

Streszczenie / Summary

Biuletyn Informacji Publicznej a ochrona danych osobowych

(The Public Information Bulletin and the protection of personal data)

This thesis examines the application of personal data regulations to the Public Information Bulletin (BIP). In principle, BIP provides universal access to public information, which is achieved through the use of the Internet. The obligation to maintain such website rests with public authorities and other entities performing public tasks. For these reasons, this study has both theoretical and practical value.

The subject of research concerns the GDPR¹ and the regulations that serve its application. As for BIP, it has been created on the basis of the Freedom of Information Act of 2001². In addition, the re-use of public sector information has been taken into account to some extent. The aim of this dissertation is to determine whether regulations on the protection of personal data significantly affect the manner in which the BIP is maintained.

The paper consists of the introduction, seven chapters and the conclusion. The first part presents the objectives of the study as well as the main and detailed hypotheses. It also includes a description of the research methods.

The first chapter explains the meaning and origins of the concepts of openness and privacy. It is necessary because they are related to access to public information and the protection of personal data. Moreover, this part of the dissertation presents the relations between the EU regulations and the law being passed by the Polish parliament.

Chapter II aims to establish the common scope of application of the main acts under examination. The following concepts were analyzed: public information, public sector

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) (OJ L 119, 4.5.2016, p. 1).

² Ustawa z 6.09.2001 r. o dostępie do informacji publicznej (t.j. Dz.U. z 2019 r. poz. 1429 ze zm.).

information, personal data, obliged entity, controller, as well as sharing and processing. The right to access information, the right to re-use public sector information and the right to the protection of personal data were also researched.

In Chapter III, BIP was examined in terms of its structure, functioning, and content. This showed its characteristics and completed the context with technical and organizational factors. In addition, the legal bases for the processing of personal data were scrutinized, as well as the possibility of entrusting it to the processor.

Chapter IV focuses on prevention and responding to violations. The study covers data protection by design and data protection by default. These issues are of great importance for BIP. The same is true for technical and organizational security measures. A separate subchapter is devoted to anonymization because it seems to play an important role in making public information available. Later in the chapter, the obligations undertaken in the event of breaches of personal data protection in BIP were analyzed. The role and tasks of the data protection officer were also explored.

Chapter V deals with risk assessment and prior consultation with the supervisory authority. A significant part of the analysis is devoted to the data protection impact assessment (DPIA). This includes the eligibility criteria and the manner in which it is carried out. Prior consultation is mandatory when the DPIA shows a high risk of violation of the rights and freedoms of individuals and attempts to minimize it have failed. Such a situation may occur when sharing public information on the BIP.

The entity maintaining the BIP should not only comply with the requirements of strictly understood security, but also take into account the rights of data subjects. Therefore, the purpose of chapter VI is to examine how and to what extent this can be done while sharing public information. This applies to fulfilling information obligations, as well as responding to requests for rectification, supplementation and deletion of personal data. It happens that a person does not agree with a decision of the obliged entity in such cases. For this reason, the possibility of seeking help from a supervisory authority or a court was also considered.

The last chapter of the dissertation concerns supervisory authorities. It begins with the presentation of characteristics, tasks and competences of the President of the Personal Data Protection Office (PUODO). The issue of a public information body that has not been

established in Poland was also discussed. The author determined that it would be beneficial to institute a single authority dealing with access to public information, re-use of public sector information and the protection of personal data.

The conclusion is that the main hypothesis turned out to be true. The provisions on the protection of personal data have a significant impact on the way the BIP is maintained. It is necessary to undertake numerous proactive measures to share public information in accordance with the law.