

# **Restrictions on the right to information in public administration in Poland**

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## **Summary:**

The purpose of the work is, based on research, to discuss the issue of the right to information. The main thesis of the work is: abuse of the right to information limits the statutory performance of duties to local self-government bodies. The task of the research was to discuss the topic in a broader sense. The issues and auxiliary theses presented by the author of the dissertation serve to describe the issues in a detailed way. Firstly, statutory restrictions on the right to information are insufficient in the context of the proper functioning of local government administration. Secondly, modern information society has a significant impact on the implementation of the right to information. Thirdly, the right to information is an instrument to control the functioning of local government. Fourthly, the size of the agglomeration has an impact on the relationship between the right and information. Fifthly, statutory restrictions on the right to information are insufficient. Sixthly, the purpose of collecting information does not meet legislator's assumptions. Seventhly, not every public interest is a sufficient reason to justify restricting the right to information. When analyzing the studied issues, the relationship between the implementation of this law and its limitation is important. The right to information in the context of its limitation should be implemented with a sense of social responsibility, while guaranteeing the implementation of fundamental human rights.

The first chapter presents the genesis of the right to information. The reasons for restrictions on the right to information to appear and their evolution in the context of the development of the information society were discussed. The history of the right to information was discussed at the level of international, EU and Polish law. The right to information was also discussed in the perspective of the changing needs of the modern world, including regulations on the re-use of public sector information. The implementation of this right is also discussed on the example of administrative proceedings.

The second chapter presents the subjective and objective scope of the right to information. Based on the research, the definition of the right to information was analyzed as well as realization of the right to information itself. Subjective and objective research is an extremely

complicated research problem, primarily due to interpretational ambiguity. The paper presents the issue of information as the right to public information, the right to re-use public sector information, and the right to information in administrative proceedings. The comparative analysis presents the reasons for limiting this right in terms of the right to public information, the right to re-use public sector information and the right to information in administrative proceedings.

The third chapter discusses the issue of disclosure and refusal to provide public information. The procedure to be followed in the event of a refusal or restriction of this right was discussed. In the context of administrative proceedings, however, attention was paid to the internal and external transparency of this procedure. By undertaking the analysis of the right to information, the issue of public and private matters was addressed.

The fourth chapter presents the author's own research and proposed new solutions in the area of access to information, but also the limitation of this right. The results of the research clearly illustrate the interpretation issues in force in the area of implementing the right to information. Taking into account the current legal status, based on the conducted research, it was proposed to formulate *de lege ferenda* postulates.

On one hand, the right to information as a basic human right is implemented, but on the other hand, the ambiguity of regulation causes many interpretation problems. Finally, the accepted theses were verified. Keeping the balance between transparency and the value underlying the right of access to public information, and, on the other hand, the values limiting the implementation of this right is extremely important. One of the visible problems is the use of the discussed legal instrument for individual purposes, and not aiming at increasing the efficiency of public administration activities. Undoubtedly, there is a need to replace contemporary regulations, taking into account the social, economic and technological factor.