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1195

**ACT**

of 16 September 2011

**amending the Act on access to public information and certain other Acts<sup>1)2)</sup>**

**Article 1.** The Act of 6 September 2001 on access to public information (Journal of Laws No 112, item 1198, as amended<sup>3)</sup>) is hereby amended as follows:

1) the following Reference No 1 shall be added to the title of the Act:

‘This Act implements Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345 of 31.12.2003, p. 90).’;

2) in Article 1, paragraph 1 shall read as follows:

‘1. All information about public matters constitutes public information within the meaning of the Act and is made available and re-used on the basis of principles and procedure specified in this Act.’;

3) after Article 2, the following Article 2a shall be added:

‘Article 2a. 1. Subject to Article 5, each person has the right to re-use public information.

2. Rules for re-use of public information do not infringe the right of access to public information or the freedom of its distribution.’;

4) in Article 5:

a) after paragraph 1, the following paragraph 1a shall be added:

‘1a. The right to public information is subject to restriction on the grounds of protection of an important economic interest of the state to the extent and at a time at which making the information available:

1) would weaken the negotiation capacity of the State Treasury in the process of administration of its property, or the negotiation capacity of the Republic of Poland in the process of concluding an international agreement or decision-making by the European Council or the Council of the European Union,

2) would make it significantly more difficult to protect the financial interests of the Republic of Poland or the State Treasury in proceedings before a court, tribunal or another adjudicating body.’;

b) paragraph 3 shall read as follows:

‘3. Subject to paragraphs 1, 1a and 2, access to information about matters resolved in proceedings before state bodies, in particular in administrative, penal or civil proceedings, cannot be restricted on the grounds of protection of interests of the party if the proceedings concern public authorities or other bodies performing public tasks or persons holding public functions — to the extent of those tasks or functions.’;

5) in Article 7(1)(3), the full stop at the end shall be replaced with a comma and the following point (4) shall be added:

‘4) placing public information in the central repository of public information referred to in Article 9b, hereinafter referred to as the ‘central repository’.’;

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<sup>1</sup> This Act amends the following Acts: Act of 10 April 1974 on population records and identity cards, Act of 29 June 1995 on public statistics, Road Traffic Act of 20 June 1997, Water Act of 18 July 2001, Act of 2 July 2004 on freedom of economic activity, Act of 17 February 2005 on computerisation of activity of bodies carrying out public tasks and Act of 24 September 2010 on population records.

<sup>2</sup> This Act implements Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345 of 31.12.2003, p. 90).

<sup>3</sup> Amendments to this Act were published in the Journal of Laws No 153/2002, item 1271, No 240/2004, item 2407, No 64/2005, item 565, No 132/2005, item 1110 and No 182/2010, item 1228.

6) after Article 9, the following Articles 9a and 9b shall be added:

'Article 9a. 1. Public information of special importance for the development of innovativeness in the country and development of information society which due to the method of storing and providing access allow it to be re-used in a useful and effective manner, constitutes a set hereinafter referred to as the 'information resource' and is made available in the central repository.

2. The following bodies are obliged to provide the information resource held by them to the central repository, and to verify and update it systematically:

- 1) government administration bodies,
- 2) special-purpose funds,
- 3) Social Insurance Institution,
- 4) Agricultural Social Insurance Fund,
- 5) National Health Fund,
- 6) national research institutes,
- 7) national legal bodies established pursuant to separate Acts in order to execute public tasks, with the exception of universities, the Polish Academy of Sciences, and scientific institutes within the meaning of the Act of 30 April 2010 on the principles of financing science (Journal of Laws No 96, item 615, No 84/2011, item 455 and No 185/2011, item 1092).

3. The Prime Minister specifies, by means of a regulation:

- 1) the information resource allocated for placing in the central repository, together with the indication of the body obliged to submit it, taking into account the special importance of the specific public information for the development of innovativeness and information society,
- 2) technical requirements for the development of the information resource, taking into account the method of coordination of information constituting the information resource and the related metadata describing that document, facilitating the search for the document, its control, long-term storage and management, as well as the possibility of the broadest possible re-use of public information and its machine readability,
- 3) schedule of submitting the information resource to the central repository, taking into account the need to ensure the topicality of the information.

Article 9b. 1. The minister competent for computerisation shall operate the central repository, generally accessible in an ICT network. The minister competent for computerisation may outsource certain activities related to the operation of the central repository to specialised bodies.

2. The minister competent for computerisation shall verify the information resource submitted for the central repository in terms of meeting the requirements specified in the provisions issued pursuant to Article 9a(3).

3. In the case where requirements mentioned in paragraph 2 have not been met, the minister competent for computerisation issues a call demanding that the information resource be adapted to those requirements.

4. The Council of Ministers shall determine, by means of a regulation, the method and criteria of verification of the information resource, its processing and availability, as well as the technical standards of operation of the central repository, allowing for the principle of technological neutrality, the need to ensure searchability and access to information to the widest possible group of users, possibility of applying automation of processes and the need to ensure its usefulness and effectiveness.';

7) in Article 10, paragraph 1 shall read as follows:

'1. Public information which has not been made available in the Public Information Bulletin or the central repository is made available upon request.';

8) Article 21 shall read as follows:

'Article 21. Provisions of the Act of 30 August 2002 — Law on proceedings before administrative courts (Journal of Laws No 153, item 1270, as amended<sup>4</sup>) shall apply to appeals examined in proceedings concerning making available public information, however:

- 1) the submission of documents and the reply to the appeal takes place within 15 days of receiving the appeal,
- 2) the appeal is examined within 30 days of receiving the files together with the reply to the appeal.';

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<sup>4</sup> Amendments to this Act were published in the Journal of Laws No 162/2004, item 1692, No 94/2005, item 788, No 169/2005, item 1417, No 250/2005, item 2118, No 264/2005, item 2205, No 38/2006, item 268, No 208/2006, item 1536, No 217/2006, item 1590, No 120/2007, item 818, No 121/2007, item 831, No 221/2007, item 1650, No 190/2008, item 1171, No 216/2008, item 1367, No 53/2009, item 433, No 144/2009, item 1179, No 178/2009, item 1375, No 216/2009, item 1676, No 221/2009, item 1736, No 36/2010, item 196, No 122/2010, item 826, No 182/2010, item 1228, No 197/2010, item 1307, No 6/2011, item 18, No 34/2011, item 173 and No 76/2011, item 409.

9) Article 22 shall be repealed;

10) after Chapter 2, the following Chapter 2a shall be added:

'Chapter 2a

Re-use of public information

Article 23a. 1. The use of public information or any of its parts, held by bodies mentioned in paragraphs 2 and 3, by natural persons, legal bodies and organisational units without legal personality, regardless of the method of recording it (in the paper, electronic, audio, visual or audiovisual form), for commercial or non-commercial purposes, other than the original public purpose of use for which the information has been created, constitutes re-use of public information and takes place on the basis of principles specified in this chapter.

2. The following bodies are obliged to provide access to public information for re-use on the basis of the principles and under the procedure specified in the Act:

- 1) Prime Minister,
- 2) public finance sector units within the meaning of the provisions on public finance,
- 3) state organisational units without legal personality, other than those specified in point (2),
- 4) legal bodies established in order to satisfy needs of general nature, without industrial or commercial nature, other than those specified in point (2), if independently or together with the bodies mentioned in points (2) and (3), directly or indirectly:
  - a) they finance them in over 50%, or
  - b) they have more than half of shares or stocks, or
  - c) they supervise the management body, or
  - d) they have the right to appoint more than half of members of the supervisory or management body,
- 5) unions of bodies mentioned in points (2–4)  
— hereinafter referred to as 'obliged bodies'.

3. The provisions of this chapter shall not apply to:

- 1) national archives to the extent of archival materials at their disposal,
- 2) public radio and television broadcasting establishments within the meaning of the Act of 29 December 1992 on radio and television broadcasting (Journal of Laws No 43/2011, item 226, as amended<sup>5</sup>), with regard to radio and television programmes, and other communications,
- 3) cultural institutions, self-governing cultural institutions, or other bodies conducting cultural activities mentioned in Article 2 of the Act of 25 October 1991 on organisation and conducting cultural activities (Journal of Laws No 13/2001, item 123, as amended<sup>6</sup>), with regard to public information constituting the subject of their operations,
- 4) universities, the Polish Academy of Sciences, or research units within the meaning of the Act of 30 April 2010 on the principles of financing science, with regard to public information used for their research and didactic activity,
- 5) organisational units of the education system, mentioned in Article 2 of the Act of 7 September 1991 on the education system (Journal of Laws No 256/2004, item 2572, as amended<sup>7</sup>), with regard to public information used for their educational activity.

4. The provisions of this chapter shall not apply to:

- 1) public information, the availability of which depends on proving individual (legal or factual) interest on the basis of separate regulations,
- 2) provision of public information among bodies in pursuit of public tasks in order to execute tasks specified by law.

<sup>5</sup> Amendments to the consolidated text of the Act were published in the Journal of Laws No 85/2011, item 459, No 112/2011, item 654, No 153/2011, item 903 and No 160/2011, item 963.

<sup>6</sup> Amendments to the consolidated text of the Act were published in the Journal of Laws No 41/2002, item 364, No 96/2003, item 874, No 162/2003, item 1568, No 213/2003, item 2081, No 11/2004, item 96, No 261/2004, item 2598, No 131/2005, item 1091, No 132/2005, item 1111, No 227/2006, item 1658 and No 62/2009, item 504.

<sup>7</sup> Amendments to the consolidated text of the Act were published in the Journal of Laws No 273/2004, item 2703, No 281/2004, item 2781, No 17/2005, item 141, No 94/2005, item 788, No 122/2005, item 1020, No 131/2005, item 1091, No 167/2005, item 1400, No 249/2005, item 2104, No 144/2006, item 1043, No 208/2006, item 1532, No 227/2006, item 1658, No 42/2007, item 273, No 80/2007, item 542, No 115/2007, item 791, No 120/2007, item 818, No 180/2007, item 1280, No 181/2007, item 1292, No 70/2008, item 416, No 145/2008, item 917, No 216/2008, item 1370, No 235/2008, item 1618, No 6/2009, item 33, No 31/2009, item 206, No 56/2009, item 458, No 157/2009, item 1241, No 219/2009, item 1705, No 44/2010, item 250, No 54/2010, item 320, No 127/2010, item 857, No 148/2010, item 991, No 106/2011, item 622, No 112/2011, item 654, No 139/2011, item 814 and No 149/2011, item 887.

5. Provisions of this chapter do not infringe the provisions of other Acts determining different rules of using public information, provided that they establish guarantees for observing principles arising from this Act.

Article 23b. 1. Public information is made available for re-use without restrictions in the form of conditions, and free of charge, subject to paragraphs 2 and 3, and Article 23c.

2. The obliged body may determine the conditions of re-use of public information, concerning:

- 1) the obligation to provide information about the source, time of production and acquisition of public information from the obliged body,
- 2) the obligation to further provide the information in the originally acquired form to other users,
- 3) the obligation to provide information about the processing of information which is being re-used,
- 4) the scope of responsibility of the obliged body for the information provided.

3. The obliged body determines the method of using public information meeting the characteristics of a work within the meaning of the Act of 4 February 1994 on copyright and related rights (Journal of Laws No 90/2006, item 631, as amended<sup>8</sup>) or constituting a database within the meaning of the Act of 27 July 2001 on database protection (Journal of Laws No 128, item 1402, No 96/2004, item 959, No 99/2007, item 662 and No 176/2007, item 1238), ensuring the possibility of any use of the work or database for commercial or non-commercial purposes, creation and distribution of copies of the work or database, as a whole or in fragments, and making changes and distributing related works.

4. The obliged body provides conditions of public information re-use in the electronic form.

Article 23c. 1. The obliged body may impose a fee for the provision of public information for re-use on request mentioned in Article 23g(2) if the preparation of information in the manner indicated in the application requires the incurring of additional costs.

2. When imposing the charge mentioned in paragraph 1, costs of preparation and submission of public information in the given manner and in the specified form are taken into account, as are other factors allowed for in the case of non-typical applications for re-use of public information, which may affect in particular the cost or time of preparation and submission of the information. The total amount of the charge must not exceed the total costs incurred directly for the preparation and submission of the public information for re-use in the specific manner and in the specified form.

Article 23d. 1. The obliged body shall provide access to public information for re-use in comparable situations on the same conditions.

2. In the case where public information is being re-used by bodies executing public tasks under activity going beyond the implementation of such tasks, the terms of public information re-use or charges should be determined on the same principles as in the case of other users.

Article 23e. 1. The provision of access to public information for re-use may not introduce a restriction on the use of that information by other users, unless it is necessary for the correct execution of public tasks.

2. In the case where the terms of public information re-use provide for exclusivity in using that information, the contents of the terms of re-use are announced on the relevant page of the Public Information Bulletin of the body introducing the exclusivity.

Article 23f. 1. Obligated bodies who provide public information for re-use through ICT systems are obliged to apply data formats as well as communication and encrypting protocols which provide machine-readability, as specified in the provisions issued pursuant to Article 18(1) of the Act of 17

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<sup>8</sup> Amendments to the consolidated text of the Act were published in the Journal of Laws No 94/2006, item 658, No 121/2006, item 843, No 99/2007, item 662, No 181/2007, item 1293, No 157/2009, item 1241 and No 152/2010, item 1016.

February 2005 on computerisation of activity of bodies executing public tasks (Journal of Laws No 64, item 565, as amended<sup>9</sup>).

2. Obligated bodies are not obliged to develop, and in particular process public information for re-use, or provide excerpts from such information, if this results in the need to undertake disproportionate actions, exceeding simple operations.

Article 23g. 1. The re-use of public information is performed through the re-use of public information:

- 1) made available on the relevant page of the Public Information Bulletin,
- 2) made available in a different manner than in the Public Information Bulletin,
- 3) made available in the central repository,
- 4) submitted upon a request for re-use of public information.

2. The provision of public information for re-use takes place upon request in the cases where:

- 1) public information has not been made available in the Public Information Bulletin or in the central repository, unless it has been made available in a different manner and the terms of its re-use have been specified, or
- 2) the applicant intends to use the public information on terms other than those specified for that information.

3. The request for re-use of public information may be submitted in particular in the form of an electronic document within the meaning of the Act of 17 February 2005 on computerisation of activity of bodies carrying out public tasks.

4. In the case where formal conditions of the application have not been fulfilled, the applicant is called to supplement the missing elements and informed that failure to do so within 7 days of receiving the call will result in the application being left unprocessed.

5. The application is processed without undue delay, however no later than within 20 days of receiving the application. In particularly complicated cases, the obliged body may extend the processing of the case by another 20 days, after notifying the applicant within 20 days of receiving the application.

6. The obliged body informs the Prime Minister when 1 000 requests for re-use of public information of a given type have been exceeded.

7. The obliged body:

- 1) submits public information for re-use without restriction through any conditions, and in the case where the applicant is already in possession of public information, notifies the applicant of the absence of any restriction through conditions of the re-use of public information,
- 2) presents an offer to the applicant, containing the conditions of public information re-use, as well as the amount of charges for public information re-use in the case mentioned in Article 23c(1).
- 3) refuses, in the form of a decision, the re-use of public information.

8. An obliged body refuses the re-use of public information in the case where:

- 1) access to public information is subject to restrictions mentioned in Article 5 or in the provisions of separate Acts,
- 2) the re-use of public information has violated intellectual property rights vested in third parties.

9. The obliged body may refuse the re-use of public information in the situation mentioned in Article 23f(2).

10. An applicant who has received the offer mentioned in paragraph 7(2) may submit an appeal on grounds of violation of the provisions of the Act within 14 days of receiving the offer. In the case of receiving an appeal, the obliged body shall decide on the conditions of re-use of public information or on amount of charges in the form of a decision.

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<sup>9</sup> Amendments to this Act were published in the Journal of Laws No 12/2006, item 65, No 73/2006, item 501, No 127/2008, item 817, No 157/2009, item 1241, No 40/2010, item 230, No 167/2010, item 1131, No 182/2010, item 1228, No 112/2011, item 654 and No 185/2011, item 1092.

11. Provisions of the Code of Administrative Procedure shall apply to the decision on the refusal to provide public information for re-use and to the decision on conditions of public information re-use and on the amount of charges, however:

- 1) an appeal against the decision is examined within 14 days,
- 2) the justification of the decision on the refusal of public information re-use pursuant to paragraph 8(2) contains an indication of the natural person, legal body or organisational unit without legal personality which has copyright, if known, or the licensee from whom the given obliged body obtained the given work.

12. Provisions of the Code of Administrative Procedure shall apply accordingly to the decisions mentioned in paragraphs 8–10, made by the obliged body which is not a public sector body. The applicant may submit an application for the re-examination of the case, to which the provisions concerning appeals shall apply accordingly.

13. Minister competent for computerisation shall determine, by means of a regulation, the model of the application for re-use of public information, containing in particular information about the manner and form of providing the applicant with public information, as well as the objective and scope of re-use of public information made available, taking into account the efficiency and transparency of the proceedings.

Article 23h. 1. The obliged body which provides public information for re-use shall place the following information on the relevant page of the Public Information Bulletin:

- 1) a list of public information available in the central repository for re-use,
- 2) conditions of public information re-use, if specified,
- 3) information about factors taken into account during the calculation of charges for atypical applications for public information re-use,
- 4) information about legal remedies to which a person is entitled in the case of a refusal to provide public information for re-use, determination of terms of re-use or amount of charge,

2. The obliged body which provides public information for re-use in a manner other than in the Public Information Bulletin or in the central repository, is obliged to indicate possible terms of re-use at the time of making them available, as mentioned in Article 23b(2), as well as information about factors taken into account for the calculation of charges for atypical application for public information re-use, or place in which it is possible to study such information.

3. The obliged body provides the information about the principles of calculation of the amount of charge mentioned in Article 23c(1) at the request of the applicant.

4. The absence of appropriate information in the objective menu of the relevant page of the Public Information Bulletin under the category of “Re-use of public information” shall be deemed to be the consent to the re-use of public information without any restriction by conditions.

Article 23i. Provisions of the Act of 30 August 2002 — Law on proceedings before administrative courts shall apply to appeals considered under proceedings for re-use of public information, however:

- 1) the submission of documents and the reply to the appeal takes place within 15 days of receiving the appeal,
- 2) the appeal shall be processed within 30 days of receiving the documents together with the reply to the appeal.’

**Article 2.** In the Act of 10 April 1974 on population records and identity cards (Journal of Laws No 139/2006, item 993, as amended<sup>10</sup>), in Article 44h:

- 1) paragraph 2 shall read as follows:

‘2. The data referred to in paragraph 1 are made available to:

- 1) persons and organisational units — if they demonstrate legal interest in it;

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<sup>10</sup> Amendments to the consolidated text of the Act were published in the Journal of Laws No 144/2006, item 1043, No 21/2007, item 125, No 70/2008, item 416, No 171/2008, item 1056, No 195/2008, item 1198, No 220/2008, item 1414, No 22/2009, item 120, No 39/2009, item 306, No 69/2009, item 595, No 223/2009, item 1777, No 239/2010, item 1593 and No 133/2011, item 768.

- 2) organisational units — if after their use for the purpose of research, statistics or a public opinion poll, these data will be modified in such a manner as to make it impossible to determine the identity of persons these data concern;
- 3) other persons and entities — if they substantiate the factual interest in receiving the data and upon agreement of persons these data concern.’;

2) after paragraph 2, the following paragraph 2a shall be added:

‘2a. Data are made available for re-use, referred to in paragraph 2(2), upon request, on the basis of the principles stipulated in the Act of 6 September 2001 on access to public information (Journal of Laws No 112, item 1198, as amended<sup>11)</sup>), unless the provisions of the Act stipulate otherwise.’.

**Article 3.** The Act of 29 June 1995 on public statistics (Journal of Laws No 88, item 439, as amended<sup>12)</sup>) is hereby amended as follows:

1) in Article 21, the following paragraph 5 shall be added:

‘5. Conducting research and preparing studies and analyses referred to in paragraph 2 takes place in accordance with provisions of the Act of 6 September 2001 on access to public information (Journal of Laws No 112, item 1198, as amended<sup>13)</sup>) if public statistics services used the collected data to carry out tasks specified in the Act and the research results, studies and analyses do not serve exclusively the realisation of a public task.’;

2) after Article 49, the following Article 49a shall be added:

‘Article 49a. Within the scope not regulated herein, the provisions of the Act of 6 September 2001 on access to public information shall apply to re-use of data from national official registers.’.

**Article 4.** In the Road Traffic Act of 20 June 1997 (Journal of Laws No 108/2005, item 908, as amended<sup>14)</sup>), in Article 80c, paragraph 5 shall read as follows:

‘5. Data or information collected in registers are submitted for re-use for commercial and non-commercial purposes, in a manner excluding the possibility to identify persons or vehicles, subject to the provisions of the Act of 6 September 2001 on access to public information (Journal of Laws No 112, item 1198, as amended<sup>15)</sup>), unless the provisions of the Act stipulate otherwise.’.

**Article 5.** In the Water Act of 18 July 2001 (Journal of Laws No 239/2005, item 2019, as amended<sup>16)</sup>), in Article 110:

1) paragraphs 3 and 4 shall read as follows:

‘3. The Institute of Meteorology and Water Management shall make available, free of charge, information about the atmosphere and hydrosphere, processed as a result of standard procedures, to public sector bodies and water owners or managers acting on their behalf, as well as

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<sup>11</sup> Amendments to this Act were published in the Journal of Laws No 153/2002, item 1271, No 240/2004, item 2407, No 64/2005, item 565, No 132/2005, item 1110, No 182/2010, item 1228 and No 204/2011, item 1195.

<sup>12</sup> Amendments to this Act were published in the Journal of Laws No 156/1996, item 775, No 88/1997, item 554, No 121/1997, item 769, No 99/1998, item 632, No 106/1998, item 668, No 100/2001, item 1080, No 217/2003, item 2125, No 273/2004, item 2703, No 163/2005, item 1362, No 170/2006, item 1217, No 166/2007, item 1172, No 227/2008, item 1505, No 18/2009, item 97, No 47/2010, item 278, No 76/2010, item 489, No 131/2011, item 764, No 139/2011, item 814 and No 171/2011, item 1016.

<sup>13</sup> Amendments to this Act were published in the Journal of Laws No 153/2002, item 1271, No 240/2004, item 2407, No 64/2005, item 565, No 132/2005, item 1110, No 182/2010, item 1228 and No 204/2011, item 1195.

<sup>14</sup> Amendments to the consolidated text of the Act were published in the Journal of Laws No 109/2005, item 925, No 175/2005, item 1462, No 179/2005, item 1486, No 180/2005, items 1494 and 1497, No 17/2006, item 141, No 104/2006, items 708 and 711, No 190/2006, item 1400, No 191/2006, item 1410, No 235/2006, item 1701, No 52/2007, item 343, No 57/2007, item 381, No 99/2007, item 661, No 123/2007, item 845, No 176/2007, item 1238, No 37/2008, item 214, No 100/2008, item 649, No 163/2008, item 1015, No 209/2008, item 1320, No 220/2008, items 1411 and 1426, No 223/2008, items 1461 and 1462, No 234/2008, items 1573 and 1574, No 3/2009, item 11, No 18/2009, item 97, No 79/2009, item 663, No 91/2009, item 739, No 92/2009, item 753, No 97/2009, items 802 and 803, No 98/2009, item 817, No 168/2009, item 1323, No 40/2010, item 230, No 43/2010, item 246, No 122/2010, item 827, No 151/2010, item 1013, No 152/2010, item 1018, No 182/2010, item 1228, No 219/2010, item 1443, No 225/2010, item 1466, No 257/2010, item 1726, No 30/2011, item 151, No 92/2011, item 530, No 102/2011, item 585, No 106/2011, item 622 and No 171/2011, item 1016.

<sup>15</sup> Amendments to this Act were published in the Journal of Laws No 153/2002, item 1271, No 240/2004, item 2407, No 64/2005, item 565, No 132/2005, item 1110, No 182/2010, item 1228 and No 204/2011, item 1195.

<sup>16</sup> Amendments to the consolidated text of the Act were published in the Journal of Laws No 267/2005, item 2255, No 170/2006, item 1217, No 227/2006, item 1658, No 21/2007, item 125, No 64/2007, item 427, No 75/2007, item 493, No 88/2007, item 587, No 147/2007, item 1033, No 176/2007, item 1238, No 181/2007, item 1286, No 231/2007, item 1704, No 199/2008, item 1227, No 227/2008, item 1505, No 168/2009, item 1323, No 215/2009, item 1664, No 44/2010, item 253, No 96/2010, item 620, No 182/2010, item 1228 and No 32/2011, item 159.

universities, science and research institutes for the purpose of scientific research and didactic activity.

4. Polish Geological Institute shall make available, free of charge, collected information about the underground water resources, processed as a result of standard procedures, to public sector bodies as well as universities, science and research institutes for the purpose of scientific research and didactic activity.’;

2) paragraphs 7 and 8 shall read as follows:

‘7. The Institute of Meteorology and Water Management and the Polish Geological Institute shall submit for re-use, for a fee, information collected and processed as a result of implementation of standard procedures to recipients other than those specified in paragraphs 3 and 4. The resulting income shall constitute income of the state budget.

8. The Institute of Meteorology and Water Management and the Polish Geological Institute shall submit for re-use, for a fee, information obtained as a result of non-standard procedures. The resulting income shall constitute the respective income of these institutes.’;

3) after paragraph 8, the following paragraph 8a shall be added:

‘8a. Submission of information for re-use, referred to in paragraphs 7 and 8, shall take place on the basis of the principles specified in the Act of 6 September 2001 on access to public information (Journal of Laws No 112, item 1198, as amended<sup>17)</sup>).’.

**Article 6.** In the Act of 2 July 2004 on freedom of economic activity (Journal of Laws No 220/2010, item 1447, as amended<sup>18)</sup>), in Article 39:

1) paragraph 2 shall read as follows:

‘2. CEIDG (Central Registration and Information on Business) data are made available for a fee, in a manner other than specified in Article 38(2), using teletransmission equipment, to other entities for re-use for commercial and non-commercial purposes.’;

2) paragraph 5 shall read as follows:

‘5. Entities to which CEIDG data are made available under paragraph 1 or 2 may not submit these data or their fragments to other entities.’;

3) the following paragraph 8 shall be added:

‘8. Within the scope not regulated in paragraphs 2–7, the provisions of the Act of 6 September 2001 on access to public information (Journal of Laws No 112, item 1198, as amended<sup>19)</sup>) shall apply to re-use of CEIDG data.’.

**Article 7.** In the Act of 17 February 2005 on computerisation of activity of bodies executing public tasks (Journal of Laws No 64, item 565, as amended<sup>20)</sup>), in Article 15, the following paragraph 4 shall be added:

‘4. An entity keeping a public register shall submit register data for their re-use for a purpose other than implementation of a public task on the basis of the principles specified in the Act of 6

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<sup>17</sup> Amendments to this Act were published in the Journal of Laws No 153/2002, item 1271, No 240/2004, item 2407, No 64/2005, item 565, No 132/2005, item 1110, No 182/2010, item 1228 and No 204/2011, item 1195.

<sup>18</sup> Amendments to the consolidated text of the Act were published in the Journal of Laws No 239/2010, item 1593, No 85/2011, item 459, No 106/2011, item 622, No 112/2011, item 654, No 120/2011, item 690, No 131/2011, item 764, No 132/2011, item 766, No 153/2011, item 902, No 163/2011, item 981, No 171/2011, item 1016 and No 199/2011, item 1175.

<sup>19</sup> Amendments to this Act were published in the Journal of Laws No 153/2002, item 1271, No 240/2004, item 2407, No 64/2005, item 565, No 132/2005, item 1110, No 182/2010, item 1228 and No 204/2011, item 1195.

<sup>20</sup> Amendments to this Act were published in the Journal of Laws No 12/2006, item 65, No 73/2006, item 501, No 127/2008, item 817, No 157/2009, item 1241, No 40/2010, item 230, No 167/2010, item 1131, No 182/2010, item 1228, No 112/2011, item 654 and No 185/2011, item 1092.



September 2001 on access to public information (Journal of Laws No 112, item 1198, as amended<sup>21</sup>).

**Article 8.** In the Act of 24 September 2010 on population records (Journal of Laws No 217, item 1427 and No 239, item 1593 and No 133/2011, item 768), in Article 46, the following paragraph 3 shall be added:

'3. Making data available for their re-use, referred to in paragraph 2(2), takes place upon request, on the basis of the principles stipulated in the Act of 6 September 2001 on access to public information (Journal of Laws No 112, item 1198, as amended)<sup>22</sup>, unless the provisions of the Act stipulate otherwise.'

**Article 9.** 1. In 2012–2021, the maximum expenditure ceiling from the state budget for operation of the central repository of public information, which is a financial result of the Act, shall amount to PLN 23 250 000, broken down as follows:

- 1) 2012 — PLN 5 550 000;
- 2) 2013 — PLN 5 550 000;
- 3) 2014 — PLN 1 550 000;
- 4) 2015 — PLN 1 550 000;
- 5) 2016 — PLN 1 550 000;
- 6) 2017 — PLN 1 500 000;
- 7) 2018 — PLN 1 500 000;
- 8) 2019 — PLN 1 500 000;
- 9) 2020 — PLN 1 500 000;
- 10) 2021 — PLN 1 500 000;

2. If the maximum expenditure ceiling adopted for a given financial year, referred to in paragraph 1, is exceeded or likely to be exceeded, the following corrective mechanisms shall be implemented:

- 1) reduction of service costs of equipment components of the central repository of public information;
- 2) use of other technological or technical/organisational solutions regarding operation of the central repository of public information.

3. The competent authority for monitoring the use of the expenditure ceiling referred to in paragraph 1 and implementation of corrective mechanisms referred to in paragraph 2 shall be the minister responsible for computerisation.

**Article 10.** 1. Court proceedings referred to in Article 22 of the Act amended in Article 1, in the wording applicable until the date of entry into force hereof, commenced and not completed prior to the date of entry into force hereof, shall be subject to the current provisions.

2. Proceedings concerning the availability or re-use of public information, conducted pursuant to Acts amended in Article 2–6 and 8, commenced and not completed prior to the date of entry into force hereof, shall be subject to the current provisions.

**Article 11.** The provisions of agreements concluded prior to the date of entry into force hereof which are contrary to Article 23e amended in Article 1, shall expire on the date of entry into force hereof.

**Article 12.** This Act shall enter into force 3 months after its publication, with the exception of Article 1(5–7) and (10) concerning the central repository of public information, which shall enter into force 12 months after its publication.

President of the Republic of Poland: *B. Komorowski*

<sup>21</sup> Amendments to this Act were published in the Journal of Laws No 153/2002, item 1271, No 240/2004, item 2407, No 64/2005, item 565, No 132/2005, item 1110, No 182/2010, item 1228 and No 204/2011, item 1195.

<sup>22</sup> Amendments to this Act were published in the Journal of Laws No 153/2002, item 1271, No 240/2004, item 2407, No 64/2005, item 565, No 132/2005, item 1110, No 182/2010, item 1228 and No 204/2011, item 1195.