THE CHAIRMAN OF PERSONAL DATA PROTECTION

Warsaw, 27

of December

2018

DECISION

ZSZZS.440.684.2018

Based on Article. 138 § 1 point 2 of the Act of 14 June 1960 Code of Administrative Procedure (Journal of Laws of 2017, item 1257 and of 2018, item 149), Art. 160 sec. 1 and 2 of the Act of May 10, 2018 on the Protection of Personal Data (Journal of Laws of 2018, item 1000) in connection with joke. 18 sec. 1 of the Act of August 29, 1997 on the Protection of Personal Data (Journal of Laws of 2016, item 922) and art. 6 sec. 1 lit. c and art. 9 sec. 2 lit. h and lit. and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC (Official Journal of the European Union , L 119, May 4, 2016), after considering the request of Ms NK, to reconsider the case ended with the decision of the Inspector General for Personal Data Protection of 23 May 2018 (DOLIS-440-2558 / 17) regarding her complaint regarding the processing by E . Ltd and the State County Sanitary Inspector in R. her personal data and the personal data of her underage daughter A.K., President of the Office for Personal Data Protection

repeals the decision of the Inspector General for Personal Data Protection of 23 May 2018 (ref .: DOLiS-440-2258 / 17) in the part regarding the processing of personal data by the State County Sanitary Inspector in R. regarding the telephone number;

orders the County Sanitary Inspector in R. to delete the personal data of Mrs. N.K. regarding the telephone number;

upholds the contested decision as to the remainder.

Justification

The Office of the Inspector General for Personal Data Protection received a complaint from Ms NK, hereinafter referred to as the complainant, about the processing of her personal data and the personal data of her minor daughter AK, regarding the failure by the complainant to fulfill the obligation to vaccinate the minor by E. sp. Z oo, hereinafter referred to as The clinic, and the State County Sanitary Inspector based in R., hereinafter referred to as the County State Sanitary Inspector or PPIS.

In the content of the complaint, the complainant indicated that the Clinic had provided PPIS with her personal data and the

data of her underage daughter without her express consent. In addition, the complainant pointed out that the PPIS breached the provisions on the protection of personal data by requesting the disclosure of her and her daughter's data and an attempt to transfer this personal data by phone, of the nature of medical data, without the possibility of verifying the identity of the interlocutor. In the complaint, the complainant indicated that she expects the Inspector General to issue an objective decision stating the infringement of the provisions on the protection of personal data in the above-mentioned ways and ordering the entities complained to remedy their deficiencies.

In the course of administrative proceedings, the Inspector General for Personal Data Protection established the following facts.

The applicant, as the person who was in charge of her minor child, did not comply with the obligation to vaccinate him.

The clinic provided the personal data of the applicant and her underage daughter A.K. To the County State Sanitary Inspector in R. in connection with the complainant's failure to comply with the obligation of preventive vaccinations in relation to her minor.

The scope of the disclosed data also included the complainant's telephone number, which she voluntarily provided to the Clinic and entered on the immunization card, which was transferred in full to the PPIS.

On [...] September 2017, an employee of PPIS contacted the complainant by phone and, without verifying her identity, provided her with the details of her minor daughter.

PPIS in the explanations of [...] February 2018 indicated that it was processing the personal data of the applicant and her underage daughter A.K. in accordance with § 13 of the Regulation of the Minister of Health of 18 August 2011 on compulsory vaccinations (ie Journal of Laws of 2016, item 849, as amended), indicating that pursuant to Art. 5 point 3 of the Act of 14 March 1985 on the State Sanitary Inspection (ie Journal of Laws of 2017, item 1261), the tasks of the State Sanitary Inspection include determining the scope and dates of preventive vaccinations and exercising supervision in this regard.

After conducting administrative proceedings in the case, the Inspector General for Personal Data Protection issued an administrative decision of 23 May 2018 (DOLIS-440-2558 / 17), pursuant to which he refused to accept the application in the case in question.

On [...] June 2018, the Personal Data Protection Office (previously: Bureau of the Inspector General for Personal Data Protection) received a request from the complainant to reconsider the case resolved in the above-mentioned by decision (date of sending the application at a post office - [...] June 2018, i.e. within the statutory deadline).

In the application for reconsideration of the case, the complainant indicated that the decision had been issued in breach of substantive law, in particular Art. 17 sec. 8 point 2 of the Act of December 5, 2008 on the prevention and combating of infection and infectious diseases in humans (Journal of Laws 2008 No. 234 item 1570), hereinafter referred to as: UZZ, and the provisions of the Act of June 14, 1960 Code of Administrative Procedure (Journal of Laws of 2017, item 1257, as amended), hereinafter referred to as the Administrative Procedure Code, in particular Art. 7, art. 77 § 1, art. 80 and art. 107 § 3 of the Code of Civil Procedure In connection with the above, the Complainant, pursuant to the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, hereinafter referred to as GDPR, the Act of 10 May 2018 on the protection of personal data (Journal of Laws of 2018 r. item 1000), hereinafter referred to as the 2018 Act, requested to impose a fine on the entity, carry out control activities and temporarily suspend the processing of her personal data and the personal data of her minor daughter AK

After re-examining all the evidence collected in this case, the President of the Office for Personal Data Protection, hereinafter referred to as the President of the Office, considered the following.

First of all, it should be noted that on the date of entry into force of the Act of 2018, the Office of the Inspector General for Personal Data Protection became the Office for Personal Data Protection. Proceedings conducted by the Inspector General, initiated and not completed before May 25, 2018, are conducted by the President of the Personal Data Protection Office, pursuant to the Act of August 29, 1997 on the Protection of Personal Data (Journal of Laws of 2016, item 922 with d.), hereinafter referred to as the 1997 Act, in accordance with the principles set out in the Code of Administrative Procedure All activities undertaken by the Inspector General before May 25, 2018 remain effective.

It is necessary to emphasize that the President of the Personal Data Protection Office, when issuing an administrative decision, is obliged to settle the case based on the actual state of affairs at the time of issuing this decision. As argued in the doctrine, "a public administration body assesses the facts of the case according to the moment of issuing the administrative decision. This rule also applies to the assessment of the legal status of the case, which means that a public administration authority issues an administrative decision based on the provisions of law in force at the time of its issuance (...). Settlement in administrative proceedings consists in applying the applicable law to the established factual state of an administrative case. In this way, the public administration body implements the goal of administrative proceedings, which is the implementation of the applicable legal norm in the field of administrative and legal relations, when such relations require it "(Commentary to the Act of

June 14, 1960, Code of Administrative Procedure, M. Jaśkowska, A. Wróbel, Lex., El / 2012). At the same time, this authority shares the position expressed by the Supreme Administrative Court in the judgment of 25 November 2013, issued in the case no. act I OPS 6/1, in which the above-mentioned The court indicated the following: "In administrative proceedings governed by the provisions of the Code of Administrative Procedure, the rule is that the public administration body settles the matter by issuing a decision that resolves the matter as to its essence, according to the legal and factual status as at the date of issuing the decision."

The President of the Personal Data Protection Office must assess whether the questioned process of personal data processing as at the date of the administrative decision is lawful. Referring the above to the established facts, it should be emphasized that two circumstances are decisive for the decision that must be issued in the present case. First of all, it should be noted that the disclosure of the personal data of the complainant and her minor daughter was a one-off and accomplished event, which took place during the period when the Act of August 29, 1997 on the protection of personal data was in force, and therefore the assessment of the lawfulness of this circumstance the substantive provisions of this act apply. Secondly, it should be pointed out that the personal data provided is still processed by the PPIS, therefore the provisions in force at the time of issuing the decision in the case, i.e. the GDPR, will apply.

When referring to the disclosure of data, it should be pointed out again that any form of personal data processing, the so-called "Ordinary" should have found support in one of the enumerated in Art. 23 sec. 1 of the Act of August 29, 1997, prerequisites for the legality of this process. However, the processing of personal data, the so-called "Sensitive", the exhaustive catalog of which was defined by Art. 27 sec. 1 of the Act of August 29, 1997, should have been based on one of the premises listed in Art. 27 sec. 2 of the Act of August 29, 1997. The conditions for the legality of personal data processing were comprehensively listed in the above-mentioned provisions. Each of them was autonomous and independent. This means that these conditions were equal, and the fulfillment of at least one of them constituted the lawful processing of personal data. It should be noted that, irrespective of the consent of the data subject, the processing of his personal data was permissible, inter alia, when it was necessary to exercise the right or fulfill an obligation resulting from a legal provision in the case of ordinary data processing (Article 23 (1) point 2 of the Act of August 29, 1997). In the case of sensitive data, the processing of personal data without the consent of the data subject was allowed, inter alia, in the event that a special provision of another act allowed for the processing of such data without the consent of the data subject and created full guarantees for their protection (Article 27 (2)

(2) of the Act of August 29, 1997).

As indicated in the contested decision, special provisions governing the vaccination obligation apply to this event. Pursuant to Art. 5 sec. 1 point 1 point b of the Act persons staying on the territory of the Republic of Poland are obliged to undergo preventive vaccinations under the terms of this Act. In the case of a person without full legal capacity, the responsibility for the fulfillment of this obligation is borne by the person who exercises legal custody or actual care of a minor or helpless person, in accordance with art. 3 sec. 1 point 1 of the Act of November 6, 2008 on Patient Rights and Patient's Rights Ombudsman (Journal of Laws of 2017, item 1318, as amended). Moreover, Art. 5 sec. 1 point 4 of the Act on obliges persons staying on the territory of the Republic of Poland to provide personal data and information, inter alia, to the bodies of the State Sanitary Inspection, which are necessary for epidemiological supervision over infections and infectious diseases, prevention and combating infections and infectious diseases, as well as information necessary to fulfill the obligations set out in Art. 5 sec. 1 point 1-3 of the Act on

Pursuant to Art. 17 sec. 8 z.z. persons carrying out preventive vaccinations keep medical records on compulsory vaccinations, keep immunization cards, make entries confirming vaccination, draw up reports on the vaccination status and prepare reports on the vaccination status of persons covered by preventive health care, which are forwarded to the relevant State County Sanitary Inspector. Article 17 (1) 10 z.z. stipulates that the report template is specified in the Regulation of the Minister of Health of 18 August 2011 on compulsory preventive vaccinations (i.e. Journal of Laws of 2018, item 753), hereinafter referred to as roso, which requires a list of persons who refrain from preventive vaccinations (Annex 4, second section roso).

In the case in question, it is important to define the scope of personal data provided by the clinic to PPIS. As it has been shown, in accordance with the applicable law, the Clinic is obliged to prepare a report on the preventive vaccinations carried out and to prepare a list of names of people who avoid immunization, in order to enable the State Sanitary Inspection to supervise the fulfillment of this obligation and its effective execution. It should be pointed out that compliance with the statutory obligation to undergo protective vaccinations against infectious diseases resulting from Art. 5 sec. 1 point 1 point b of the Uzz, as well as the provision of information on its implementation, was secured by administrative coercion (also: Provincial Administrative Court in Kielce, judgment of February 21, 2013, issued in the case No. II SA / Ke 7/13) . According to Art. 3 § 1 in connection with joke. 2 §1 point 10 of the Act of 17 June 1966 on enforcement proceedings in administration (Journal of Laws of 2014, item 1619, as amended), hereinafter referred to as: u.p.e.a. or the Act on Enforcement Proceedings,

administrative enforcement shall apply to non-pecuniary obligations remaining within the competence of government administration and local government bodies or submitted for administrative enforcement on the basis of a special provision. Within the meaning of Art. 1a point 13 u.p.e.a. the creditor is the entity entitled to demand the performance of the obligation or its security in administrative enforcement or security proceedings (here: PPIS), while in accordance with Art. 5 §1 point 2 u.p.e.a. entitled to request the performance by way of administrative enforcement of the obligation specified in art. 2 §1 point 10 of the Act on there is a body or institution directly interested in the performance of the obligated obligation or appointed to supervise the performance of the obligation (see also the judgment of the Supreme Administrative Court of June 12, 2014, issued in the case No. II OSK 1312/13; judgment of the Provincial Administrative Court) in Bydgoszcz of June 9, 2015 issued in the case with reference number II SA / Bd 423/15). Therefore, it should be considered that the report drawn up pursuant to Art. 17 sec. 8 point 2 of the Act on should contain the data necessary for the appropriate branch of the State Sanitary Inspection to send a reminder to comply with the vaccination obligation and to take further enforcement actions in the event of failure to fulfill the obligation. It should be emphasized that the data obtained by the PPIS and made available to it must also be sufficient to effectively enforce the vaccination obligation, under which the creditor (here: PPIS) draws up an enforcement title. The scope of these data is governed by Art. 27 of the Act on Enforcement Proceedings. Pursuant to Art. 27 § 1 point 2 and 3 of the Act on enforcement, the writ of execution should include the name, surname, address, PESEL number of the person liable and the content of the obligation to be enforced. In the evidence, the PPIS indicates that the personal data in the form of the applicant's PESEL number was obtained at the request of the Mayor [...].

In connection with the above, it should be stated that the Complainants' personal data in the field of name, surname and address of residence were made available by the Clinic for PPIS pursuant to art. 23 sec. 1 point 2 of the Act of August 29, 1997, and the data of her minor daughter in the scope of information on vaccinations not performed pursuant to Art. 27 sec. 2 point 2 of the Act of August 29, 1997, which in both cases should be again considered adequate and purposeful in the light of the supervisory obligation performed by the PPIS. In addition, the acquisition and processing of the complainant's PESEL number was also in accordance with the applicable provisions on the protection of personal data. Nevertheless, personal data in the form of a telephone number to the complainant are not necessary to be provided in the report, in accordance with the scope of data required to issue an effective enforcement order. Therefore, it should be considered justified that the complainant questioned the provision of her telephone number by the Outpatient Clinic to PPIS and the processing of this

number by PPIS. Thus, it should be considered that the complainant's personal data with regard to the telephone number was disclosed contrary to the provisions of the Act of 1997 due to the lack of necessity to process such personal data by PPIS in order to perform its statutory tasks. In addition, the provision of personal data unnecessary to achieve the statutory purpose should be considered inadequate and factually incorrect, and thus contrary to Art. 26 sec. 1 point 3 of the Act of 1997, which imposes an obligation on the data controller to ensure the factual correctness and adequacy of data in relation to the purposes of their processing. In this context, adequacy is defined by the recognition that "the type and content of the data should not exceed the needs resulting from the purpose of their collection. (...) the requirement [this] also precludes the collection of all data for (...) irrelevant, irrelevant data, and data with a "greater - than justified for this reason - degree of detail" (Barta, Janusz, Fajgielski, Paweł and Markiewicz , Ryszard. Art. 26. In: Protection of personal data. Commentary, VI edition. LEX, 2015.). Regarding the processing of the complainant's data regarding the telephone number, it should be emphasized that due to the lack of a legal basis allowing the Clinic to provide a telephone number, PPIS should not process personal data regarding the telephone number. This is due to the limited catalog of data necessary to issue a writ of execution, as indicated by the legislator in Art. 27 § 2 of the Act on Enforcement Proceedings. It should be noted that the Act of 17 June 1966 on enforcement proceedings in administration (i.e. Journal of Laws of 2018, item 1314, as amended) requires that the initiation of administrative enforcement proceedings is in writing, in connection with Art. 15 § 1, which obliges the creditor to send a written reminder summoning the fulfillment of the legal obligation with the threat of referring the case to enforcement proceedings. Moreover, that Art. 6 § 1b of the same Act allows for information measures to be taken in order to obtain voluntary fulfillment of the obligation, however, they may be taken before actions aimed at applying enforcement measures, and such a measure is a reminder sent by PPIS to the complainant, which was sent before attempting to contact telephone. As it is defined in the literature on the subject: "the actions of the creditor aimed at the application of enforcement measures should be understood as both the admonition of the obligated person and the issuing of the writ of execution and the submission of an application for the initiation of enforcement, as well as other activities of the creditor taken in the course of enforcement proceedings which condition the application of enforcement measures against the obligated party" (Przybysz, Piotr Marek. Art. 6. In: Enforcement proceedings in administration. Commentary, VIII edition. Wolters Kluwer, 2018). It should be noted, however, that the telephone contact made was a one-off event. Referring to the allegation of disclosure and failure to secure the personal data of the Complainant and her minor daughter by providing them by phone to the interlocutor via PPIS without proper verification of

the recipient, it should be indicated that the interview was conducted with an authorized person, and therefore there was no breach of personal data. However, according to Art. 36 sec. 1 of the Act of 1997, the controller is obliged to apply technical and organizational measures that ensure protection of the processed data adapted to the threats and categories of data. The data should be secured, inter alia, against disclosure to unauthorized persons. In the case at hand, these safeguards were not applied due to the lack of verification of the caller by the PPIS employee who made the call.

In view of the above, it should be considered that the Clinic did not have a legal basis allowing for the disclosure of the complainant's telephone number to PPIS, and what is more, in accordance with the applicable regulations on administrative enforcement, this data was unnecessary for the effective enforcement of the vaccination obligation and should not be processed by PPIS . In view of the above, the President of the Office decided to order the Complainant's personal data to be deleted by the PPIS in this respect.

Regarding the ongoing data processing of the Complainant and her minor daughter, it should be noted that Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 specifies the obligations of the data controller, which include the processing of personal data in accordance with the conditions set out in in the Regulation. Art. 6 sec. 1 of the GDPR, according to which data processing is allowed only if one of the conditions set out in this provision is met. The catalog of the premises listed in Art. 6 sec. 1 GDPR is closed. Each of the premises legalizing the processing of personal data is autonomous and independent. This means that these conditions are, in principle, equal, and therefore the fulfillment of at least one of them determines the lawful processing of personal data. As a consequence, the consent of the data subject is not the only basis for the processing of personal data, as the data processing process will be consistent with the Regulation also when the data controller demonstrates that another of the above-mentioned conditions is met. Regardless of the consent of the data subject (Article 6 (1) (a) of the GDPR), the processing of personal data is permitted, inter alia, when it is necessary to fulfill the legal obligation incumbent on the controller (Article 6 (1) (c) of the GDPR) GDPR). As indicated above, the PPIS has a legal obligation to supervise the implementation of the obligation to perform preventive vaccinations, therefore Art. 6 sec. 1 lit. c GDPR should be considered as the legal basis allowing the processing of "ordinary" data of the complainant and her minor daughter, such as names, surnames and address of residence.

Moreover, due to the special category of data (the so-called "sensitive" data), which are health data concerning information on immunization of minor A.K., processed in the present case, Art. 9 GDPR, according to which the processing of sensitive data is

allowed only if one of the conditions of Art. 9 sec. 2 GDPR. As possible grounds allowing for processing, this provision mentions: data processing for the purposes of preventive healthcare (...) on the basis of EU law or the law of a Member State, subject to par. 3 (h), processing is necessary for the public interest in the field of public health on the basis of European Union or Member State law (letter i).

In the case at hand, both Art. 9 sec. 2 lit h, in connection with the health prophylaxis, as well as art. 9 sec. 2 lit. and in view of the public interest in preventing infectious disease epidemics. Both of these grounds presuppose the existence of a legal basis in the form of a regulation at the European Union level or adopted by a Member State of the European Union. In this case, the provisions of the act on promoting and combating infections and infectious diseases in humans should be indicated.

According to the above analysis, Art. 17 sec. 8 point 2 of the Act on should be considered as a provision allowing also the processing of sensitive personal data by PPIS (i.e. information on immunization of minor A.K.). In addition, the legislator provided for the power to obtain information about persons in order to enable effective supervision over the implementation of the preventive vaccination obligation, in accordance with Art. 5 sec. 1 point 1 lit. b u.z.z. in connection with joke. 3 sec. 1 u.p.e.a. The above means that the processing of personal data by PPIS in the scope of information about undergoing preventive vaccinations is based on the premises specified in Art. 9 sec. 2 lit. h and i GDPR.

Referring to the complainant's request to control the methods of securing sensitive personal data by PPIS and its compliance with the provisions on the protection of personal data, it should be clarified that the competences of the President of the Office for Personal Data Protection (as well as the competences of the Inspector General for Personal Data Protection) are: such an inspection is carried out, but the authority undertakes such actions ex officio, and not upon request. Comprehensive control activities regarding the processing and protection of data by a specific data administrator may therefore be undertaken by the President ex officio, after receiving information about the illegal activities of the entity and after making a preliminary assessment of the legitimacy of the charges against him, but the decision to carry out these activities is made by the authority on its own based on a reasonable suspicion of violating the provisions of the GDPR. In the present case, it should be convicted that the circumstances questioned by the applicant resulted from the deliberate operation of the PPIS, and not from irregularities in the manner of securing personal data.

Referring to the complainant's allegation that the provisions of the administrative procedure were violated as regards the principle of objective truth (Art.7 of the Code of Administrative Procedure), taking evidence (Art.77 of the Code of

Administrative Procedure), free assessment of evidence (Art. 80 of the Code of Administrative Procedure) and elements of the decision, in particular indicating the facts deemed proven and evidence that has been denied credibility (Art. 107 § 3 of the Code of Administrative Procedure), it should be indicated that these allegations are unfounded. Pursuant to Art. 7 of the Code of Civil Procedure the authority has taken all steps within its scope of competence to thoroughly explain the actual state of affairs. In the course of the investigation, exhaustive evidence was collected, which was thoroughly examined by the authority (pursuant to Art.77 of the Code of Civil Procedure), taking into account the entire evidence material collected (pursuant to Art. 80 of the Code of Civil Procedure). It should be pointed out that according to the established case law, exhaustive examination of the evidence consists in such an attitude to each of the evidence gathered in the case, taking into account the interrelations between them, in order to obtain the unambiguous factual and legal findings (cf. judgment of the Provincial Administrative Court in Lublin of February 12 2015, file reference number III SA / Lu 777/14). The parties to the proceedings, in the provided explanations, referred to all the facts and allegations mentioned by the applicant in the present complaint. In the opinion of the President, the material collected in the case is sufficient to establish the factual status of the case, and moreover, it is consistent and does not raise any doubts. Moreover, the parties to the proceedings had the opportunity to comment on the collected evidence. Evidence confirming the given circumstances was also submitted to the submitted explanations. Therefore, it would be incorrect to recognize that the authority failed to fulfill the obligations set out in the Code of Administrative Procedure. While referring to the objection under Art. 107 § 3 of the Code of Administrative Procedure, the authority does not agree with the complainant. The appealed decision contained a description of the facts that should be treated as an indication by the authority of proven facts, as well as a legal justification with the provisions of the law applicable in the case at hand.
It should be noted here that the administrative procedure conducted by the President of the Office serves to control the compliance of data processing with the provisions on the protection of personal data and is aimed at issuing an administrative decision pursuant to Art. 18 sec. 1 of the Act of 1997, according to which the administrative proceedings conducted by the President of the Office serve to control the compliance of data processing with the provisions on the protection of personal data and is aimed at issuing an administrative decision pursuant to Art. 18 sec. 1 of the 1997 Act.As it follows from the wording of the quoted provision, in the event of a breach of the provisions of the Act, the President of the Office ex officio or at the request of the person concerned, by way of an administrative decision, orders restoration of the legal status, and in particular removal of the deficiencies (point 1) , supplementing, updating, rectifying, disclosing or not providing personal data (point 2),

applying additional security measures for the collected personal data (point 3), suspending the transfer of personal data to a third country (point 4), securing data or transferring it to other entities (point 5), deletion of personal data (point 6). Due to the compliance of the processing process with the existing provisions of law and the partial compliance of the disclosure of data with the provisions in force at that time, it should be considered that the legal status will be restored after the execution by PPIS of the order to delete some of the complainant's personal data in accordance with art. 18 sec. 1 point 6 of the Act of 1997

Referring the above to the complainant's request for the President of the Office to take the actions provided for in Art. 83 of the GDPR, it should be noted that in the light of art. 160 of the 2018 Act, that provision does not apply to the present case. Pursuant to the Act of 2018, the provisions of the Act of 1997 apply to cases initiated before May 25, 2018 by the Inspector General for the Protection of Personal Data, inter alia in the matter of competence. 18 sec. 1 of the Act of 1997 does not give the President powers identical to those contained in Art. 83 GDPR. In view of the above, it should be noted that this request is not supported by the provisions applicable to the present case and cannot be fulfilled by the President of the Office.

In this factual and legal state, the President of the Personal Data Protection Office resolved as in the sentence.

The decision is final. Based on Article. 160 sec. 1 and 2 of the Act of May 10, 2018 on the protection of personal data and in connection with joke. 13 § 2, art. 53 § 1 and article. 54 of the Act of August 30, 2002, Law on Administrative Court Proceedings (Journal of Laws of 2017, item 1369, as amended), the party has the right to lodge a complaint against this decision with the Provincial Administrative Court in Warsaw, in within 30 days from the date of delivery of this decision, via the President of the Office for Personal Data Protection (address: Office for Personal Data Protection, ul. Stawki 2, 00-193 Warsaw). The fee for the complaint is PLN 200. The party has the right to apply for the right to assistance, including exemption from court costs.

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