

ACT
of August 29, 1997
on the Protection of Personal Data
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(...)

CHAPTER 6
Registration of Personal Data Filing Systems

Article 40

The controller shall be obliged to notify a data filing system to registration by the Inspector General. The above shall not apply in cases referred to in Article 43 paragraph 1.

Article 41

1. The notification, concerning the data filing system submitted to the registration, should contain the following:
 - 1) an application for entering the personal data filing system into the register of filing systems,
 - 2) an indication of the subject running the filing system and the address of its seat or place of residence, including the identification number in the register of enterprises setting up in business, if applicable, and the legal grounds on which he/she is authorised to run the data filing system, and in case of the subject referred to in Article 31a, indication of this subject and the address of its seat or place of residence,
 - 3) the purpose of the processing of data,
 - 3a) description of the categories of data subjects and the scope of the processed data,
 - 4) information on the ways and means of data collection and disclosure,
 - 4a) information on the recipients or categories of recipients to whom the data may be transferred,
 - 5) the description of technical and organisational measures applied for the purposes referred to in Article 36 to 39,
 - 6) information on the ways and means of fulfilling technical and organisational conditions specified in the provisions referred to in Article 39a,
 - 7) information relating to a possible data transfer to a third country.
2. The controller shall be obliged to notify the Inspector General about any changes affecting the information referred to in paragraph 1, within 30 days following the date of the change introduced to the filing system. The provisions on registration of personal data filing systems shall apply respectively to the notification about changes.

Article 42

1. The Inspector General shall keep a national, open register of personal data filing systems. The register should contain the information referred to in Article 41 paragraph 1 point 1 – 4a and point 7.
2. The register referred to in paragraph 1 may be inspected by any person.
3. At the request, the controller may obtain the certificate of registration of data filing system notified by the controller, subject to the provisions of paragraph 4.

4. The Inspector General shall issue to the controller referred to in Article 27 paragraph 1 the certificate of registration of data filing system immediately after the registration.

Article 43

1. The obligation to register data filing systems shall not apply to the controllers of such data which:
 - 1) constitute a state secrecy due to the reasons of state defence or security, protection of human life and health, property, security, or public order,
 - 1a) were collected as a result of inquiry procedures held by officers of the bodies authorized to conduct such inquiries,
 - 2) are processed by relevant bodies for the purpose of court proceedings and on the basis of the provisions on National Criminal Register,
 - 2a) are processed by the Inspector General of Financial Information,
 - 2b) are processed by relevant bodies for the purposes of the participation of the Republic of Poland in the Schengen Information System and the Visa Information System,
 - 3) relate to the members of churches or other religious unions with an established legal status, being processed for the purposes of these churches or religious unions,
 - 4) are processed in connection with the employment by the controller or providing services for the controller on the grounds of civil law contracts, and also refer to the controller's members and trainees,
 - 5) refer to the persons availing themselves of their health care services, notarial or legal advice, patent agent, tax consultant or auditor services,
 - 6) are created on the basis of electoral regulations concerning the Diet, Senate, European Parliament, communal councils, poviats councils and voivodship regional councils, the President of the Republic of Poland, head of the commune, mayor or president of a city elections, and the acts on referendum and municipal referendum,
 - 7) refer to persons deprived of freedom under the relevant law within the scope required for carrying out the provisional detention or deprivation of freedom,
 - 8) are processed for the purpose of issuing an invoice, a bill or for accounting purposes,
 - 9) are publicly available,
 - 10) are processed to prepare a thesis required to graduate from a university or be granted a degree,
 - 11) are processed with regard to minor current everyday affairs.
2. As regards data filing systems referred to in Article 43 paragraph 1 point 1 and 3 and those referred to in Article 43 paragraph 1 point 1a processed by Internal Security Agency, Foreign Intelligence Agency, Central Anticorruption Bureau and Military Information Services the Inspector General is not entitled to the powers stipulated in Article 12 point 2 and Article 14 point 1, 3 to 5 and Articles 15 to 18.

Article 44

1. The Inspector General shall, by means of an administrative decision refuse to register the data filing system if:
 - 1) the requirements specified in Article 41 paragraph 1 have not been fulfilled,
 - 2) the processing may violate the provisions provided for by Articles 23 to 30,
 - 3) the devices and computer systems used for the processing of the data filing system submitted for registration do not meet fundamental technical and organisational conditions defined in Article 39a.

2. Should the Inspector General refuse to register a data filing system, he/she shall order by means of an administrative decision to:
 - 1) limit the processing of all categories or some categories of data only to the storage of data, or
 - 2) apply other measures referred to in Article 18 paragraph 1.
3. Deleted.
4. After the removal of the defects which resulted in the refusal to register a data filing system, the controller may again submit the system for registration.
5. Should a data filing system be re-submitted for the registration, the controller may start the processing of data after its registration.

Article 44a

Striking off an entry in the register of the data filing systems shall be done by means of an administrative decision, in case where:

- 1) the data are no longer processed in the registered filing system,
- 2) the registration has been made with the violation of the law,

Article 45

Deleted.

Article 46

1. The controller may, subject to the provision of paragraph 2, start the processing of data in the data filing system after notification of the system to the Inspector General, unless the controller is exempted from this obligation by virtue of the Act.
2. The controller of data referred to in Article 27 paragraph 1 may start the processing of these data in the data filing system after registration of the file, unless the controller is exempted from the obligation to submit the system for registration by virtue of the Act.

Article 46a

The minister who is responsible for public administration matters shall determine, by way of a regulation, the form of a notification referred to in Article 41 paragraph 1, considering the obligation to include the information necessary to confirm the compliance of data processing with the requirements of the Act.