

# How to get information?

2015-04-23

Principle of availability of information on the environment and its protection

Polish, European and International Law provides for free access to public information including information on environment and its protection.

"Everyone" has the right to access information on environment and its protection, be it a natural or legal person as well as organisational unit without legal personality. Access to information is entitled independently of citizenship, place of residence, age or legal capacity, neither it depends on whether person requesting information has any legal or beneficial interest connected with the information.

## How to get information?

The basic regulation on releasing environmental information is Article 74 paragraphs 3-4 of the Constitution of the Republic of Poland.

An analogous provision can be found in Article 4 of the Act of 3 October 2008 on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessment.

Information on environment and its protection is understood as information about given environment (its part or element) regarding its condition, assessments, plans regarding its management or use, predictable impact on its surroundings and measures to counteract this impact.

## Methods of providing information

Environmental information can be provided by:

1. Giving information orally,
2. Access to a given document in an official residence,
3. Enabling copying the document in an official residence,
4. Sending a copy of documents or information by an appropriate body - both paper form (by post) and electronic form using indicated data carriers or electronic mail. The request for access to information on the environment.

## Environmental information is provided upon a written request that should include the following elements:

1. Applicant's data,
2. Applicant's address,
3. The scope of request - applicants should state what kind of information they need.

The request is not required if the information does not have to be searched for and can be given orally.

## Fees

Provision of information on environment and its protection is free of charge when:

1. Information was given orally,
2. Information on documents is included in a publicly accessible database and documents were found and perused in an official residence.

Provision of information on environment and its protection is not free of charge when:

1. Information had to be searched for,
2. Copies of documents or data were made,
3. The body sent the applicant copies of documents or data.

Amount of fees for finding and conversion information on the environment and its protection were defined in a regulation of the Minister of Environment of 12 November 2010 on fees for provision of information on environment.

## Request processing time

Information on the environment should be made available no later than one month from the date of submitting application and in particularly complicated cases no later than two month from the date of submitting application. In this case the applicant is informed of the need of the extension of the case settlement.

## Legislative acts:

- Act of 3 October 2008 on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessment ([Journal of Laws of 2016, item 353](#)),
- Act of 6 September 2001 on access to public information ([Journal of Laws of 2015, item 2058, as amended](#)),
- Regulation of the Minister of Environment of 22 September 2010 on the model, the content and layout of public accessible list of data about documents containing information about environment and its protection ([Journal of Laws, item 1249](#)),
- Regulation of the Minister of Environment of 12 November 2010 on fees for provision of information on environment ([Journal of Laws, item 1415](#)),
- Regulation of the Minister of the Environment dated 23 November 2010 on the way and the frequency of updating information on the environment ([Journal of Laws, item 1485](#)).

## Information access denial

The administrative body can decide to deny information access when:

1. The access would require delivery of documents being designed or used for internal communication,
2. The request for provision of information is manifestly incorrect and cannot be approved or is to general.

Additionally Article 16 of Act from 3 October 2008 on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessment specifies the set of information which cannot be publicly accessed. An administrative body does not release information when:

1. Releasing the information could violate Personal Data Protection Act by disclosing personal data gathered through statistical surveys of public statistics,
2. Information concerns:
  - a. issues on which court, disciplinary or criminal proceedings are being conducted if disclosure of such information could disrupt the said proceedings,
  - b. issues under copyright or patent law if their disclosure could violate such laws,
  - c. personal data regarding third party if disclosure of such information could violate Personal Data Protection Act,
  - d. documents or data delivered by third party if their deliverance was not mandatory and those parties objected to their disclosure,
  - e. documents or data, disclosure of which could cause danger to the environment,
  - f. information of trade value including technological data if disclosure of such information could harm competitive position and the request for non-disclosure of such information was submitted.

However if the request regards the access to various information, part of which, for aforementioned reasons, cannot be made public or access to which cannot be granted for other reasons, rest of the data can be released.