

## **The Regulation of May 29, 1998**

**by  
the President of the Republic of Poland**

**as regards granting the statutes to the Bureau of the Inspector General for the  
Protection of Personal Data.**

Pursuant to Article 13 (3) of the Personal Data Protection Act of August 29, 1997 (Journal of Laws No. 133, item 883) the following provisions have been adopted :

**§ 1.** The Bureau of the Inspector General for the Protection of Personal Data is granted the statutes which constitutes an appendix to this regulation.

**§ 2.** This regulation shall enter into force on the day of its promulgation.

Appendix to the Regulation of May 29, 1998 by the President of the Republic of Poland (item 464)

## **The Statutes of the Bureau of the Inspector General for Personal Data Protection**

### **I. General Provisions**

**§ 1.1.** The Bureau of the Inspector General for Personal Data Protection hereinafter called "the Bureau" is a subsidiary of the Inspector General for Personal Data Protection, hereinafter referred to as "the Inspector General", which was appointed pursuant to Art.13.1 of the Act of August 29, 1997 on Personal Data Protection (Journal of Laws No. 133 item 883) hereinafter referred to as "the Act".

2. The Bureau secures performing the tasks being due to the Inspector General's power conferred upon by the Act and other provisions in force.

**§ 2.** The registered office of the Bureau is located in the capital city Warsaw.

### **II. The Principles of Functioning of the Bureau**

§3.1. The Bureau is managed by the Director of the Bureau who is appointed and dismissed by the Inspector General.

2. The Director of the Bureau ensures due functioning of the Bureau and conditions of its operational and organisational activities. Moreover, having the Inspector General's approval, he/she defines the number of permanent employees and their classification into each organisational unit of the Bureau as referred therein.

3. The Inspector General exercises supervisory duties upon the functioning of the Bureau and he/she is vested with the powers and obligations as an employer in relation to the people employed in the Bureau.

§ 4.1. The Inspector General may grant any person being employed for the post of an inspector, an authorisation in writing to carry out the tasks as referred to in Article 14 of the Act on his/her behalf.

2. The authorisation may be of a single nature e. i. granted to perform a task or work which has been set out in its content or a permanent one to perform tasks referred to in para.1 in a specified time; nevertheless, not longer than till the Inspector General's term of office is completed.

3. The authorisation is affixed with a round seal of the Inspector General.

4. The Inspector General manages a register of granted authorisations and defines by means of a regulation procedures of their storing, returning and liquidating.

§ 5.1. The directors of the organisational units of the Bureau may be granted the Inspector General's authority in writing to make, on his/her behalf, decisions as referred to in Articles 18, 21 and 44 of the Act and to issue certificates as referred to in Article 42 (3) of the Act.

2. Any legal or physical person may be given a proxy by the Inspector General to perform civil, legal and virtual transactions on his/her behalf within the scope of *de iure* competence of the Bureau.

### III. The Organisation of the Bureau.

§ 6.1. In pursuance of the statutes the Bureau comprises the following organisational units:

- 1) the Organisational and Administrative Department,
- 2) the Legal Department,
- 3) the Complaints Department,
- 4) the Inspection Department,
- 5) the Personal Data Files Registration Department,
- 6) the Computer Department,
- 7) the Finance Department,
- 8) the Protection Division,
- 9) the Personnel Affairs Officer,
- 10) the Press Team.

2. The statutory, organisational units of the Bureau are managed by the respective directors, except for the Finance Department, which is managed by the chief accountant, the Protection Division, which is managed by the Classified Information Protection Proxy, the Press Team, which is managed by the press spokesman and the Personnel Department.

3. The Inspector General may establish commissions as auxiliary and advisory bodies after having set out the aim of their establishment, the staff composition, the scope of their activities and procedures of operation.

**§ 7.1.** The duties entrusted to the Organisational and Administrative Department comprise, in particular:

- 1) running the Main Chancellery and the Record Office,
- 2) providing organisational service,
- 3) fostering international contacts,
- 4) attending to the needs of the commissions appointed by the Inspector General,
- 5) civil defence,
- 6) providing services such as: economic and technical and as regards purchasing orders,
- 7) occupational safety and health.

**§ 8.** The Legal Department in particular:

- 1) prepares legal opinions on cases submitted by the Inspector General, the Director of the Bureau and Directors of Departments or managers of other organisational units of the Bureau,
- 2) provides lawyers' service to the Bureau,
- 3) works out projects of internal legal acts issued by the Inspector General,
- 4) analyses legal acts with regard to their compliance with the Personal Data Protection Act,
- 5) works out the project of the annual report of the Bureau, pursuant to the Act,
- 6) works out projects of the Inspector General's attitude towards cases connected with the projects of legislative acts referring to personal data protection.

**§ 8a.** The Complaints Department, in particular:

- 1) considers complaints and requests as regards observance of the provisions of the Act, addressed to the Inspector General,
- 2) conducts analysis of complaints and requests and presents reports thereon to the Inspector General,
- 3) works out projects of the Inspector General's decisions issued in cases provided by the Act, subject to § 9 para.3 and § para.5.

**§9.** The Inspection Department, in particular:

- 1) performs tasks connected with the Inspector General's duty to control whether personal data processing complies with regulations on personal data protection,
- 2) settles all the affairs connected with authorisations granted in order to exert control and with the register of such authorisations,
- 3) works out projects of the Inspector General's decisions issued as a result of the conducted inspections.

**§10.** The duties entrusted to the Personal Data Files Registration Department comprise, in particular :

- 1) accepting applications for data files registration,
- 2) keeping a register of personal data files,
- 3) issuing certificates on personal data files registration,
- 4) making data contained in the personal data file register available,
- 5) drafting decisions upon any refusal of data file registration.

**§11.** The duties entrusted to the Computer Department comprise, in particular:

- 1) securing accessibility to the Bureau's information system of data processing ,
- 2) evaluating applications for data files registration as regards their compliance with technical and organisational requirements,

- 3) making inspections,
- 4) performing tasks insofar as an application and improving of personal data protection methods employed in the information system.

**§12.** The duties entrusted to the Finance Department are connected with financial service provided to the Bureau and include in particular:

- 1) book-keeping pursuant to the provisions in force,
- 2) managing finances of the Bureau in accordance with the principles in force.

**§12a.** The duties entrusted to the Protection Division are specified in separate provisions.

**§12b.** The Personnel Affairs Officer is responsible in particular for matters related to:

- 1) managing personnel documentation pursuant to the provisions in force,
- 2) managing social affairs as regards social fund service.

**§12c.** The Press Team provides press service to the Bureau.

## **IV. Final provisions**

**§13.** The Inspector General defines in a regulation the mode of operation as well as internal organisation and a detailed scope of statutory functions entrusted to the organisational units of the Bureau .