

## INFORMATION CONCERNING PERSONAL DATA

Since 25 May 2018 data processing has been subject to 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 (OJ L.2016.119.1), also referred to as **GDPR**.

The following information is provided pursuant to GDPR's Articles 13 and 14 and is part of Personal Data Security Policy adopted by the Commissioner for Human Rights (CHR). More information concerning CHR and data protection at the CHR Office can be found at: [www.rpo.gov.pl](http://www.rpo.gov.pl).

The data controller is Commissioner for Human Rights, based in Warsaw, Al. Solidarności 77.

The data collected are used for recording and examination of cases, including for taking actions and responding to letters. Personal data are processed pursuant to GDPR's Article 6.1.c and Article 9.2.g:

### WHY DOES CHR PROCESS PERSONAL DATA?

- ✓ Everybody who believes that his/her or other person's rights and/or freedoms have been violated or that they were subject to unequal treatment may apply to CHR pursuant to Ombudsman's Act of 15 July 1987 (Journal of Laws of 2017 item 958 as amended, hereinafter referred to as CHR Act);
- ✓ Everybody may file a petition pursuant to Petitions Act of 11 July 2014 (Journal of Laws of 2017 item 1123 as amended), hereinafter referred to as Petitions Act ;
- ✓ Everybody may apply for being provided with public information, pursuant Public Information Access Act of 6 September 2001 (Journal of Laws of 2016 item 1764 as amended), hereinafter referred to as Public Information Access Act.

### FROM WHOM DOES CHR RECEIVE PERSONAL DATA?

Personal data may be received directly from a person who contacted CHR, or from a person/entity who applied to CHR on behalf of another person and from other institutions and entities with whom CHR collaborates in fulfilling his mission.

### IS IT OBLIGATORY TO PROVIDE PERSONAL DATA?

When addressing CHR one has to remember that:

- ✓ According to Article 10 of the Act on the Commissioner for Human Rights, an application to CHR should include name of the applicant and name of a person whose freedoms or rights have been violated, as well as the subject matter in question. Failure to provide such data makes it impossible for CHR to notify the applicant of how the application will be processed further;
- ✓ A petition should, according to Article 4.2 of the Petitions Act, include at least the name of the petitioner, and his/her residence address or correspondence address. Without this data the petition cannot be handled;
- ✓ Application for provision of public information does not, pursuant to Public Information Access Act, require providing personal data, but for making the information available, the provision of personal data is necessary; a method by which the information should be provided, selected by the applicant, should also be indicated.

The data shall not be processed automatically, including by means of assigning the applicant to a group featuring similar needs or lifestyle, i.e. by means of profiling.

### WHOM DOES CHR PROVIDE WITH PERSONAL DATA?

When taking actions within the framework of relevant proceedings, CHR may apply to authorised bodies, in particular to supervisory bodies, prosecutor's office, state audit bodies, professional or corporate supervision bodies.

At the same time, CHR may - to a limited extent - provide access to data to entities with which CHR cooperates, e.g. to IT service providers or to postal institutions, subject to relevant agreements.

### HOW LONG DOES CHR STORE PERSONAL DATA?

According to the Specification of Archived Documents, a regulation binding at CHR Office, case files are stored for 10 years after the case is closed. The exception is documents which are stored permanently under the nationally binding regulations on archives (National Archives Act of 14 July 1983 – Journal of Laws of 2018 item 217 as amended).

### WHAT ARE THE RIGHTS OF A PERSON WHOSE PERSONAL DATA ARE HELD BY CHR?

A person whose data are processed by CHR may request information about his/her personal data, including access to the data, correction of the data and limitation of processing thereof. He/she also has a right to lodge a complaint to a supervisory body (President of Personal Data Protection Office) and to file a lawsuit if the data processing is done in violation of the law.

### DATA PROTECTION OFFICER

Data Protection Officer appointed at CHR Office can be contacted at: [inspektorochronydanych@brpo.gov.pl](mailto:inspektorochronydanych@brpo.gov.pl).