

Autor:

Centrum Tłumaczeń i Obsługi Konferencji LIDEX

ACT

of 10 May 2018

on Personal Data Protection ¹ (2

Chapter 1

General provisions

Article 1.

1. This Act shall apply to the protection of natural persons with regard to the processing of personal data within the scope specified in Article 2 and Article 3 of 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) (OJ L 119, 04.05.2016, p. 1), hereinafter referred to as "Regulation 2016/679".

2. This Act shall set forth:

- 1) public bodies obliged to appoint a data protection officer and the procedure for giving notifications of the designation of a data protection officer;
- 2) the conditions and the procedure for the accreditation of a body authorised to grant personal data protection certifications, accredited by Polskie Centrum Akredytacji [the Polish Centre for Accreditation], hereinafter referred to as "certification body", a body monitoring the code of conduct and certification;
- 3) the procedure for approving the code of conduct;
- 4) the authority competent in matters related to personal data protection;
- 5) the procedure concerning a breach of personal data protection provisions;
- 6) the procedure for European administrative cooperation;
- 7) inspection of compliance with personal data protection provisions;
- 8) civil liability for the violation of personal data protection provisions and court proceedings;

9) criminal liability and administrative fines for the violation of personal data protection provisions.

Article 2.

1. The provisions of Article 5 to Article 9, Article 11, Article 13 to Article 16, Article 18 to Article 22, Article 27, Article 28 (2) to (10), and Article 30 of Regulation 2016/679 shall not apply to activity consisting in editing, preparing, creating or publishing press materials within the meaning of the Press Law Act of 26 January 1984 (Dziennik Ustaw of 2018, item 1914) and to expression being part of literary or artistic activity.

2. The provisions of Article 13, Article 15 (3), Article 15 (4), Article 18, Article 27, Article 28 (2) to (10), and Article 30 of Regulation 2016/679 shall not apply to academic expression.

Article 3.

1. A controller performing a public task shall not provide the information referred to in Article 13 (3) of Regulation 2016/679 if the change of the purpose of the processing is aimed at fulfilling a public task and the non-fulfilment of the obligation referred to in Article 13 (3) of Regulation 2016/679 is necessary to achieve the objectives referred to in Article 23 (1) of that Regulation, and the provision of that information will:

1) prevent or severely inhibit the correct performance of the public task and the interests or the fundamental rights and freedoms of the data subject do not override the interests arising from the performance of that public tasks or

2) result in a classified information breach.

2. In the case referred to in paragraph 1, the controller shall provide appropriate measures aimed at protecting the interests or the fundamental rights and freedoms of the data subject.

3. A controller shall be obliged to inform a data subject, at the data subject's request, without undue delay, however, not later than within a month from the date of receipt of the request, about the basis for the non-provision of the information referred to in Article 13 (3) of Regulation 2016/679.

Article 4.

1. In matters not regulated in Article 14 (5) of Regulation 2016/679, a controller performing a public task shall not provide the information referred to in Article 14 (1), (2), and 4 of Regulation 2016/679 if this is aimed at fulfilling a public task and the non-fulfilment of the obligation referred to in Article 14 (1), (2), and (4) of Regulation 2016/679 is necessary to achieve the objectives referred to in Article 23 (1) of that Regulation, and the provision of that information will:

1) prevent or severely inhibit the correct performance of the public task and the interests or the fundamental rights and freedoms of the data subject do not override the interests arising from the

performance of that public tasks or

2) result in a classified information breach.

2. In the case referred to in paragraph 1, the controller shall provide appropriate measures aimed at protecting the interests or the fundamental rights and freedoms of the data subject.

3. A controller shall be obliged to inform a data subject, at the data subject's request, without undue delay, however, not later than within a month from the date of receipt of the request, about the basis for the non-provision of the information referred to in Article 14 (1), (2), and (4) of Regulation 2016/679.

Article 5.

1. A controller performing a public task shall not provide the information referred to in Article 15 (1) to (3) of Regulation 2016/679 if this is aimed at fulfilling a public task and the non-fulfilment of the obligations referred to in Article 15 (1) to (3) of Regulation 2016/679 is necessary to achieve the objectives referred to in Article 23 (1) of that Regulation, and the fulfilment of those obligations will:

1) prevent or severely inhibit the correct performance of the public task and the interests or the fundamental rights and freedoms of the data subject do not override the interests arising from the performance of that public tasks or

2) result in a classified information breach.

2. Where the fulfilment of the obligations referred to in Article 15 (1) and (3) of Regulation 2016/679 requires a disproportionate effort involved in searching for personal data, a controller performing a public task shall request the data subject to provide information enabling finding those data. The provision of Article 64 of the Act of 14 June 1960-The Code of Administrative Procedure (Dziennik Ustaw 2018, item 2096 and of 2019, item 60, 730 and 1133) shall apply accordingly.

3. In the cases referred to in paragraphs 1 and 2, the controller shall provide appropriate measures aimed at protecting the interests or the fundamental rights and freedoms of the data subject.

4. A controller shall be obliged to inform a data subject, at the data subject's request, without undue delay, however, not later than within a month from the date of receipt of the request, about the basis for the non-fulfilment of the obligations referred to in Article 15 (1) to (3) of Regulation 2016/679.

Article 5a.

1. The controller who received personal data from an entity performing a public task does not perform the obligations referred to in Article 15.1 to 15.3 of Regulation 2016/679 if the entity that provided the personal data made a request to that extent due to the need to properly perform a public task intended to:

1) prevent crime, identify or prosecute criminal offences or enforce penalties, including to protect against threats to public security and prevent such threats;

- 2) protect the economic and financial interests of the state, including in particular:
 - a) achieve and enforce revenue from taxes, duties, non-fiscal state budget receivables and other receivables,
 - b) administratively enforce monetary and non-monetary receivables as well as exercise a security established for monetary and non-monetary receivables,
 - c) prevent the misuse of the operations carried out by banks and financial institutions for purposes related to tax fraud,
 - d) disclose and recover property at risk of forfeiture in relation to criminal offences,
 - e) conduct audits, including customs and tax inspections.

2. In the case referred to in paragraph 1, the controller shall answer the request filed pursuant to Article 15 of Regulation 2016/679 in a manner that prevents the determination that the controller processes personal data received from an entity performing a public task.

Article 6.

This Act and Regulation 2016/679 shall not apply to:

- 1) the processing of personal data by units of the public finance sector, as referred to in Article 9 (1), (3), (5), (6), and (14) of the Public Finance Act of 27 August 2009 (Dziennik Ustaw 2019, item 869 and 1622), insofar as such processing is necessary to fulfil tasks aimed at ensuring national security, if special regulations provide for the necessary measures for protecting the rights and freedoms of the data subject;
- 2) the activity of special services within the meaning of Article 11 of the Act of 24 May 2002 on the Internal Security Agency and the Foreign Intelligence Agency (Dziennik Ustaw 2018, items 2387, 2245 and 2399, and of 2019, items 53, 125 and 1091).

Article 6a.

1. The provisions of Articles 4 to 7, Article 11, Article 12, Article 16, Article 17, Articles 24.1 and 24.2, Articles 25.1 and 25.2, Articles 28 to 30, Article 32, Article 34, Article 35, Articles 37 to 39, and Article 86 of Regulation 2016/679 as well as Articles 6 and 11 of the Act shall apply accordingly to the processing of personal data as part of the performance of constitutional and statutory competences of the President of the Republic of Poland to the extent not covered by national security.

2. The processing of data referred to in Article 9 and Article 10 of Regulation 2016/679 shall be carried out insofar as necessary to perform the constitutional and statutory competences of the President of the Republic of Poland, if rights or freedoms of the data subject do not override the performance of duties resulting from these competences.

Article 7.

1. In matters not regulated in this Act, the Act of 14 June 1960-The Code of Administrative Procedure shall apply to administrative procedures before the President of the Personal Data Protection Office, hereinafter referred to as "President of the Office", which procedures are referred to in Chapters 4 to 7 and 11.

2. A procedure before the President of the Office shall be a single-instance procedure.

3. Provisions on appeals shall not apply to decisions issued in the procedures referred to in paragraph 1 against which an appeal may be lodged in accordance with the Act of 14 June 1960-The Code of Administrative Procedure.

4. A complaint to the administrative court may be filed against the decisions referred to in paragraph 3.

Chapter 2

Designation of a data protection officer

Article 8.

A controller and a processor shall be obliged to designate a data protection officer, hereinafter referred to as "officer", in the cases and in accordance with the rules set out in Article 37 of Regulation 2016/679.

Article 9.

The public authorities and bodies obliged to designate an officer, as referred to in Article 37 (1) (a) of Regulation 2016/679, shall be understood as:

- 1) units of the public finance sector;
- 2) research institutes;
- 3) the National Bank of Poland.

Article 10.

1. A body that has designated an officer shall notify the President of the Office of the designation within 14 days from the date of the designation, indicating the first and last name and the electronic mail address or the telephone number of the officer.

2. The notification may be given by an attorney of the body referred to in paragraph 1. The notification shall be accompanied by a power of attorney granted in electronic format.

3. Apart from the data referred to in paragraph 1, a notification shall indicate:

- 1) the first and last name and the address of the place of residence, where the controller or the processor is a natural person;

- 2) the business name of the entrepreneur and the address of the place of business, where the controller or the processor is a natural person conducting economic activity;
 - 3) the full name and the address of the registered office, where the controller or the processor is a body other than those indicated in subparagraphs (1) and (2);
 - 4) the REGON identification number, if assigned to the controller or the processor.
4. A body that has designated an officer shall notify the President of the Office of each change in the data referred to in paragraphs 1 and 3 and of the dismissal of the officer, within 14 days of the date of the change or the dismissal.
5. In the case of the designation of one officer by public authorities or bodies or by a group of entrepreneurs, each of those entities shall give the notification referred to in paragraphs 1 and 4.
6. The notifications referred to in paragraphs 1 and 4 shall be drawn up in electronic format and shall be affixed with a qualified electronic signature or a signature confirmed by an ePUAP trusted profile.

Article 11.

A body that has designated an officer shall make, immediately after the designation, the data of the officer referred to in Article 10.1 available on the body's website, and if the body does not have its own website, in a publicly available manner at the place where it operates.

Article 11a.

1. An entity that appointed a data protection officer may appoint a person to act as a deputy data protection officer in the event of the officer's absence, subject to the criteria referred to in Article 37.5 and 37.6 of Regulation 2016/679.
2. In connection with the performance of the duties of the data protection officer in the event of their absence, the provisions concerning the data protection officer shall apply accordingly to their deputy.
3. An entity that appointed a deputy data protection officer shall notify the President of the Office of this appointment as stipulated in Article 10 and provide the data of that person in accordance with Article 11.

Chapter 3

The conditions and the procedure for accrediting a certification body

Article 12.

1. The accreditation of bodies seeking authorisation to perform personal data protection certification, as referred to in Article 43 of Regulation 2016/679, hereinafter referred to as "accreditation", shall be performed by Polskie Centrum Akredytacji [the Polish Centre for Accreditation].

2. Accreditation shall take place in accordance with the rules set out in Article 43 (1) to (7) of Regulation 2016/679.

3. The provisions of Chapter 4 of the Act of 13 April 2016 on Conformity Assessment and Market Supervision Systems (Dziennik Ustaw 2019, item 544), except for Article 24.4 to Article 24.7 and Article 25.1 and Article 25.2 within the scope concerning the limitation of the scope of accreditation and its suspension, shall apply to the accreditation.

Article 13.

The President of the Office shall make the accreditation criteria referred to in Article 43 (3) of Regulation 2016/679 available on the President's website, in Biuletyn Informacji Publicznej [the Public Information Bulletin].

Article 14.

1. Polskie Centrum Akredytacji [the Polish Centre for Accreditation] shall notify the President of the Office of any accreditation performed.

2. Information on accreditation shall include:

- 1) a designation of the accredited body;
- 2) an indication of the scope of the accreditation and the period of its validity.

3. Polskie Centrum Akredytacji [the Polish Centre for Accreditation] shall notify the President of the Office of any withdrawal of accreditation.

4. Information on the withdrawal of accreditation shall include:

- 1) a designation of the body that has had its accreditation withdrawn;
- 2) an indication of the reason for the withdrawal of the accreditation.

5. The President of the Office and Polskie Centrum Akredytacji [the Polish Centre for Accreditation] may enter into an agreement on cooperation in monitoring the activity of certification bodies and on the exchange of information concerning those bodies.

Chapter 4

The conditions and the procedure for certification

Article 15.

1. The certification referred to in Article 42 of Regulation 2016/679, hereinafter referred to as "certification", shall be performed by the President of the Office or a certification body, upon application of a controller, a processor, a manufacturer or an entity placing a service or a product on the market.

2. Certification shall be performed in accordance with the rules set out in Regulation 2016/679.
3. In matters related to certification performed by a certification body not regulated in Regulation 2016/679 and in this Act, the provisions of the civil law agreement concluded between the certification body and the body applying for certification shall apply.

Article 16.

The President of the Office shall make the certification criteria referred to in Article 42 (5) of Regulation 2016/679 available on the President's website, in Biuletyn Informacji Publicznej [the Public Information Bulletin].

Article 17.

1. A certification application shall contain at least:
 - 1) the name of the body applying for certification or the applicant's first and last name and an indication of the address of the registered office, the place of business or the place of residence;
 - 2) information confirming the fulfilment of the certification criteria;
 - 3) an indication of the scope of the certification requested.
2. An application shall be accompanied by documents confirming the fulfilment of the certification criteria or copies thereof and, in the case of certification performed by the President of the Office, proof of payment of the fee referred to in Article 26.
3. An application shall be submitted in writing, in paper format, signed with a handwritten signature or in electronic format, signed with a qualified electronic signature. An application submitted to the President of the Office in electronic format shall be affixed with a qualified electronic signature or a signature confirmed by an ePUAP trusted profile.

Article 18.

1. The President of the Office or a certification body shall consider a certification application and shall notify the applicant, within a period not longer than 3 months from the date of submission of an application conforming to Article 17, having examined the fulfilment of the certification criteria, of the performance of the certification or of the refusal to perform the certification.
2. An application submitted to the President of the Office that does not contain the information referred to in Article 17.1 (1) shall not be considered. If an application does not contain the information referred to in Article 17.1 (2) or (3) or does not meet the requirements referred to in Article 17.2 or Article 17.3, the President of the Office shall request the applicant to remedy the deficiencies and shall advise that failure to remedy the deficiencies within 7 days from the date of service of the request shall result in the application not being considered.

Article 19.

Before the performance of a certification or the refusal to perform a certification, a certification body shall notify the President of the Office of the planned performance of a certification or the planned refusal to perform a certification.

Article 20.

1. If it is found that a body applying for certification does not fulfil the certification criteria, the President of the Office or a certification body shall refuse to perform the certification.
2. The President of the Office shall refuse to perform a certification by way of a decision.
3. A certification body shall develop and make available to bodies concerned a procedure to be followed in the case of a refusal to perform a certification.

Article 21.

1. The document confirming a certification shall be a certificate.
2. A certificate shall contain at least:
 - 1) a designation of the entity that has received the certificate;
 - 2) the name of the body performing the certification and an indication of the address of its registered office;
 - 3) the certificate number or designation;
 - 4) the scope, including the period for which the certification has been performed;
 - 5) the date of issuance and a signature of the body performing the certification or a person authorised thereby.

Article 22.

1. In the period for which a certification has been performed, the certified body shall be obliged to fulfil the certification criteria applicable as at the date of its issuance.
2. The President of the Office or a certification body shall withdraw a certification if it is found that the certified body does not fulfil or no longer fulfils the certification criteria.
3. The withdrawal of a certification by the President of the Office shall take place by way of a decision.

Article 23.

1. A certification body shall provide to the President of the Office the data of a certified body and of a body whose certification has been withdrawn, including an indication of the reason for the withdrawal.
2. The President of the Office shall keep a publicly available list of the bodies referred to in paragraph

- 1.
3. The President of the Office shall make an entry into the list immediately after the performance of a certification or the receipt of information on the performance of a certification by a certification body.
4. The President of the Office shall make the list available on the President's website, in Biuletyn Informacji Publicznej [the Public Information Bulletin], and shall update it.

Article 24.

1. The President of the Office shall be authorised, within the period referred to in Article 18.1 and after the performance of a certification, to perform inspection activities on the controller, processor, manufacturer or entity placing a service or product on the market for the purpose of assessing the fulfilment of the certification criteria by a given body or entity.
2. The President of the Office shall notify a body or entity referred to in paragraph 1 of the intention to perform inspection activities.
3. Inspection activities shall be performed not earlier than after 7 days and not later than within 30 days from the date of service on a body or entity referred to in paragraph 1 of a notification of the intention to perform such activities. If inspection activities are not performed within 30 days from the date of service of a notification, the performance of such activities shall require another notification.
4. Inspection activities shall be performed on the basis of an authorisation specifying the name of the authorised person, issued by the President of the Office and containing:
 - 1) the first and last name of the person performing the inspection activities;
 - 2) an indication of the controller, processor, manufacturer or entity placing a service or a product on the market;
 - 3) an indication of the legal basis for performing inspection activities;
 - 4) the scope of the inspection activities;
 - 5) the date and place of issuance;
 - 6) a signature of a person authorised to issue the authorisation on behalf of the President of the Office.

Article 25.

1. A person performing inspection activities shall be authorised to:
 - 1) enter any land and buildings, premises or other spaces on the business days and during the business hours of the controller, processor, manufacturer or entity placing a service or a product on the market;
 - 2) view documents and information directly related to the activity covered by the certification;

- 3) examine devices, carriers, and information or ICT systems used for data processing;
 - 4) request oral or written explanations in matters related to the activity covered by the certification.
2. Inspection activities shall be performed in the presence of the controller, the processor, the manufacturer or the entity placing a service or a product on the market, or a person authorised thereby.
 3. A report on the inspection activities shall be drawn up and presented to the controller, processor, manufacturer or entity placing a service or a product on the market. The provision of Article 88 shall apply accordingly.

Article 26.

1. The President of the Office shall collect a fee for activities involved in certification in an amount corresponding to the anticipated costs to be borne in connection with the performance of those activities.
2. When determining the amount of the fee, the President of the Office shall take into account the scope of the certification, the anticipated course and length of the certification procedure, and the cost of the labour of the employee performing the activities involved in certification.
3. The maximum amount of the fee shall not exceed four times the average remuneration in the national economy in the calendar year preceding the year of submission of a certification application, as announced by the President of Główny Urząd Statystyczny [the Central Statistical Office of Poland] pursuant to Article 20 (1) (a) of the Act of 17 December 1998 on Retirement and Disability Pensions from the Social Insurance Fund (Dziennik Ustaw 2018, item 1270, as amended).
4. The President of the Office shall announce the amount of the fee that a body or entity referred to in Article 15 shall be obliged to pay for activities involved in certification on the President's website, in Biuletyn Informacji Publicznej [the Public Information Bulletin].
5. The fee shall constitute income of the State budget.

Chapter 5

The development and approval of a code of conduct and the conditions and the procedure for accrediting a body monitoring compliance therewith

Article 27.

1. A code of conduct shall be developed, commented upon, and approved in accordance with the rules set out in Regulation 2016/679.
2. Before being submitted for approval to the President of the Office, a code of conduct shall be consulted with the bodies concerned.

3. Information on the consultations held and on their result shall be provided to the President of the Office along with the code of conduct.
4. If the President of the Office deems the scope of the consultations insufficient, the President shall request the body to hold consultations again, indicating their scope.
5. A party to a procedure for the approval of a code of conduct shall be exclusively the applicant applying for the approval of that code of conduct. The provision of Article 31 of the Act of 14 June 1960-The Code of Administrative Procedure shall not apply.
6. Paragraphs 1 to 5 shall apply to a modification to or an extension of an approved code of conduct.

Article 28.

Compliance with an approved code of conduct shall be monitored by a body accredited by the President of the Office in accordance with the rules set out in Article 41 of Regulation 2016/679.

Article 29.

1. The body referred to in Article 28 shall be accredited on the basis of an application that shall contain at least:
 - 1) the name of the body applying for accreditation and the address of its registered office;
 - 2) information confirming the fulfilment of the criteria referred to in Article 41 (1) and (2) of Regulation 2016/679.
2. An application shall be accompanied by documents confirming the fulfilment of the criteria referred to in Article 41 (1) and (2) of Regulation 2016/679 or by copies thereof.
3. An application shall be submitted in writing, in paper format, signed with a handwritten signature, or in electronic format, affixed with a qualified electronic signature or a signature confirmed by an ePUAP trusted profile.

Article 30.

1. The President of the Office shall consider the application referred to in Article 29.1 and shall notify the body applying for accreditation, within a period not longer than 3 months from the date of submission of an application conforming to Article 29, having examined the fulfilment of the criteria referred to in Article 41 (1) and (2) of Regulation 2016/679, of the accreditation or of the refusal to perform the accreditation.
2. An application submitted to the President of the Office that does not contain the information referred to in Article 29.1 (1) shall not be considered. If an application does not contain the information referred to in Article 29.1 (2) or does not meet the requirements referred to in paragraph 2 or paragraph 3, the President of the Office shall request the applicant to remedy the deficiencies and shall advise that

failure to remedy the deficiencies within 7 days from the date of service of the request shall result in the application not being considered.

3. If it is found that an entity applying for accreditation does not fulfil the criteria referred to in Article 41 (1) and (2) of Regulation 2016/679, the President of the Office shall refuse to accredit that body. The refusal to perform an accreditation shall take place by way of a decision.

Article 31.

1. The document confirming an accreditation shall be an accreditation certificate.
2. An accreditation certificate shall contain at least:
 - 1) an indication of the accredited body and the address of its registered office;
 - 2) the accreditation certificate number or designation;
 - 3) the date of issuance and a signature of the President of the Office or a person authorised thereby.

Article 32.

1. In the period for which an accreditation has been performed, the accredited body shall be obliged to fulfil the criteria referred to in Article 41 (1) and (2) of Regulation 2016/679, applicable as at the date of issuance of the accreditation certificate.
2. The President of the Office shall withdraw an accreditation by way of a decision if it is found that the accredited body:
 - 1) does not fulfil or no longer fulfils the accreditation criteria referred to in Article 41 (1) and (2) of Regulation 2016/679;
 - 2) undertakes activities contrary to Regulation 2016/679.

Article 33.

1. The President of the Office shall keep a publicly available list of accredited bodies.
2. The President of the Office shall make an entry into the list immediately after the performance of an accreditation.
3. The President of the Office shall make the list available on the President's website, in Biuletyn Informacji Publicznej [the Public Information Bulletin], and shall update it.

Chapter 6

President of the Office

Article 34.

1. The President of the Office shall be the authority competent in matters related to personal data

protection.

2. The President of the Office shall be a supervisory authority within the meaning of Regulation 2016/679, within the meaning of Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 04.05.2016, p. 89), and within the meaning of Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.05.2016, p. 53).

3. The President of the Office shall be designated and dismissed by the Sejm of the Republic of Poland with the consent of the Senate of the Republic of Poland.

4. The post of the President of the Office may be taken up by a person that:

- 1) is a Polish citizen;
- 2) holds a university degree;
- 3) has exceptional knowledge of law and experience in the area of personal data protection;
- 4) enjoys full civil rights;
- 5) has not been convicted by a final and non-appealable judgement of an intentional criminal offence or an intentional fiscal offence;
- 6) is of good repute.

5. The President of the Office shall be subject solely to the statute in the performance of his or her tasks.

6. The term of office of the President of the Office shall be 4 years counting from the date of taking the oath. After the end of a term of office, the President of the Office shall perform his or her duties until the post is taken up by a new President of the Office.

7. The same person shall not be the President of the Office for more than two terms.

8. The term of office of the President of the Office shall expire upon his or her death, dismissal or loss of Polish citizenship.

9. The President of the Office may be dismissed before the end of the term of office only if he or she:

- 1) has resigned the position;
- 2) has become permanently incapable of performing the duties as a result of an illness confirmed by a medical certificate;

- 3) has broken the oath;
- 4) has been convicted by a final and non-appealable judgement of an intentional criminal offence or an intentional fiscal offence;
- 5) has been deprived of civil rights.

10. In the case of expiry of a term of office of the President of the Office, the President's duties shall be performed by the Deputy President of the Personal Data Protection Office indicated by the Marshal of the Sejm.

Article 35.

1. Before starting to perform his or her duties, the President of the Office shall take the following oath before the Sejm of the Republic of Poland:

"Taking up the post of the President of the Personal Data Protection Office, I solemnly swear to remain faithful to the provisions of the Constitution of the Republic of Poland, to safeguard the right to the protection of personal data, and to perform my duties conscientiously and impartially."

2. The oath may be taken with the following words added: "So help me God".

Article 36.

1. The President of the Office may nominate up to three deputies.
2. The post of the Deputy President of the Office may be taken up by a person that:
 - 1) is a Polish citizen;
 - 2) holds a university degree;
 - 3) has exceptional knowledge of law and experience in the area of personal data protection;
 - 4) enjoys full civil rights;
 - 5) has not been convicted by a final and non-appealable judgement of an intentional criminal offence or an intentional fiscal offence;
 - 6) is of good repute.

Article 37.

1. The President of the Office and the President's deputies shall not hold any other posts, except for a teaching, scientific and teaching or scientific position at a college or university, at Polska Akademia Nauk [the Polish Academy of Sciences], in a research institute or in another scientific establishment, and shall not pursue any other gainful or non-gainful activities incompatible with the duties of the President of the Office.

2. The President of the Office and the President's deputies shall not belong to any political party or

trade union and shall not conduct any public activity irreconcilable with the dignity of the office.

Article 38.

1. The President of the Office shall not be held criminally liable or deprived of liberty without the prior consent of the Sejm of the Republic of Poland.
2. The President of the Office may give consent to being held criminally liable for the delinquencies referred to in paragraph 3, in accordance with the procedure set out in this provision.
3. If the President of the Office has committed a delinquency referred to in Chapter XI of the Act of 20 May 1971-The Delinquency Code (Dziennik Ustaw 2019, items 821 and 1238), the acceptance of a penalty notice or the payment of a fine by the President of the Office, in the case of the issuance of the penalty notice in absentia referred to in Article 98 § 1 (3) of the Act of 24 August 2001-The Code of Procedure in Cases of Delinquency (Dziennik Ustaw 2019, items 1120, 1123 and 1556) shall constitute a statement of the President's consent to being held liable in this form.
4. The President of the Office shall not be detained or arrested, except in the act of committing a criminal offence and provided that the detention is necessary to secure the correct course of proceedings. The Marshal of the Sejm shall be notified immediately of the detention and may order that the detainee be immediately released.

Article 39.

In criminal proceedings, the period of limitation for an act covered by immunity shall not run in the period in which the immunity is valid.

Article 40.

1. An application for consent to the holding of the President of the Office criminally liable in a case concerning a criminal offence prosecuted by public indictment shall be filed through the General Public Prosecutor.
2. An application for consent to the holding of the President of the Office criminally liable in a case concerning a criminal offence prosecuted by private indictment shall be filed by a private prosecutor, after the indictment has been brought to court.
3. The application referred to in paragraph 2 shall be prepared and signed by a solicitor or a legal counsel, with the exception of applications filed in their own cases by judges, public prosecutors, solicitors, legal counsels, notaries, and persons holding a degree of profesor [professor] or doktor habilitowany [habilitated doctor] in law sciences.
4. The applications referred to in paragraphs 1 and 2 shall include:
 - 1) an indication of the applicant and the attorney, if appointed;

- 2) the first and last name and the date and place of birth of the President of the Office;
- 3) an indication of the legal basis for the application;
- 4) a detailed description of the act with an indication of the time, place, manner, and circumstances in which it was committed, as well as of its effects, and in particular of the nature of the resultant damage;
- 5) a statement of reasons.

Article 41.

1. An application for consent to the holding of the President of the Office criminally liable shall be filed with the Marshal of the Sejm.
2. If an application does not meet the formal requirements referred to in Article 40.3 or Article 40.4, the Marshal of the Sejm shall request the applicant to correct or complete the application within 14 days, indicating the required scope of the correction or completion. If the application is not corrected or completed within the specified time limit and scope, the Marshal of the Sejm shall decide not to consider the application.
3. If an application meets the formal requirements referred to in Article 40.3 and Article 40.4, the Marshal of the Sejm shall direct the application to a body of the Sejm of the Republic of Poland competent to consider the application, at the same time notifying the President of the Office of the contents of the application.
4. The authority competent to consider the application shall notify the President of the Office of the date of consideration of the application. Not less than 7 days shall elapse between the service of the notification and the date of consideration of the application, unless the case is urgent.
5. At the request of the authority competent to consider the application, the proceedings records shall be made available by the court or the appropriate authority before which the proceedings against the President of the Office are pending.
6. The President of the Office shall present to the authority competent to consider the application explanations and own conclusions related to that case, in writing or orally.
7. Having considered the case, the authority competent to consider the application shall adopt a report along with a proposal to accept or reject the application.
8. When the report referred to in paragraph 7 is being considered by the Sejm of the Republic of Poland, the President of the Office shall have the right to take the floor.
9. The Sejm of the Republic of Poland shall consent to the holding of the President of the Office criminally liable by way of a resolution adopted by an absolute majority of the statutory number of deputies. If the required majority of votes is not achieved, it shall be considered that a resolution on the

absence of consent to the holding of the President of the Office criminally liable has been adopted.

Article 42.

1. The prohibition on detention referred to in Article 38.4 shall cover all forms of depriving the President of the Office of his or her liberty or of restricting the President's liberty by authorities authorised to use coercive measures.
2. An application for consent to the detention or arrest of the President of the Office shall be filed through the General Public Prosecutor.
3. The application referred to in paragraph 2 shall contain:
 - 1) an indication of the applicant;
 - 2) the first and last name and the date and place of birth of the President of the Office;
 - 3) a detailed description of the act and the legal classification of the act;
 - 4) the legal basis for applying the given measure;
 - 5) a statement of reasons, indicating in particular the need to apply the given measure.
4. The provisions of Article 41.1 to Article 41.8 shall apply accordingly to the procedure for handling the application referred to in paragraph 2.
5. The Sejm of the Republic of Poland shall consent to the detention or arrest of the President of the Office by way of a resolution adopted by an absolute majority of the statutory number of deputies. If the required majority of votes is not achieved, it shall be considered that a resolution on the absence of consent to the detention or arrest of the President of the Office has been adopted.
6. The requirement of obtaining the consent of the Sejm of the Republic of Poland shall not apply to the execution of a sentence of imprisonment imposed by a final and non-appealable court judgement.

Article 43.

1. The Marshal of the Sejm shall immediately send the resolution referred to in Article 41.9 and Article 42.5 to the applicant.
2. The resolutions referred to in Article 41.9 and Article 42.5 shall be announced in Dziennik Urzędowy Rzeczypospolitej Polskiej "Monitor Polski" [the Official Gazette of the Republic of Poland "Monitor Polski"].

Article 44.

The provisions of the Act concerning the criminal liability of the President of the Office shall apply accordingly to liability for delinquencies.

Article 45.

1. The President of the Office shall perform his or her duties with the assistance of the Personal Data Protection Office, hereinafter referred to as "Office".
2. In cases justified by the character and number of cases related to personal data protection within a given area, the President of the Office may establish, within the Office, branch units of the Office.
3. The President of the Office shall adopt, by way of an order, the statutes of the Office, specifying:
 - 1) the Office's internal organisation,
 - 2) the scope of the tasks of the President's deputies,
 - 3) the scope of the tasks and the manner of operation of the organisational units of the Office-having regard to the need to create optimum organisational conditions for the correct fulfilment of the Office's tasks.

Article 46.

1. The President of the Office, the President's deputies, and employees of the Office shall be obliged to keep confidential any information obtained in connection with the performance of their official duties.
2. The obligation to keep the information referred to in paragraph 1 confidential shall also apply after the end of a term of office or after the termination of employment.

Article 47.

The Council of Ministers shall define, by way of a regulation, a specimen of the professional identification card of an employee of the Office, having regard to the need to ensure the ability to identify persons authorised to carry out inspections and perform other official duties.

Article 48.

1. The Council for Personal Data Protection Affairs, hereinafter referred to as "Council", shall operate by the President of the Office, being an opinion-giving and advisory body of the President of the Office.
2. The tasks of the Council shall include:
 - 1) giving opinions on draft documents of European Union bodies and institutions concerning matters related to personal data protection;
 - 2) giving opinions on draft legal acts and other documents concerning matters related to personal data protection, submitted by the President of the Office;
 - 3) developing proposals of the certification criteria referred to in Article 42 (5) of Regulation 2016/679;
 - 4) developing proposals of recommendations specifying technical and organisational measures

used to ensure the security of personal data processing;

5) initiating actions in the area of personal data protection and presenting proposals for legal changes in this area to the President of the Office;

6) expressing opinions in cases presented to the Council by the President of the Office;

7) performing other tasks set by the President of the Office.

3. The Council shall express an opinion within 21 days from the date of receipt of the drafts or documents referred to in paragraph 2.

4. Opinions, minutes of meetings, and other Council documents shall be made available on the website, in *Biuletyn Informacji Publicznej* [the Public Information Bulletin] of the President of the Office.

5. The Council shall submit to the President of the Office a report on its activities for each calendar year by 31 March of the next year.

6. The Council shall be composed of 8 members.

7. Candidates for the membership of the Council shall be nominated by:

1) the Council of Ministers;

2) Rzecznik Praw Obywatelskich [the Commissioner for Human Rights];

3) chambers of commerce;

4) the entities referred to in Article 7.1 (1), (2) and (4) to (6) of the Act of 20 July 2018 - Law on Higher Education and Science (*Dziennik Ustaw*, item 1668);

5) foundations and associations entered in Krajowy Rejestr Sądowy [the National Court Register] whose statutory objective is activity supporting personal data protection.

8. A member of the Council may be a person that:

1) holds a university degree;

2) has not been convicted by a final and non-appealable judgement of an intentional criminal offence or an intentional fiscal offence;

3) enjoys full civil rights;

4) has consented to stand as a candidate.

9. A member of the Council shall be obliged to keep confidential any information obtained in connection with the performance of the duties of a Council member. The President of the Office may exempt from the obligation to maintain secrecy within the scope specified by the President.

10. The President of the Office shall appoint the members of the Council, for a two-year term of office, from among candidates nominated by the entities referred to in paragraph 7, including 5

members from among the candidates nominated by the entities referred to in paragraph 7 (1) and (2) and 3 members from among the candidates nominated by the entities referred to in paragraph 7 (3) to (5).

11. Before the expiry of a term of office, membership of the Council shall expire on account of:

- 1) a resignation submitted in writing to the president of the Council;
- 2) death;
- 3) inability to perform the duties on account of a long-term illness confirmed by a medical certificate;
- 4) a conviction by a final and non-appealable judgement for an intentional criminal offence or an intentional fiscal offence;
- 5) deprivation of civil rights.

12. In the case referred to in paragraph 11, the President of the Office shall appoint a new member of the Council for the period remaining until the end of the term of office, from among the other nominated candidates, after the confirmation of the validity of the nomination, taking into account paragraph 10.

13. The President of the Office shall appoint and dismiss the president of the Council and the deputy president of the Council from among its members.

14. The president of the Council shall direct its work and represent it externally. In the case of absence, the president shall be replaced by the deputy president of the Council.

15. The Office shall provide the service of the Council.

16. Other persons may be invited, by the President of the Office and the president of the Council, to a meeting of the Council, provided that this is justified by the tasks of the Council. The provision of paragraph 9 shall apply accordingly.

17. The detailed procedure for the operations of the Council shall be set out in regulations established upon application of the Council by the President of the Office.

Article 49.

1. A member of the Council shall be entitled to remuneration for participation in the work of the Council. The amount of the remuneration shall depend on the scope of duties related to the function performed in the Council and the number of meetings attended.

2. The remuneration of a member of the Council for participation in one meeting shall be at least 5% of the average remuneration in the national economy in the calendar year preceding the year of the appointment of the Council, as announced by the President of Główny Urząd Statystyczny [the Central Statistical Office of Poland] pursuant to Article 20 (1) (a) of the Act of 17 December 1998 on

Retirement and Disability Pensions from the Social Insurance Fund, and shall not exceed 25% of that remuneration.

3. The Council of Ministers shall define, by way of a regulation, the amount of the remuneration of a member of the Council for participation in a meeting and the number of Council meeting during a calendar year, taking into account the scope of duties related to the function performed in the Council and the correct performance of the Council's tasks.

4. Members of the Council having their place of residence in a village, town or city other than the seat of the Office shall be entitled to allowances and reimbursement of travel and accommodation costs, in accordance with the conditions set out in implementing regulations issued on the basis of Article 77⁵ § 2 of the Act of 26 June 1974-The Labour Code (Dziennik Ustaw 2019, items 1040, 1043 and 1495).

Article 50.

1. The President of the Office shall present, once a year, by **31** August, to the Sejm of the Republic of Poland, the Council of Ministers, Rzecznik Praw Obywatelskich [the Commissioner for Human Rights], Rzecznik Praw Dziecka [the Ombudsman for Children's Rights], and the General Public Prosecutor a report on the President's activities, containing in particular information on the number and types of final and legally-binding court rulings taking into account complaints against decisions or rulings of the President of the Office and conclusions arising from the level of compliance with personal data protection provisions.

2. The President of the Office shall make the report referred to in paragraph 1 available on the President's website, in Biuletyn Informacji Publicznej [the Public Information Bulletin].

Article 51.

Assumptions and draft legal acts concerning personal data shall be submitted to the President of the Office for an opinion.

Article 52.

1. The President of the Office may direct notices aimed at ensuring effective personal data protection to state authorities, local government bodies, state and municipal organisational units, non-public entities performing public tasks, natural and legal persons, organisational units without legal personality, and other entities.

2. The President of the Office may also request competent authorities to undertake a legislative initiative or to issue or modify legal acts in matters related to personal data protection.

3. An entity that has received the notice or request referred to in paragraphs 1 and 2 shall be obliged to take a position on that notice or request in writing, within 30 days from the date of its receipt.

Article 53.

1. The President of the Office shall make available on the President's website, in Biuletyn Informacji Publicznej [the Public Information Bulletin]:

- 1) the standard contractual clauses referred to in Article 28 (8) of Regulation 2016/679;
- 2) approved codes of conduct, as referred to in Article 40 of Regulation 2016/679, as well as changes to those codes of conduct;
- 3) adopted standard data protection clauses, as referred to in Article 46 (2) (d) of Regulation 2016/679;
- 4) recommendations specifying technical and organisational measures used to ensure the security of personal data processing.

2. The recommendations referred to in paragraph 1 (4) shall be formulated taking into account the specific features of a given type of activity and shall be periodically updated.

3. The President of the Office shall consult draft recommendations, as referred to in paragraph 1 (4), with the entities concerned, whose area of activity is the subject of a given draft.

Article 54.

1. The President of the Office:

- 1) shall announce in a communication a list of the kinds of personal data processing operations which are subject to the requirement for a data protection impact assessment, as referred to in Article 35 (4) of Regulation 2016/679;
- 2) may announce in a communication a list of the kinds of personal data processing operations for which no data protection impact assessment is required, as referred to in Article 35 (5) of Regulation 2016/679.

2. The communications referred to in paragraph 1 shall be announced in Dziennik Urzędowy Rzeczypospolitej Polskiej "Monitor Polski" [the Official Gazette of the Republic of Poland "Monitor Polski"].

Article 55.

The President of the Office may operate an ICT system enabling controllers to give a notification of a personal data breach, as referred to in Article 33 of Regulation 2016/679.

Article 56.

The President of the Office shall, by way of a decision:

- 1) approve the binding corporate rules referred to in Article 47 of Regulation 2016/679;
- 2) grant the authorisation referred to in Article 46 (3) of Regulation 2016/679.

Article 57.

1. The controller may apply to the President of the Office to conduct prior consultations referred to in Article 36 of Regulation 2016/679.
2. The provision of Article 63 of the Act of 14 June 1960-The Code of Administrative Procedure shall apply accordingly to the application.
3. If an application does not meet the requirements set out in Article 36 (3) of Regulation 2016/679 and in Article 63 of the Act of 14 June 1960-The Code of Administrative Procedure, the President of the Office shall inform that no consultation shall be granted, indicating the reasons.

Article 58.

If the President of the Office decides, based on information available, that a breach of personal data processing provisions has taken place, the President may demand the initiation of a disciplinary proceeding or another proceeding provided for by law against persons that have committed breaches and may demand to be notified, within a specified time limit, of the results of that proceeding and the actions taken.

Article 59.

1. In matters related to personal data protection, the President of the Office shall cooperate with independent supervisory authorities established on the basis of Article 91 of Regulation 2016/679.
2. The President of the Office may conclude with the authorities referred to in paragraph 1 an agreement on cooperation and on the exchange of information.

Chapter 7

The procedure concerning a breach of personal data protection provisions

Article 60.

A procedure concerning a breach of personal data protection provisions, hereinafter referred to as "procedure", shall be conducted by the President of the Office.

Article 61.

The social organisation referred to in Article 31 § 1 of the Act of 14 June 1960-The Code of Administrative Procedure may also participate in a procedure with the consent of the data subject, in the name and on behalf of the data subject.

Article 62.

In the case referred to in Article 36 of the Act of 14 June 1960-The Code of Administrative Procedure,

the President of the Office, when notifying the parties of failure to handle the case within the time limit, shall also be obliged to provide information on the status of the case and on the activities performed in the course of the case.

Article 63.

The President of the Office may request a party to present a translation into the Polish language of documentation drawn up in a foreign language, submitted by the party. The party shall be obliged to obtain the translation at their own expense.

Article 64.

For the purpose of fulfilling his or her tasks, the President of the Office shall have the right to access information covered by legally protected secrecy, unless special provisions stipulate otherwise.

Article 65.

1. A party may classify as confidential information, documents or parts thereof containing a business secret, presented to the President of the Office. If this is the case, the party is obliged to present to the President of the Office also a version of the document that does not contain the information classified as confidential.
2. In the case of failure to present a version of the document not containing the information classified as confidential, the classification shall be deemed ineffective.
3. The President of the Office may annul a classification by way of a decision if the President deems that the information, documents or parts thereof do not meet the conditions for being covered with business secrecy.
4. In the case of a statutory obligation to provide information or documents received from entrepreneurs to other national or foreign authorities or institutions, the information and documents shall be provided along with any classifications and on condition that they are obeyed.

Article 66.

The President of the Office shall issue the decision referred to in Article 74 § 2 of the Act of 14 June 1960-The Code of Administrative Procedure also where the making of the information and documents referred to in Article 65.1 available poses a risk of revealing legally protected secrets or revealing a business secret, where the request for the restriction of access to the files for the parties to the procedure is filed by the entrepreneur being the source of that information.

Article 67.

If the number of parties to a procedure exceeds 20, the President of the Office may apply the provision of Article 49 of the Act of 14 June 1960-The Code of Administrative Procedure.

Article 68.

1. If it is necessary, in the course of a procedure, to complete evidence, the President of the Office may conduct a control procedure.
2. The period of a control procedure shall not be included in the periods referred to in Article 35 of the Act of 14 June 1960-The Code of Administrative Procedure.

Article 69.

1. In the case referred to in Article 88 of the Act of 14 June 1960-The Code of Administrative Procedure, the President of the Office shall impose a fine in an amount of from PLN 500 to PLN 5,000.
2. When imposing a fine, the President of the Office shall take into account:
 - 1) in the case of a natural person-the personal situation of the person summoned and the level of understanding of the seriousness of the obligations arising from the summons or
 - 2) the need to adjust the amount of the fine to its purpose, which is the forcing of the summoned person to obey the summons.
3. The fine referred to in paragraph 1 may also be imposed in the case where a party has refused to present a translation into the Polish language of documentation drawn up in a foreign language.

Article 70.

1. If in the course of a procedure it is substantiated that the processing of personal data breaches personal data protection provisions and their further processing may have serious effects that will be difficult to remove, the President of the Office, in order to prevent those effects, may, by way of a decision, oblige the entity accused of a breach of personal data protection provisions to limit the processing of personal data, indicating the permissible scope of that processing.
2. In the decision referred to in paragraph 1, the President of the Office shall specify the period of the personal data processing limitation, not longer than until the date of issuance of a decision concluding the procedure in the given case.
3. A complaint to the administrative court may be filed against the decision referred to in paragraph 1.

Article 71.

1. If in the course of a procedure the President of the Office decides that there are reasonable doubts as to the compliance with European Union law of the European Commission decision referred to in Article 40 (9), concerning the code of conduct referred to in Article 46 (2) (e), and of the decision referred to in Article 45 (3) and (5) and Article 46 (2) (c) of Regulation 2016/679, the President of the Office shall file with the administrative court a request for submitting a legal question on the basis of Article 267 of the Treaty on the Functioning of the European Union, concerning the validity of the

decision of the European Commission.

2. The request referred to in paragraph 1, apart from fulfilling the complaint requirements referred to in Article 64 § 2 of the Act of 30 August 2002-The Law on Procedures Before Administrative Courts (Dziennik Ustaw 2018, item 1302, as amended), shall contain in particular:

- 1) an indication of the European Commission decision being the subject of the request;
- 2) a discussion of the reasons for which the President of the Office has doubts as to the validity of the European Commission decision and its non-compliance with law;
- 3) the contents of the question or questions that are to be presented to the Court of Justice of the European Union by the administrative court, including:
 - a) the subject matter of the dispute and the findings on the factual circumstances, including the position of the party adopted in the procedure before the authority, if such has been expressed by the party,
 - b) an indication of the legal provisions applicable to the case,
 - c) the proposed contents of the question or questions to be presented to the Court of Justice of the European Union by the administrative court;
- 4) a statement on the conformity of the contents of the enclosure referred to in paragraph 3 with the request submitted in paper format.

3. The request referred to in paragraph 1 shall be accompanied by an enclosure containing the contents of the request in the form of an electronic document saved on an electronic data carrier in a data format enabling its contents to be edited.

4. The party to the procedure before the administrative court concerning the request referred to in paragraph 1 shall be the President of the Office.

5. The administrative court shall consider the request referred to in paragraph 1 in camera, in a panel of 3 judges.

6. The administrative court, deeming the request referred to in paragraph 1 to be justified, shall submit to the Court of Justice of the European Union a question under the preliminary ruling procedure on the basis of Article 267 of the Treaty on the Functioning of the European Union.

7. If the administrative court deems that the request referred to in paragraph 1 does not contain a justification sufficient to submit a question under the preliminary ruling procedure to the Court of Justice of the European Union, a decision on the refusal to submit a question shall be issued.

8. No means of appeal may be used against the decision referred to in paragraph 7.

9. The administrative court shall draw up a statement of reasons for the decision referred to in paragraph 7 within 21 days.

10. No court fee shall be collected for the request referred to in paragraph 1.

Article 72.

The statement of reasons for a decision concluding a procedure shall additionally indicate any of the factors specified in Article 83 (2) of Regulation 2016/679 that the President of the Office took into account when imposing the administrative fine and determining its amount.

Article 73.

1. If the President of the Office deems that this is justified by public interest, after the conclusion of a procedure, the President shall inform about the issuance of a decision on the President's website, in *Biuletyn Informacji Publicznej* [the Public Information Bulletin].
2. Units of the public finance sector, research institutes, and the National Bank of Poland in respect of which the President of the Office has issued a final and non-appealable decision declaring a breach shall immediately publish information on actions taken in order to implement the decision on their websites or in *Biuletyn Informacji Publicznej* [the Public Information Bulletin].

Article 74.

The filing of a complaint with the administrative court by a party shall suspend the enforcement of a decision on an administrative fine.

Chapter 8

European administrative cooperation

Article 75.

1. In the cases referred to in Article 61 (8), Article 62 (7), and Article 66 (1) of Regulation 2016/679, the President of the Office may issue a decision on the implementation of the temporary measure referred to in Article 70.1.
2. In the decision, the President of the Office shall specify the period of implementation of the temporary measure referred to in Article 70.1, not longer than 3 months.
3. A complaint to the administrative court may be filed against the decision.

Article 76.

Any information addressed by the President of the Office to any supervisory authorities of other Member States as part of European administrative cooperation shall be translated into one of the official languages of that Member State or into the English language.

Article 77.

If the President of the Office receives a request of a supervisory authority of another Member State of

the European Union concerning participation in the joint operation referred to in Article 62 (1) of Regulation 2016/679 or if the President of the Office makes such a request, the President of the Office shall make arrangements concerning the joint operation with the supervisory authority of another Member State of the European Union and shall immediately draw up a list of such arrangements.

Chapter 9

Inspection of compliance with personal data protection provisions

Article 78.

1. The President of the Office shall carry out inspections of compliance with personal data protection provisions.
2. An inspection shall be carried out in accordance with an inspection plan approved by the President of the Office or on the basis of information obtained by the President of the Office, or as part of the monitoring of compliance with Regulation 2016/679.

Article 79.

1. An inspection shall be carried out by a person authorised by the President of the Office, being:
 - 1) an employee of the Office,
 - 2) a member or employee of a supervisory authority of a Member State of the European Union, in the case referred to in Article 62 of Regulation 2016/679-hereinafter referred to as "inspector".
2. The inspector referred to in paragraph 1 (2) shall be obliged to keep secret any information obtained in the course of an inspection.

Article 80.

1. An inspector shall be excluded from participation in an inspection upon request or ex officio if:
 - 1) the results of the inspection could affect the rights or obligations of the inspector, their spouse, a person living in cohabitation with the inspector, a relative up to second degree of affinity or consanguinity or a person related to them due to adoption, custody or guardianship;
 - 2) there are reasonable doubts as to the inspector's impartiality.
2. The reasons for the exclusion referred to in paragraph 1 (1) shall also apply after the cessation of the marriage, adoption, custody or guardianship.
3. The inspector or the entity subject to inspection, hereinafter referred to as "inspected entity", shall immediately notify the President of the Office of any reasons causing the exclusion.

4. The decision on the exclusion of an inspector shall be made by the President of the Office.
5. Until a decision is issued, the inspector shall undertake activities of urgency.

Article 81.

1. An inspection shall be carried out after the presentation of an authorisation specifying the name of the authorised person and the professional identification card, and in the case of the inspector referred to in Article 79.1 (2), after the presentation of an authorisation specifying the name of the authorised person and a document confirming identity.

2. An authorisation specifying the name of the person authorised to carry out an inspection shall contain:

- 1) an indication of the legal basis for the inspection;
- 2) an indication of the authority;
- 3) the first and last name, the official position of the inspector, and the professional identification card number, and in the case of the inspector referred to in Article 79.1 (2), the first and last name and the number of the document confirming identity;
- 4) an indication of the objective scope of the inspection;
- 5) an indication of the inspected entity;
- 6) an indication of the date of commencement and the anticipated date of completion of the inspection activities;
- 7) a signature of the President of the Office;
- 8) advice for the inspected entity on their rights and obligations;
- 9) the date and place of issuance.

Article 82.

1. The President of the Office may authorise a person having specialist knowledge to participate in an inspection if the inspection activities require such knowledge. The provisions of Article 80 and Article 81.2 shall apply.

2. The President of the Office shall define the scope of the rights and powers of the person referred to in paragraph 1 in the authorisation.

3. The person referred to in paragraph 1 shall be obliged to keep secret any information obtained in the course of an inspection.

Article 83.

1. Inspection activities shall be performed in the presence of the inspected entity or a person

authorised by the inspected entity.

2. An inspected entity shall be obliged to indicate in writing the person authorised to represent the entity during an inspection.
3. If the inspected entity or a person authorised by the entity is absent, the authorisation to carry out an inspection and the professional identification card or the document confirming identity may be presented to:

- 1) a person active on the premises of the undertaking within the meaning of Article 97 of the Act of 23 April 1964-The Civil Code (Dziennik Ustaw 2019, items 1145 and 1495) or
- 2) a summoned witness, if the witness is a public official within the meaning of Article 115 § 13 of the Act of 6 June 1997-The Criminal Code (Dziennik Ustaw 2018, item 1600, as amended), not being an employee of the Office or a person referred to in Article 80.1.

Article 84.

1. An inspector shall have the right to:
 - 1) enter any land and any buildings, premises or other spaces between 6⁰⁰ and 22⁰⁰;
 - 2) view documents and information directly related to the objective scope of the inspection;
 - 3) examine places, objects, devices, carriers, and information or ICT systems used for data processing;
 - 4) demand written or oral explanations and question persons as witnesses, within the scope necessary to determine the factual circumstances;
 - 5) order the preparation of expert reports and opinions.
2. The inspected entity shall provide the inspector and any persons authorised to participate in the inspection the conditions and means necessary to conduct the inspection effectively, and in particular shall produce, on their own, copies or printouts of documents and information gathered on the carriers, in the devices or in the systems referred to in paragraph 1 (3).
3. The inspected entity shall certify that the copies or printouts referred to in paragraph 2 conform to the original. In the case of a refusal to certify conformity to the original, the inspector shall make a note of that fact in the inspection report.
4. In justified cases, the course of an inspection or specific activities being part of an inspection may, after prior notification of the inspected entity, be recorded using devices recording image or sound. Electronic data carriers within the meaning of the Act of 17 February 2005 on the Informatisation of Entities Performing Public Tasks (Dziennik Ustaw 2019, items 700, 730, 848 and 1590) on which the course of an inspection or specific activities being part of an inspection were recorded shall constitute an enclosure to the inspection report.

Article 85.

1. The President of the Office or the inspector may request the assistance of the locally competent Police commandant, where this is necessary to perform inspection activities.
2. The Police shall provide assistance with the performance of inspection activities after the receipt of a written request at least 7 days before the date of those activities.
3. In urgent cases, in particular if the inspector encounters resistance preventing or inhibiting the performance of inspection activities, assistance shall be provided also at the oral request of the President of the Office or the inspector, after the presentation of the authorisation specifying the name of the person authorised to carry out the inspection and the inspector's professional identification card.
4. In the case referred to in paragraph 3, the President of the Office shall provide a confirmation of the request in writing, not later than within 3 days after the conclusion of the inspection activities.
5. The provision of the Police's assistance with the performance of inspection activities shall consist in ensuring the personal safety of the inspector and access to the place of inspection, as well as ensuring order at that place.
6. The Police, when providing the inspector with assistance with the performance of inspection activities, shall also ensure the safety of any other persons participating in inspection activities, having regard in particular to the respect for the dignity of the persons participating in the inspection.
7. The costs borne by the Police due to the provision of assistance in the performance of inspection activities shall be settled according to a flat rate of 1.5% of the average monthly salary in the corporate sector, without bonuses paid from the profit for previous year, published by the President of *Główny Urząd Statystyczny* [the Central Statistical Office of Poland] pursuant to Article 60 (5) of the Act of 15 July 2011 on the Professions of Nurse and Midwife (*Dziennik Ustaw* of 2019, items 576, 577, 1490 and 1590).

Article 86.

1. The inspector may question an employee of the inspected entity as a witness.
2. An employee of the inspected entity shall be considered to be a person employed on the basis of an employment relationship or performing work on the basis of a civil law agreement.
3. The provision of Article 83 of the Act of 14 June 1960-The Code of Administrative Procedure shall apply to the questioning of an employee of the inspected entity.

Article 87.

The inspector shall determine the factual circumstances on the basis of evidence collected in the course of the inspection procedure, in particular documents, objects, visual examinations, and oral or written explanations and statements.

Article 88.

1. The inspector shall describe the course of inspection activities in an inspection report.
2. An inspection report shall contain:
 - 1) an indication of the business name or the first and last name and the address of the inspected entity;
 - 2) the first and last name of the person representing the inspected entity and the name of the body representing the inspected entity;
 - 3) the first and last name of the inspector, their official position, the professional identification card number, and the number of the authorisation indicating the name of the authorised person, and in the case of the inspector referred to in Article 79.1 (2), the first and last name, the number of the document confirming identity, and the number of the authorisation indicating the name of the authorised person;
 - 4) the date of commencement and conclusion of inspection activities;
 - 5) an indication of the objective scope of the inspection;
 - 6) a description of the factual circumstances established in the course of the inspection and any other information affecting significantly the assessment of compliance of personal data processing with personal data protection provisions;
 - 7) a specification of any enclosures;
 - 8) a description of any corrections, deletions, and additions made to the inspection report;
 - 9) advice for the inspected entity on the right to raise objections against the inspection report and on the right to refuse to sign the inspection report;
 - 10) the date and place of signature of the inspection report by the inspector and the inspected entity.
3. An inspection report shall be signed by the inspector and handed over to the inspected entity for signing.
4. The inspected entity shall sign the inspection report or shall submit written objections against its contents within 7 days from the date of presentation of the inspection report for signing.
5. In the case of any objections, the inspector shall analyse them and, where necessary, undertake additional inspection activities, and if the objections are found to be valid, the inspector shall modify or complete the relevant part of the inspection report in the form of an annex to the inspection report.
6. If the objections are not found to be valid, in whole or in part, the inspector shall provide the inspected entity with information about this fact along with a statement of reasons.
7. Failure to deliver a signed inspection report to the inspector and failure to raise objections against

its contents within the time limit referred to in paragraph 4 shall be considered a refusal to sign the inspection report.

8. The inspector shall include a note on the refusal to sign the inspection report in that report, indicating the date of making that note. In the case referred to in paragraph 7, the note shall be made after the end of the period referred to in paragraph 4.

9. An inspection report shall be drawn up in electronic format or in paper format, in duplicate. The inspector shall serve the inspection report on the inspected entity.

Article 89.

1. An inspection shall be conducted for not longer than 30 days from the date of presentation of the authorisation indicating the name of the person authorised to carry out the inspection and the professional identification card or another document confirming identity to the inspected entity or another person indicated in relevant provisions. This period shall not include periods provided for the statement of objections against the inspection report or for the signature and delivery of the inspection report by the inspected entity.

2. The date of conclusion of an inspection shall be the date on which the inspection report is signed by the inspected entity or the date on which the note referred to in Article 88.8 is made.

Article 90.

If on the basis of information collected in an inspection procedure, the President of the Office decides that a breach of personal data protection provisions may have occurred, the President shall be obliged to immediately initiate the procedure referred to in Article 60.

Article 91.

The provisions of Articles 63 to 65 shall apply accordingly.

Chapter 10

Civil liability and proceedings before the court

Article 92.

In matters not regulated in Regulation 2016/679, the provisions of the Act of 23 April 1964-The Civil Code shall apply to the claims arising from a breach of personal data protection provisions referred to in Article 79 and Article 82 of that Regulation.

Article 93.

The competent court in cases concerning the claims arising from a breach of personal data protection

provisions referred to in Article 79 and Article 82 of Regulation 2016/679 shall be the regional court.

Article 94.

1. The court shall immediately notify the President of the Office of the filing of a lawsuit and of a final and non-appealable ruling concluding a procedure concerning a claim arising from a breach of personal data protection provisions, as referred to in Article 79 and Article 82 of Regulation 2016/679.

2. The President of the Office, notified of a pending procedure, shall immediately inform the court of any case concerning the same breach of personal data protection provisions that is being conducted before the President of the Office or an administrative court or has been terminated. The President of the Office shall also immediately inform the court of the initiation of any procedure in a case concerning the same breach.

Article 95.

The court shall suspend a procedure if a case concerning the same breach of personal data protection provisions has been initiated before the President of the Office.

Article 96.

The court shall discontinue a procedure within the scope in which a final and non-appealable decision of the President of the Office declaring a breach of personal data protection provisions or a final and non-appealable judgement issued as a result of the filing of the complaint referred to in Article 145a § 3 of the Act of 30 August 2002-The Law on Procedures Before Administrative Courts covers the claim pursued before the court.

Article 97.

The findings of a final and non-appealable decision of the President of the Office declaring a breach of personal data protection provisions or of a final and non-appealable judgement issued as a result of the filing of the complaint referred to in Article 145a § 3 of the Act of 30 August 2002-The Law on Procedures Before Administrative Courts shall be binding for the court in a procedure for redressing damage caused by a breach of personal data protection provisions with regard to the declaration of a breach of those provisions.

Article 98.

1. In cases concerning claims arising from a breach of personal data protection provisions that may be pursued only in a procedure before the court, the President of the Office may file lawsuits on behalf of the data subject, with the consent of the data subject, and may join, with the consent of the plaintiff, the procedure at any stage.

2. In other cases concerning claims arising from a breach of personal data protection provisions, the

President of the Office may join, with the consent of the plaintiff, a procedure before the court at any stage, unless a procedure concerning the same breach of personal data protection provisions is being conducted before the President.

3. The provisions of the Act of 17 November 1964-The Code of Civil Procedure (Dziennik Ustaw 2019, items 1460, 1469 and 1495) on the public prosecutor shall apply accordingly to the President of the Office in the cases referred to in paragraphs 1 and 2.

Article 99.

If the President of the Office deems that this is justified by public interest, he or she shall present to the court a view in a case concerning a claim arising from a breach of personal data protection provisions that is significant to the case.

Article 100.

In matters not regulated in this Act, the provisions of the Act of 17 November 1964-The Code of Civil Procedure shall apply to a procedure in a case concerning a claim arising from a breach of personal data protection provisions referred to in Article 79 and Article 82 of Regulation 2016/679.

Chapter 11

Provisions on administrative fines and criminal provisions

Article 101.

The President of the Office may impose upon an entity obliged to comply with the provisions of Regulation 2016/679, other than:

- 1) a unit of the public finance sector,
- 2) a research institute,
- 3) the National Bank of Poland

-by way of a decision, an administrative fine, on the grounds and in accordance with the conditions set out in Article 83 of Regulation 2016/679.

Article 101a.

1. In connection with pending proceedings concerning the imposition of an administrative fine, the entity referred to in Article 101 shall provide the President of the Office, at each request, with data necessary to determine the amount of the administrative fine within 30 days after receiving such request.

2. If the entity referred to in Article 101 does not provide data or data provided by that entity makes it

impossible to determine the amount of an administrative fine, the President of the Office shall determine the amount of the administrative fine by way of an estimate made taking into consideration the size of the entity, nature of its operations or generally available financial data related to the entity.

Article 102.

1. The President of the Office may impose, by way of a decision, administrative fines in an amount of up to PLN 100,000 upon:

- 1) the units of the public finance sector referred to in Article 9 (1) to (12) and (14) of the Public Finance Act of 27 August 2009;
- 2) a research institute;
- 3) the National Bank of Poland.

2. The President of the Office may impose, by way of a decision, administrative fines in an amount of up to PLN 10,000 upon the units of the public finance sector referred to in Article 9 (13) of the Public Finance Act of 27 August 2009.

3. The President of the Office shall impose the administrative fines referred to in paragraphs 1 and 2 on the grounds and in accordance with the conditions set out in Article 83 of Regulation 2016/679.

Article 103.

The equivalent of the EUR amounts referred to in Article 83 of Regulation 2016/679 shall be converted into PLN according to the average EUR exchange rate announced by the National Bank of Poland in the exchange rate table for 28 January of each year, and where in a given year the National Bank of Poland does not announce the average EUR exchange rate on 28 January-according to the average EUR exchange rate announced in the first exchange rate table of the National Bank of Poland after that date.

Article 104.

The funds from the administrative fine shall constitute income of the State budget.

Article 105.

1. The administrative fine shall be paid within 14 days from the date of expiry of the time limit for lodging a complaint or from the date on which the ruling of the administrative court becomes final and non-appealable.

2. The President of the Office may, upon application of a fined entity, defer the payment of the administrative fine or divide it into instalments, on account of important interests of the applicant.

3. The application referred to in paragraph 2 shall be accompanied by a statement of reasons.

4. If the payment of the administrative fine is deferred or divided into instalments, the President of the

Office shall calculate annual interest on the unpaid amount, applying the reduced late-payment interest rate announced pursuant to Article 56d of the Act of 29 August 1997-Tax Ordinance (Dziennik Ustaw 2019, item 900, as amended), starting from the day following the date of submission of the application.

5. If the payment of the administrative fine is divided into instalments, the interest referred to in paragraph 4 shall be calculated separately for each instalment.

6. In the case of failure to meet a deferred deadline for the payment of the administrative fine or a deadline for the payment of its instalments, interest shall be calculated for the period from the date of expiry of the deferred deadline for the payment of the fine or of the deadline for the payment of particular instalments.

7. The President of the Office may annul a deferral of the payment of the administrative fine or its division into instalments if new or previously unknown circumstances, significant for the ruling, have occurred or if any instalment has not been paid on time.

8. A ruling of the President of the Office concerning a deferral of the payment of the administrative fine or its division into instalments shall take place by way of a decision.

9. The President of the Office, upon application of a fined entity conducting economic activity, may grant a relief in the enforcement of the administrative fine specified in paragraph 2, which:

- 1) does not constitute state aid;
- 2) constitutes de minimis aid or de minimis aid in agriculture or fishing-within the scope and in accordance with the principles defined in the directly-applicable provisions of European Union law concerning de minimis aid;
- 3) constitutes state aid conforming to the principles of the internal market of the European Union whose compatibility has been determined by the competent European Union authorities.

Article 106.

The provisions of Articles 189d to 189f and Article 189k of the Act of 14 June 1960-The Code of Administrative Procedure shall not apply.

Article 107.

1. Whoever processes personal data despite the fact that their processing is not permissible or despite not being authorised to process them

shall be liable to a fine, restriction of personal liberty or imprisonment for up to two years.

2. If the act specified in paragraph 1 concerns data which reveal racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, genetic data, biometric data processed for the purpose of uniquely identifying a natural person or data concerning health, sex life or sexual orientation,

it shall be liable to a fine, restriction of personal liberty or imprisonment for up to three years.

Article 108.

1. Whoever prevents an inspector from carrying out an inspection of compliance with personal data protection provisions or makes it difficult for an inspector to carry out such an inspection shall be liable to a fine, restriction of personal liberty or imprisonment for up to two years.

2. The same penalty shall apply to whoever, in the course of pending proceedings concerning the imposition of an administrative fine, fails to provide data necessary to determine the amount of that administrative fine or provides data that makes it impossible to determine the amount of the administrative fine.

Chapter 12

Changes in provisions

Article 109.

In the Act of 17 November 1964-The Code of Civil Procedure (Dziennik Ustaw 2018, item 155, as amended), in Article 17, in subparagraph (4⁴), the full stop shall be replaced with a semicolon and subparagraph (4⁵) shall be added in the following wording: (amendments omitted).

Article 110.

In the Act of 17 June 1966 on the Enforcement Procedure in Administration (Dziennik Ustaw 2017, items 1201, 1475, 1954, and 2491 and Dziennik Ustaw 2018, items 138 and 398), the following changes shall be introduced: (amendments omitted).

Article 111.

In the Act of 26 June 1974-The Labour Code (Dziennik Ustaw 2018, item 917), after Article 22¹, Article 22² and Article 22³ shall be added in the following wording: (amendments omitted).

Article 112.

In the Act of 31 July 1981 on the Remuneration of Persons Holding Managerial Positions in the State (Dziennik Ustaw 2017, item 1998, and Dziennik Ustaw 2018, item 650), the words "Inspector General for the Protection of Personal Data", used in Article 2 in subparagraphs (2) and (4), shall be replaced with the words "President of the Personal Data Protection Office".

Article 113.

In the Act of 16 September 1982 on Employees of State Offices (Dziennik Ustaw 2017, items 2142 and 2203, and Dziennik Ustaw 2018, items 106 and 650), the words "Bureau of Inspector General for the

Protection of Personal Data", used in different grammatical cases in Article 1 in paragraph 1 in subparagraph (13), in Article 36 in paragraph 5 in subparagraph (1), and in Article 48 in paragraph 2, shall be replaced with the words "Personal Data Protection Office", used in the correct grammatical cases.

Article 114.

In the Act of 8 March 1990 on the Gmina Local Government (Dziennik Ustaw 2018, item 994), the following changes shall be introduced: (amendments omitted).

Article 115.

In the Act of 23 December 1994 on the Supreme Audit Office (Dziennik Ustaw 2017, item 524), the following changes shall be introduced: (amendments omitted).

Article 116.

In the Act of 29 June 1995 on Public Statistics (Dziennik Ustaw 2018, item 997), the words "Inspector General for the Protection of Personal Data", used in Article 44 in paragraph 2 in subparagraph (2), shall be replaced with the words "President of the Personal Data Protection Office".

Article 117.

In the Energy Law Act of 10 April 1997 (Dziennik Ustaw 2018, items 755, 650, 685, and 771), in Article 9c, paragraph 5a shall have the following wording: (amendments omitted).

Article 118.

In the Act of 21 August 1997 on Real Property Management (Dziennik Ustaw 2018, items 121, 50, and 650), the words "Inspector General for the Protection of Personal Data", used in Article 60 in paragraph 1 in subparagraph (1), shall be replaced with the words "President of the Personal Data Protection Office".

Article 119.

In the Act of 27 August 1997 on the Vocational Rehabilitation, Social Resettlement, and Employment of Disabled Persons (Dziennik Ustaw 2018, item 511), in Article 6d, paragraph 4b shall have the following wording: (amendments omitted).

Article 120.

In the Act of 29 August 1997 - Tax Ordinance (Dziennik Ustaw 2018, items 800, 650, 723, and 771), the following changes shall be introduced:

- 1) in Article 14, § 4 shall have the following wording: (amendments omitted).

Article 121.

In the Banking Law Act of 29 August 1997 (Dziennik Ustaw 2017, item 1876, as amended), in Article 105, in paragraph 1, in subparagraph (2), point (n) shall have the following wording: (amendments omitted).

Article 122.

In the Act of 5 June 1998 on the Voivodeship Local Government (Dziennik Ustaw 2018, item 913), after Article 60, Article 60a shall be added in the following wording: (amendments omitted).

Article 123.

In the Act of 5 June 1998 on the Poviats Local Government (Dziennik Ustaw 2018, item 995), the following changes shall be introduced: (amendments omitted).

Article 124.

The following changes shall be introduced to the Act of 18 December 1998 on the Institute of National Remembrance-The Commission for the Prosecution of Crimes Against the Polish Nation (Dziennik Ustaw 2016, item 1575; and Dziennik Ustaw 2018, items 5 and 369): (amendments omitted).

Article 125.

In the Act of 9 November 2000 on the Creation of the Polish Agency for Enterprise Development (Dziennik Ustaw 2018, items 110 and 650), in Article 6aa, paragraph 5 shall have the following wording: (amendments omitted).

Article 126.

In the Act of 8 June 2001 on the Profession of the Psychologist and the Professional Self-Government of Psychologists (Dziennik Ustaw 2001, items 763 and 1798, and Dziennik Ustaw 2009, items 120 and 753), in Article 13, paragraph 2 shall have the following wording: (amendments omitted).

Article 127.

In the Act of 27 July 2001-The Law on the Organisation of Common Courts (Dziennik Ustaw 2018, item 23, as amended), the following changes shall be introduced: (amendments omitted).

Article 128.

In the Act of 28 November 2003 on Family Benefits (Dziennik Ustaw 2017, item 1952, and Dziennik Ustaw 2018, items 107, 138, 650, 730, and 912), in Article 23, paragraph 9 shall have the following wording: (amendments omitted).

Article 129.

In the Act of 27 May 2004 on Investment Funds and the Management of Alternative Investment Funds (Dziennik Ustaw 2018, item 56, as amended), in Article 286b, paragraph 16 shall have the following wording: (amendments omitted).

Article 130.

In the Act of 17 December 2004 on Liability for Breaching the Public Finance Discipline (Dziennik Ustaw 2017, items 1311 and 2110), the words "Inspector General for the Protection of Personal Data", used in different grammatical cases in Article 47, paragraph 1, subparagraph (11) and in Article 52, subparagraph (8), shall be replaced with the words "President of the Personal Data Protection Office", used in the correct grammatical cases.

Article 131.

In the Act of 17 February 2005 on the Informatisation of Entities Performing Public Tasks (Dziennik Ustaw 2017, item 570), the following changes shall be introduced: (amendments omitted).

Article 132.

In the Higher Education Law Act of 27 July 2005 (Dziennik Ustaw 2017, item 2183, as amended), in Article 88, paragraph 5 shall be repealed.

Article 133.

In the Act of 18 October 2006 on Revealing Information on Documents of State Security Authorities from the Years 1944-1990 and the Contents of Those Documents (Dziennik Ustaw 2017, item 2186, and Dziennik Ustaw 2018, items 538, 650, 651, and 730), in Article 22 in paragraph 1 in subparagraph (8c), the words "Inspector General for the Protection of Personal Data" shall be replaced with the words "President of the Personal Data Protection Office".

Article 134.

In the Act of 7 September 2007 on Assistance for Persons Eligible for Maintenance Payments (Dziennik Ustaw 2018, items 554 and 650), in Article 15, paragraph 8b shall have the following wording: (amendments omitted).

Article 135.

In the Public Finance Act of 27 August 2009 (Dziennik Ustaw 2017, item 2077, and Dziennik Ustaw 2018, item 62), in Article 139 in paragraph 2, the words "Inspector General for the Protection of Personal Data" shall be replaced with the words "President of the Personal Data Protection Office".

Article 136.

In the Act of 5 November 2009 on Savings and Credit Unions (Dziennik Ustaw 2017, item 2065, as

amended), in Article 9f, in paragraph 1, subparagraph (18) shall have the following wording:
(amendments omitted).

Article 137.

In the Act of 9 April 2010 on the Disclosure of Economic Information and the Exchange of Economic Data (Dziennik Ustaw 2018, items 470, 650, 723, 730, and 771), in Article 11 in paragraph 2, the words "Inspector General for the Protection of Personal Data" shall be replaced with the words "President of the Personal Data Protection Office".

Article 138.

In the Act of 9 April 2010 on the Prison Service (Dziennik Ustaw 2017, items 631 and 1321, and Dziennik Ustaw 2018, items 138, 730, and 912), in Article 18, in paragraph 2, subparagraph (6) shall have the following wording: (amendments omitted).

Article 139.

In the Act of 5 August 2010 on the Protection of Classified Information (Dziennik Ustaw 2018, items 412 and 650), in Article 34, in paragraph 10, subparagraph (9) shall have the following wording:
(amendments omitted).

Article 140.

In the Act of 5 January 2011-The Election Code (Dziennik Ustaw 2018, item 754), in Article 143, § 4 shall have the following wording: (amendments omitted).

Article 141.

In the Act of 15 July 2011 on the Professions of Nurse and Midwife (Dziennik Ustaw 2018, items 123 and 650), in Article 27, paragraph 9 shall have the following wording: (amendments omitted).

Article 142.

In the Act of 19 August 2011 on Payment Services (Dziennik Ustaw 2017, item 2003, and Dziennik Ustaw 2018, items 62, 650, 723, and 864), Article 10 shall have the following wording: (amendments omitted).

Article 143.

In the Waste Act of 14 December 2012 (Dziennik Ustaw 2018, item 992), in Article 80, in paragraph 1, subparagraph (3) shall have the following wording: (amendments omitted).

Article 144.

In the Act of 20 February 2015 on Renewable Energy Sources (Dziennik Ustaw 2017, items 1148,

1213, and 1593, and Dziennik Ustaw 2018, items 9 and 650), in Article 159, paragraph 1 shall have the following wording: (amendments omitted).

Article 145.

In the Assembly Law Act of 24 July 2015 (Dziennik Ustaw 2018, item 408), in Article 15, paragraph 3 shall have the following wording: (amendments omitted).

Article 146.

In the Act of 11 September 2015 on Insurance and Reinsurance Activity (Dziennik Ustaw 2018, item 999), in Article 35, in paragraph 2, subparagraph (10) shall have the following wording: (amendments omitted).

Article 147.

In the Act of 25 September 2015 on the Profession of Physiotherapist (Dziennik Ustaw 2018, item 505), in Article 12, paragraph 9 shall have the following wording: (amendments omitted).

Article 148.

In the Biocidal Product Act of 9 October 2015 (Dziennik Ustaw 2018, items 122, 138, and 650), in Article 42, paragraph 2 shall have the following wording: (amendments omitted).

Article 149.

In the Act of 28 January 2016-The Law on the Public Prosecution Office (Dziennik Ustaw 2017, item 1767, and Dziennik Ustaw 2018, item 5), the following changes shall be introduced: (amendments omitted).

Article 150.

In the Act of 11 February 2016 on the State Aid in Raising Children (Dziennik Ustaw 2017, item 1851, and Dziennik Ustaw 2018, items 107, 138, and 650), in Article 14, paragraph 3 shall have the following wording: (amendments omitted).

Article 151.

In the Act of 25 February 2016 on the Re-Use of Public Sector Information (Dziennik Ustaw 2016, item 352, and Dziennik Ustaw 2017, item 60), in Article 7, paragraph 2 shall have the following wording: (amendments omitted).

Article 152.

In the Act of 13 April 2016 on the Security of Trading in Explosives Precursors (Dziennik Ustaw 2018, item 410), Article 9 shall have the following wording: (amendments omitted).

Article 153.

In the Act of 16 November 2016 on the National Tax Administration (Dziennik Ustaw 2018, items 508, 650, and 723), in Article 45, paragraph 1 shall have the following wording: (amendments omitted).

Article 154.

In the Education Law Act of 14 December 2016 (Dziennik Ustaw 2018, item 996), after Article 108, Article 108a shall be added in the following wording: (amendments omitted).

Article 155.

In the Act of 16 December 2016 on the Rules for Managing State Property (Dziennik Ustaw 2016, item 2259, Dziennik Ustaw 2017, items 624, 1491, and 1529, and Dziennik Ustaw 2018, items 538 and 702), after Article 5, Article 5a shall be added in the following wording: (amendments omitted).

Article 156.

In the Act of 9 March 2017 on the Monitoring System for the Road Carriage of Goods (Dziennik Ustaw 2017, item 708, and Dziennik Ustaw 2018, item 138), in Article 4, paragraph 3 shall have the following wording: (amendments omitted).

Article 157.

In the Act of 27 October 2017 on the Primary Health Care (Dziennik Ustaw 2017, item 2217), in Article 10, paragraph 5 shall have the following wording: (amendments omitted).

Chapter 13

Transitional and adapting provisions

Article 158.

1. The person performing on 24 May 2018 the function of the information security administrator referred to in the Act repealed in Article 175 shall become the data protection officer and shall perform this function until 1 September 2018, unless the controller notifies the President of the Office before that date of the appointment of another person as data protection officer, in the manner specified in Article 10.1.
2. A person that has become a data protection officer on the basis of paragraph 1 shall perform this function also after 1 September 2018 if by that date the controller notifies the President of the Office of the appointment of that person in the manner specified in Article 10.1.
3. The person referred to in paragraph 1 may be dismissed by the controller without a notification to

the President of the Office of the appointment of another person as data protection officer in the case where the controller is not obliged to appoint a data protection officer.

4. A controller that has not appointed an information security administrator, as referred to in the Act repealed in Article 175, before the date of entry into force of this Act shall be obliged to appoint a data protection officer pursuant to Article 37 of Regulation 2016/679 and to notify the President of the Office of the appointment, by 31 July 2018.

5. A processor obliged to appoint a data protection officer pursuant to Article 37 of Regulation 2016/679 shall appoint a data protection officer and notify the President of the Office of the appointment, in the manner specified in Article 10.1, by 31 July 2018.

Article 159.

1. Inspections initiated on the basis of the Act repealed in Article 175 and not completed before the date of entry into force of this Act shall be governed by the hitherto applicable provisions.

2. Authorisations and professional identification cards issued before the date of entry into force of this Act shall remain valid until the date of completion of the inspections referred to in paragraph 1.

Article 160.

1. Procedures conducted by the Inspector General for the Protection of Personal Data, initiated and not completed before the date of entry into force of this Act, shall be conducted by the President of the Office.

2. The procedures referred to in paragraph 1 shall be conducted on the basis of the Act repealed in Article 175, in accordance with the rules set out in the Act of 14 June 1960-The Code of Administrative Procedure (Dziennik Ustaw 2018, item 2096 and of 2019, items 60, 730 and 1133).

3. Any activities performed in the procedures referred to in paragraph 1 shall remain effective.

4. Any procedures conducted on the basis of Chapter 6 of the Act repealed in Article 175 shall be discontinued. No decision on the discontinuation of such a procedure shall be issued.

Article 161.

An entity that has received the request or application referred to in Article 19a of the Act repealed in Article 175 before the date of entry into force of this Act shall be obliged to deliver to the President of the Office a response to the request or application within 30 days from the date of entry into force of this Act.

Article 162.

1. In the case of enforcement procedures conducted on the basis of a writ of execution issued by the Inspector General for the Protection of Personal Data before the date of entry into force of this Act and

not completed before the date of entry into force of this Act, the President of the Office shall become the creditor.

2. Any activities performed by the Inspector General for the Protection of Personal Data in a procedure referred to in paragraph 1 shall remain effective.

Article 163.

In enforcement procedures initiated on the basis of the provisions of the Act changed in Article 110 and not completed before the date of entry into force of this Act, any sent reminders, writs of execution, decisions containing a position of the Inspector General for the Protection of Personal Data, and other activities performed by the Inspector General for the Protection of Personal Data as the creditor shall remain effective.

Article 164.

Procedures concerning a position of the Inspector General for the Protection of Personal Data as the creditor, initiated on the basis of Article 34 of the Act changed in Article 110 and not completed before the date of entry into force of this Act, shall be conducted by the President of the Office.

Article 165.

The existing implementing provisions issued on the basis of Article 22a of the Act repealed in Article 175 shall remain in force until the date of entry into force of the implementing provisions issued on the basis of Article 47 of this Act, however, not longer than for 12 months from the date of its entry into force.

Article 166.

1. As of the date of entry into force of this Act, the Inspector General for the Protection of Personal Data shall become the President of the Office.
2. The person who was appointed Inspector General for the Protection of Personal Data, on the basis of the Act repealed in Article 175, shall hold this post until the end of the term of office for which that person was appointed.
3. The Deputy Inspector General for the Protection of Personal Data appointed before the date of entry into force of this Act shall become a deputy of the President of the Office, as referred to in Article 36.1, as of the date of entry into force of this Act.

Article 167.

1. As of the date of entry into force of this Act, the Bureau of the Inspector General for the Protection of Personal Data shall become the Office.

2. As of the date of entry into force of this Act, employees employed in the Bureau of the Inspector General for the Protection of Personal Data shall become employees of the Office. The provision of Article 23¹ of the Act of 26 June 1974-The Labour Code (Dziennik Ustaw 2019, items 1040, 1043 and 1495) shall apply accordingly.

Article 168.

As of the date of entry into force of this Act, the State Treasury property held by the Bureau of the Inspector General for the Protection of Personal Data shall become property held by the Office.

Article 169.

As of the date of entry into force of this Act, any receivables and liabilities of the Bureau of the Inspector General for the Protection of Personal Data shall become receivables and liabilities of the Office.

Article 170.

If the Inspector General for the Protection of Personal Data does not submit the report referred to in Article 20 of the Act repealed in Article 175 by the date of entry into force of this Act, the report shall be submitted by the President of the Office by 31 July 2018.

Article 171.

1. In court, administrative court or administrative cases initiated and not completed before the date of entry into force of this Act, a party to which or a participant in which is the Inspector General for the Protection of Personal Data, as of the date of entry into force of this Act, the President of the Office shall become that party or that participant.

2. In court, administrative court or administrative cases initiated and not completed before the date of entry into force of this Act, a party to which or a participant in which is the Bureau of the Inspector General for the Protection of Personal Data, as of the date of entry into force of this Act, the Office shall become that party or that participant.

Article 172.

The President of the Office shall issue the first communication referred to in Article 54.1 (1) within 3 months from the date of entry into force of this Act.

Article 173.

The Council shall be established.

Article 174.

1. The maximum limit of expenditure from the state budget allocated for the performance of tasks arising from this Act shall be, in the year:

- 1) 2018 - PLN 19 639 000;
- 2) 2019 - PLN 13 541 000;
- 3) 2020 - PLN 13 860 000;
- 4) 2021 - PLN 13 860 000;
- 5) 2022 - PLN 13 860 000;
- 6) 2023 - PLN 13 860 000;
- 7) 2024 - PLN 13 860 000;
- 8) 2025 - PLN 13 860 000;
- 9) 2026 - PLN 13 860 000;
- 10) 2027 - PLN 13 860 000.

2. The President of the Office shall monitor the use of the limit of expenditure referred to in paragraph 1 and shall assess the use of that limit as at the end of each quarter.

3. If the maximum limit of expenditure adopted for a given budget year, as specified in paragraph 1, has been exceeded or if there is a risk that it may be exceeded and in the case where in the period from the beginning of the calendar year until the date of performance of the last assessment referred to in paragraph 2, the proportional share of the annual limit for that period is exceeded by at least 10%, a correction mechanism shall be applied, consisting in the reduction of the state budget expenditure being a financial result of this Act.

4. The authority competent to implement the correction mechanism referred to in paragraph 3 shall be the President of the Office.

Chapter 14

Final provisions

Article 175.

The Act of 29 August 1997 on Personal Data Protection (Dziennik Ustaw 2016, item 922, and Dziennik Ustaw 2018, items 138 and 723) shall cease to apply, except for Article 1, Article 2, Article 3.1, Articles 4 to 7, Articles 14 to 22, Articles 23 to 28, Article 31, and Chapters 4, 5, and 7, which shall remain in force with regard to the processing of personal data for the purpose of identifying, preventing, detecting, and counteracting prohibited acts, conducting proceedings in cases concerning those acts, and enforcing rulings issued therein, penalties for a breach of order, and coercive measures

within the scope specified in provisions constituting the basis for the operation of services and authorities authorised to fulfil tasks in this area, until the date of entry into force of regulations implementing Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 04.05.2016, p. 89).

Article 176.

This Act shall enter into force on 25 May 2018.

¹ The purpose of this Act is to ensure the application of 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).

² This Act implements, within its regulatory scope, Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.