons performing public function - in the scope of the tasks or functions.

4. Restrictions in access to information in cases referred to in sec. 3 shall not infringe the right to information on the organisation and operation of agencies conducting proceedings, in particular on the time, procedure and place and order of case examination.

Chapter 2 Access to public information

Art. 6. 1. Public information shall be accessed, in particular on:

1) internal and foreign policy, including on:

- a) intentions of legislative and executive authorities
- b) draft legislation,
- c) programs in the scope of realisation of public tasks, method of their realisation, enforcement and effects of realisation of the tasks,

2) entities referred to in art. 4 sec. 1, including on:

- a) legal status or legal form,
- b) organisation,
- c) subject of activity and authority,
- d) agencies and persons holding functions therein and their authority,
- e) the ownership structure of entities referred to in art. 4 sec. 1 point 3 - 5,
- f) assets at their disposal,

3) principles of operation of entities referred to in art. 4 sec. 1, including on:

- a) procedures of public authorities and their organisational units,
- b) procedures of state legal entities and territorial local government legal entities in the scope of performing public tasks and their activities in the scope of budget and extrabudget economy,
- c) methods of issuing public law acts,
- d) methods of accepting and handling matters,
- e) the status of accepted matters, order of their handling or deciding,
- f) registers, records and archives kept and methods and principles of accessing data contained therein,

4) public data, including:

a) the contents and form of official documents, in particular:

- the contents of administrative acts and other decisions,
- documentation on the course and effects of inspections and appearances, opinion, conclusions and comments of inspecting entities,

b) positions on public affairs taken by public authority agencies and by public functionaries pursuant to provisions of the Penal Code, c) the contents of other appearances and evaluations made by public authority agencies,

d) information on the state of the nation, local government and their organisational units,

5) public assets, including on:

- a) assets of the State Treasury and state legal entities,
- b) other property rights of the state and its debt,
- c) assets of territorial local government units and professional and business self-government and assets of territorial local government legal entities, as well as health funds,
- d) assets of entities referred to in art. 4 sec. 1 point 5, originating from the disposal of assets referred to in a) - c), and proceeds from the assets and their encumbrances,
- e) income and loss of commercial companies in which entities referred to in a) - c) hold a dominant position pursuant to provisions of the Commercial Companies Code and the disposal of the income and the method of covering losses,

- f) public debt,
- g) public support,
- h) public burdens.

2. Official documents pursuant to this law shall be the contents of the declaration of will or knowledge, recorded and signed in any form by a public functionary pursuant to provisions of the Penal Code, within the scope of his authority, directed to another entity or filed in case files.

Art. 7. 1. Accessing of public information shall occur by:

- 1) publishing public information, including official documents, in the Public Information Bulletin ("Biuletyn Informacji Publicznej") referred to in art. 8,
- 2) accessing referred to in art. 10 and 11,
- 3) entrance to sessions of agencies referred to in art. 3 sec. 1 point 3, and accessing materials, including audiovisual and computer, documenting the sessions. 2. Access to public information shall be free of charge, save for art. 15.

Art. 8. 1. The official computer publication - the Public Information Bulletin ("Biuletyn Informacji Publicznej") is hereby established - for general accessing of public information, in the form of a unified system of pages in the computer network, hereinafter referred to as the "Public Information Bulletin".

2. Public information shall be accessed in the Public Information Bulletin by entities referred to in art. 4 sec. 1 and 2.

3. Entities referred to in art. 4 sec. 1 and 2 shall access public information referred to in art. 6 sec. 1 point 1 - 3, point 4a) second indent, c) and d) and point 5 in the Public Information Bulletin. Entities referred to in the first sentence may also access other public information in the Public Information Bulletin.

4. Entities referred to in art. 4 sec. 1 and 2 shall access in the Public Information Bulletin information on the method of accessing public information held and not accessed in the Public Information Bulletin.

5. In case of excluding free access to public information, the reason for the exclusion shall be given in the Public Information Bulletin, the basis for the exclusion and an indication of the excluding agency or person, and in cases referred to in art. 5 sec. 2 the entity in the interest of which the exclusion has been made.

6. Entities accessing public information in the Public Information Bulletin shall:

- 1) mark the information with data describing the entity accessing the information,
- 2) present data in the information describing the identity of the person, who prepared the information or is responsible for its contents,
- 3) enclose the information by data describing the identity of the person, which entered the information to the Public Information Bulletin,
- 4) indicate the time of preparing the information and time of its accessing,
- 5) ensure the possibility of identifying the time of actual accessing of information.

Art. 9. 1. The minister proper for public administration shall create the main page of the Public Information Bulletin containing the list

of entities referred to in art. 4 sec. 1 and 2, along with references enabling connection with their pages.

2. Entities referred to in art. 4 sec. 1 and 2 shall create their own pages in the Public Information Bulletin, on which information subject to accessing by this method is accessed.

3. Entities referred to in art. 4 sec. 1 and 2 shall deliver to the minister proper for public administration information necessary for publishing on the page referred to in sec. 1.

4. The minister proper for public administration shall set down, by ordinance:

1) the detailed standards of the unified system of pages in the Public Information Bulletin, in particular:

- a) the main page structure, referred to in sec. 1,
- b) standards of page structures referred to in sec. 2,

2) the scope and procedure for delivering information referred to in sec. 3,

3) standards of safeguarding the contents of public information accessed in the Public Information Bulletin - taking into account the efficiency and uniformity of operation of the Public Information Bulletin page system.

Art. 10. 1. Public information which has not been accessed in the Public Information Bulletin shall be accessed on application.

2. Public information which may be accessed immediately shall be accessed in oral or written form without written application.

Art. 11. Public information may be accessed:

- 1) by presentation or posting in generally accessible places,
- 2) by installing equipment enabling acquaintance with the information in places referred to in point 1.

Art. 12. 1. Public information accessed by methods referred to in art. 10 and 11 shall be marked by data describing the information
accessing entity, data describing the identity of the person which prepared the information or is responsible for its contents, data

describing the identity of the person which accessed the information and the date of accessing.

2. Entities accessing public information shall ensure the possibility of:

- 1) copying the public information or its printing, or
- 2) delivering the public information or transferring it to a proper, generally used information carrier.

Art. 13. 1. Accessing of public information on application shall occur without undue delay, not later than within 14 days from the

date of application filing, save for sec. 2 and art. 15 sec. 2.

2. Where public information may not be accessed by the date referred to in sec. 1, the entity obligated to its accessing shall inform by that date on the reasons for the delay and the date by which the information shall be accessed, not later than 2 months from the date of application filing.

Art. 14. 1. Accessing public information on application shall occur by the method and in the form compliant with the application, unless technical means at the disposal of the entity obligated to accessing do not enable accessing the information by the method and in the form set down by the application.

2. Where public information may not be accessed by the method and in the form set down by the application, the entity obligated to accessing shall notify the applicant in writing on the reasons of the absence of the possibility of accessing the information pursuant to the application and shall indicate by which method and in what form the information may be accessed immediately. In such case, where within 14 days of the notification the applicant shall not file an application for accessing information by the method and in the form indicated in the notification, proceedings on accessing information shall be discontinued.

Art. 15. 1. Where as a result of accessing public information on application referred to in art. 10 sec. 1, the entity obligated to accessing is to incur additional costs associated with the method of accessing indicated by application or the necessity of transforming information into the form indicated by application, the entity may collect a fee from the applicant at the level corresponding to the costs.

2. The entity referred to in sec. 1 shall, within 14 days from the date of application filing, notify the applicant on the level of the fee. Accessing information pursuant to the application shall occur after the lapse of 14 days from the date of notifying the applicant, unless the applicant shall within this period change the application in the scope of the method or form of accessing information or shall withdraw the application.

Art. 16. 1. Refusal to access public information and discontinuation of proceedings on accessing information in cases referred to in art. 14 sec. 2 by a public authority agency shall occur by decision.

2. Provisions of the Code of Administrative Procedure shall apply to decisions referred to in sec. 1, save for that:

- 1) appeals against decisions shall be examined within 14 days,
- 2) justification of the decision on refusal to access information shall also include the names, surnames and functions of persons which have assumed positions during proceedings on accessing information, and an indication of the entities, due to the good of which referred to in art. 5 sec. 2 the decision on refusal to access information has been issued.

Art. 17. 1. Provisions of art. 16 shall apply accordingly to decisions of entities obligated to access information, not being public authority agencies, on refusal to access information and on discontinuation

of proceedings on accessing information.

2. Applicants may apply to the entity referred to in sec. 1 for a re-examination of the case. Provisions on appeals shall apply accordingly to the application.

Art. 18. 1. Sessions of collective public authority agencies elected by ballot shall be open.

2. Sessions of collective auxiliary agencies to agencies referred to in sec. 1 are open, where provisions of laws or acts issued on their basis so provide or where the auxiliary agency so decides.

3. Agencies referred to in sec. 1 and 2 shall ensure premises or technical means enabling enforcement of the rights referred to in art. 3 sec. 1 point 3. Where required audiovisual or computer transmission of sessions of agencies referred to in sec. 1 shall be ensured.

4. Restrictions to access to sessions of agencies referred to in sec. 1 and 2, for premises and technical reasons shall not result in unjustified access only to selected entities.

Art. 19. Agencies referred to in art. 18 sec. 1 and 2, shall prepare and access minutes or stenograph reports of the sessions, unless audiovisual or computer materials registering sessions in whole shall be prepared and accessed.

Art. 20. Provisions of art. 18 and 19 shall apply accordingly to elected collective agencies of auxiliary units of territorial local government units and their collective auxiliary agencies.

Art. 21. Provisions on the Supreme Administrative Court shall apply to complaints examined during proceedings on accessing public information, save for cases referred to in art. 22, save for that:

- 1) delivery of files and replies to complaints shall occur within 15 days from the date of complaint receipt,
- 2) complaints shall be examined within 30 days from the date of complaint receipt along with replies to complaints.

Art. 22. 1. Entities, to which the right to access public information has been refused due to its secrecy by quoting protection of personal data, the right to privacy and secrets other than state, official, fiscal or statistical secrets, shall have the right to lodge claims to common courts for accessing such information.

2. Entities, which the exclusion of public information related to, shall have a legal interest in participating as an outside intervener as a defendant.

3. District courts proper for the seat of the entity which refused accessing of public information shall be the court proper for deciding in cases referred to in sec. 1.

Art. 23. Whoever, in spite of his obligation does not access public information, shall be liable to a fine, restricted freedom or imprisonment for up to a year.

Chapter 3 Provisions on amendments to provisions in force, transitory and final provisions

Art. 24. In the law of 26 January 1984 - Press law (Journal of Laws No 5, item 24, as amended), the following amendments are introduced:

1) an art. 3a is added to read: "Art. 3a. Provisions of the law of 6 September 2001 on access to public information (Journal of Laws No 112, item 1198) shall apply in the scope of the right of access by the press to public information.";

2) in art. 4:

a) sec. 1 shall read: "1. Entrepreneurs and entities not included in the public finance sector and not operating for the purpose of obtaining profit shall grant the press information on their activities, unless pursuant to separate provisions the information is covered by secrecy or does not violate the right to privacy.",

b) sec. 2 shall be repealed,

c) in sec. 3 the words "On demand of the editor-in-chief" shall be replaced by the words "In case of a refusal to grant information, on demand of the editor-in-chief,"

d) sec. 5 and 6 shall be repealed;

3) in art. 11 sec. 4 shall read: "4. The Council of Ministers, by ordinance, shall set down the organisation and tasks of press spokesmen in government administration agency offices."

Art. 25. 1. Provisions of this law shall apply to cases in the scope of access to public information, not concluded on the date of entry into force of this law by a final or valid decision.
2. Entities in cases referred to in sec. 1 shall, within 14 days from the date of entry into force of this law, access public information or issue a decision on refusal to access information.

Art. 26. This law comes into force on 1 January 2002, save for provisions of art. 8 sec. 3, which regarding the imposition of the obligation of accessing public information in the Public Information Bulletin referred to in:

- 1) art. 6 sec. 1 point 1 and point 3e) and point 4a) second indent, c) and d) - shall come into force after 24 months from the date of entry into force of this law,
- 2) art. 6 sec. 1 point 2 and point 3a) - d) and f) - shall come into force after 18 months from the date of entry into force of this law,
- 3) art. 6 sec. 1 point 5 - shall come into force after 36 months from the date of entry into force of this law.

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