REGULATION

BY THE MINISTER OF INTERNAL AFFAIRS

AND ADMINISTRATION[1]

of 11 December 2008

as regards specimen of notification of a data filing system to registration

by the Inspector General for Personal Data Protection

Pursuant to Art. 46a of the Act of 29 August 1997 on the Protection of Personal Data (Journal of Laws of 2002 No. 101, item 926, with later amendments [2]) it is hereby ordered:

§ 1. The specimen of notification of a data filing system to registration by the Inspector General for Personal Data Protection constituting an appendix to the Regulation is determined.

§ 2. The Regulation by the Minister of Internal Affairs and Administration of 29 April 2004 as regards specimen of notification of a data filing system to registration by the Inspector General for Personal Data Protection (Journal of Laws No. 100, item 1025) shall expire.

§ 3. The Regulation shall enter into force[3] 6 weeks after its publication.

Annex

to the Regulation by the Minister of Internal Affairs and Administration of 11 December 2008

(Journal of Laws No. 229, item 1536)

SPECIMEN

THE NOTIFICATION OF A DATA FILING SYSTEM TO THE REGISTRATION BY THE INSPECTOR GENERAL FOR PERSONAL DATA PROTECTION

* □ – notification of a data filing system under the Art. 40 of the Act of August 29, 1997 on Personal Data Protection (Journal of Laws of 2002, No. 101, item 926, No. 153, item 1271 and of 2004, No. 25, item 219, No. 33, item 285),

* □ – notification of changes under the Art. 41 paragraph 2 of the Act of August 29, 1997 on Personal Data Protection,

* □ – notification of a data filing system containing personal data referred to in Art. 27 paragraph 1 of the Act of August 29, 1997 on Personal Data Protection.

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No…………………………

(as stated by an official from the Bureau of the Inspector General for Personal Data Protection)

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PART A: The Request

I hereby request the personal data filing system named

....

to be included in the Personal Data Filing Systems Register.

PART B: The description of the controller

1. The applicant (the controller):

....

....

(the name of the controller and its head office or the applicant's surname, name and the place of his/her residence, and REGON number)

2. The applicant's representative referred to in Art. 31a of the Act of August 29, 1997 on Personal Data Protection:

....

....

(the name of the controller's representative and its head office or the surname, name and the place of his/her residence)

3. Commissioning the processing of personal data:

* □ – the controller entrusted another subject with the processing of personal data pursuant to a contract concluded in writing (Art. 31 of the Act of August 29, 1997 on Personal Data Protection),

* □ – the controller intends to entrust another subject with the processing of personal data.
   In case of entrusting another subject with the processing of personal data give its name and its head office or the surname, name and the place of residence of the subject to whom the personal data processing has been commissioned:

....
....
....* □ optionally continued in the appendix no........................

4. Legal grounds for keeping the data filing system:

* □ – the data subject's consent to the processing of personal data relating to him/her,

* □ – processing is necessary for the purpose of exercise of rights and duties resulting from a
    legal provision –
....
....
....* □ optionally continued in the appendix no........................

* □ – processing is necessary for the performance of a contract to which the data subject is a
    party or in order to take steps at the request of the data subject prior to entering into a
    contract,

* □ – processing is necessary for the performance of tasks provided for by law and carried out
    in the public interest – *if YES – describe the tasks*:
....
....
....* □ optionally continued in the appendix no. ....

* □ – processing is necessary for the purpose of the legitimate interests pursued by the
controllers or data recipients, provided that the processing does not violate the rights and
freedoms of the data subject.

PART C: The purpose of data processing, description of the categories of data subjects and the scope of data processing

5. The purpose of data processing:
....
....
....* □ optionally continued in the appendix no.................

6. Description of the categories of data subjects:
....
....
....

7. The scope of data relating to persons processed in the data filing system:

    * □ – surnames and names,   * □ – Tax Identification Number NIP,

    * □ – parents' names,   * □ – place of work,

    * □ – date of birth,   * □ – occupation,

    * □ – place of birth,   * □ – education,

* □ – place of residence or stay   * □ – identity card series and number,

* □ – Personal Identification Number PESEL,   * □ – telephone number.

8. Other personal data being processed in the data filing system, apart from the data enumerated in point 7 – *specify*:

....

....

....* □ optionally continued in the appendix no..............

9. Data processed in the data filing system:

    a) reveal directly or in a given context:

       * □ – racial origin,   * □ – party membership,

       * □ – ethnic origin,   * □ – trade-union membership

       * □ – political opinions,   * □ – health,

       * □ – religious beliefs,   * □ – genetic code,

       * □ philosophical beliefs,   * □ – addictions,

       * □ religious affiliation,   * □ – sexual life,

    b) concern:

       * □ – convictions,   * □ – judicial decisions inflicting punishment,

       * □ – fines,   * □ – other decisions issued in the court or

                                         administrative proceedings.

    If you have not given any positive answer (i.e. you have not crossed any boxes), go ahead to point 11.

10. Legal grounds for the processing of personal data specified in point 9:

      * □ – data subjects will give their written consent,

      * □ – a specific provision of another act allows the data to be processed without the data subject's consent – *if YES, give reference marks of the provision hereof:*

....

....

....* □ optionally continued in the appendix no...............

      * □ – processing is necessary to protect the vital interests of the data subjects or of another person where the data subject is physically or legally incapable of giving his/her consent until the establishing of a guardian or a curator,

      * □ – processing is necessary for the purposes of carrying out the statutory objectives of churches and other religious unions, associations, foundations, and other non-profit seeking organisations or institutions with a political, scientific, religious, philosophical, or trade-union aim and on the condition that the processing relates solely to the members of those organisations or institutions or to the persons who

have a regular contact with them in connection with their purposes and subject to providing suitable safeguards of the processed data, - *if YES, specify which*:

....
....
....* □ optionally continued in the appendix no...........

* □ – processing relates to the data necessary for the establishment of legal claims,

* □ – processing is necessary for the purpose of carrying out the obligations of the controller with regard to employment of his/her employees and other persons, and the scope of processing is provided for by the act,

* □ – processing is conducted for the purposes of preventive medicine, the provision of medical care or treatment of patients by professionals providing treatment or other health care services, or the management of health care services and subject to providing suitable safeguards,

* □ – processing relates to those data which are manifestly made public by the data subject,

* □ – processing is necessary to conduct scientific researches including preparations of a thesis required for graduating or receiving a university degree, and publishing the results of scientific researches cannot allow for identification of data subjects,

* □ – data processing is conducted by a party to make the exercise of rights and duties resulting from decisions issued in court or administrative proceedings.

PART D: Methods of data collection and disclosure

11. The data shall be collected for the data filing system:

    * □ –from data subjects,
    * □ –from sources other than the data subject,

12. The data from the data filing system shall be disclosed to:

    * □ – entities other than those authorised by law,

13. The recipients or categories of recipients to whom the data can be transferred – *give the name and the seat or the surname, name and the place of residence of the data recipient*:

....
....
....* □ optionally continued in the appendix no. ....

14. Information relating to a possible data transfer to a third country – *give the name of the third country*:

....

....

....* □ optionally continued in the appendix no. ....

PART E: Description of technical and organisational means
applied for the purposes referred to in Articles 36 – 39 of the Act of August 29, 1997 on Personal Data Protection

15. The personal data filing system will be processed:

    a)   * □ – centrally

        * □ – within distributed architecture

    b)   * □ – only in paper form

        * □ – with use of the computer system

    c)   * □ – with use of at least one device of the computer system used for personal data processing connected to public network (e.g. the Internet)

        * □ – without using any of the devices of the computer system used for personal data processing connected to public network (e.g. the Internet)

16. The requirements specified in Art. 36-39 of the Act of August 29, 1997 on Personal Data Protection have been fulfilled[1]:

    a)   * □ – an administrator of information security who supervises the compliance with the principles of protection of the personal data being processed has been appointed,

        * □ – the data controller performs the activities of an administrator of information security by himself,

    b)   * □ – exclusively persons who were granted an authorisation by the controller have been allowed to process the data,

    c)   * □ – record of persons authorised to data processing is kept,

    d)   * □ – the security policy has been developed and implemented,

    e)   * □ – the computer system management instruction has been developed and implemented,

    f) other means than those enumerated in letters a-e, used for safeguarding the data:

....

....

.... * □ optionally continued in the appendix no. ....

PART F: Information on the way of fulfilling basic technical and organisational requirements defined in the Regulation of April 29, 2004 by the Minister of Internal Affairs and Administration as regards personal data processing documentation and technical and organisational conditions which should be fulfilled by devices and computer systems used for the personal data processing (Journal of Laws No. 100, item 1024).

17. Safeguards have been applied at the[2]:

    * □ – basic security level,

    * □ – enhanced security level,

    * □ – high security level.

....
(date, the applicant's signature and seal)

Explanations:

* If YES, put "x" in the box

1. The controller keeping a data file in a traditional (paper) system shall be obliged to use the means specified in point 16 letters a-d, and in case of keeping a data file in a computer system also a measure indicated in point 16 letter e.

2. Relevant security level specified in § 6 of the above mentioned Regulation shall be indicated (NOTE! Applicable exclusively to the controllers processing data in the computer system):
- if the applicant is processing the data enumerated in point 9 of the notification, safeguards reaching at least enhanced security level shall be applied;
- in case where at least one device of the computer system used for personal data processing is connected to public network, safeguards at the high security level shall be applied;
- in other cases it is sufficient to apply safeguards at the basic security level.

The notification can be made in electronic form, by means of a computer program enabling correct filling in of the notification, available on the website of the Inspector General for Personal Data Protection.

FOOTNOTES

(1) The Minister of Internal Affairs and Administration shall be in charge of a division of government administration „public administration" pursuant to § 1 paragraph 2 point 1 of the Regulation by the Prime Minister of 16 November 2007 laying down the detailed scope of activity of the Minister of Internal Affairs and Administration (Journal of Laws No. 216, item 1604).

(2) The amendments of the unified text of the mentioned act were published in the Journal of Laws of 2002 No. 153, item 1271, of 2004 No. 25, item 219 and No. 33, item 285, of 2006 No. 104, item 708 and 711 as well as of 2007 No. 165, item 1170 and No. 176, item 1238.

(3) The date of entry into force of the Regulation: 10 February 2009.