

THE CHAIRMAN OF PERSONAL DATA PROTECTION

Warsaw, day 17

May

2019

DECISION

ZSPU.440.705.2018

Based on Article. 104 § 1 of the Act of 14 June 1960 Code of Administrative Procedure (Journal of Laws of 2018, item 2096 as amended), art. 7 sec. 1 in conjunction of 60 of the Act of May 10, 2018 on the Protection of Personal Data (Journal of Laws of 2018, item 1000, as amended) and Art. 6 sec. 1 lit. f) and art. 57 sec. 1 lit. a) and lit. f) 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 (general regulation on data protection) (Journal of Laws UE.L.2016.119.1 and Journal of Laws UE.L.2018.127.2), after conducting administrative proceedings regarding the complaint of Mrs. MB, ordering: [...], for processing by the Foundation [...], her personal data published on the website [...], the President of the Office for Personal Data Protection refuses to accept the request.

Justification

The Office for Personal Data Protection received a complaint from Ms M. B. [...], hereinafter also referred to as the Complainant, against the processing of her personal data by the Foundation [...], hereinafter also referred to as the Foundation.

The complainant complained to the Foundation of the unauthorized processing of her personal data published on the website operated by the Foundation [...] (previously: [...]), stating the following quotation: "(...) the processing is unlawful, because my interests or fundamental rights and freedoms have superiority over the interests pursued by the administrator (...)".

At the same time, the complainant alleged that the Foundation presented by it on the website [...] (previously: [...]) indicated the existence of false organizational and legal ties between entities in whose bodies she performs certain functions. As the complainant pointed out, the quotation: "(...) the Foundation (...) posted on the website of this portal a graph showing my connections as a Member of the Management Board of the Company [...] and a member of the Management Board of the

association [...] (...) with persons holding positions in the Management Board of the Company [...] (...) ". Meanwhile - as the complainant pointed out - quoted: "(...) Each of these entities conducts economic activity regardless of the interests of the other entity and the interests of the persons managing the other entity. These entities are not related companies within the meaning of (...) of the Commercial Companies Code. They also do not operate within one capital group (...) none of these entities has a share in the capital of the other (...) Since there are no capital ties (...) there are no reasons why the websites of the portal [...] should be published information on connections between these entities (...) ".

In connection with the above allegation, the complainant requested the following quotation: "(...) ordering the administrator of the Foundation [...] to remove deficiencies in the processing of personal data by removing my data from the portal's websites [...] processed unlawfully (...)".

In the course of the explanatory proceedings conducted in this case, the President of the Personal Data Protection Office, hereinafter also referred to as the President of the Personal Data Protection Office, determined the following.

The Foundation is an entity whose purpose - according to the information contained in Section 3 on its National Court Register (KRS No. [...]), is the following: "supporting the development of democracy by promoting citizens' rights in the field of access to public information". In turn, according to the provisions of the Foundation's Statute - published by it on its website - [...]: "(...)

The Foundation assumes its task to support the development of democracy by promoting citizens' rights in the field of access to public information (...)" (§ 5); "(...) The Foundation achieves its goals by: (...) building IT, programming and technology tools supporting citizens' involvement in public affairs (...) undertaking activities in the field of establishing and promoting standards and good practices in the field of access and re-use of information from the sector public (...)" (§ 6 points 4 and 5).

The Foundation processes the complainant's personal data as the current one: member of the representation body (vice-president of the board) of the association [...] (KRS number [...]), member of the supervisory body [...] Sp. z o.o. (KRS number [...]) and a member of the representation body (board member) [...] Sp. z o.o. (KRS number [...]; entity previously operating under the name [...] Sp. z o.o. - printout from the National Court Register in the case files). In addition, the Foundation processes the complainant's personal data relating to her past (in the period [...]) of her participation as a partner in [...] Sp. z o.o. (KRS number [...]). The personal data in question was obtained by the Foundation with the quotation: "(...) from a publicly available source, i.e. from the website of the Minister of Justice kept for the National Court Register (...)" (letter of the Foundation of [...] December 2018 - in the case files). The scope of the complainant's personal data obtained by the

Foundation included the following, disclosed in the National Court Register, hereinafter referred to as the National Court Register, information about her: name and surname, PESEL registration number, functions performed in the bodies of entities entered in the these entities (one of them) - and it was the scope of data identical to the scope of the complainant's personal data disclosed in the National Court Register. Until now, the Foundation processes the complainant's personal data in the above-mentioned the scope of the quotation: "(...) in order to provide personal data on websites operated by the Foundation, including to support transparency and certainty of business transactions (...) Currently, the complainant's data are processed as part of the website [...] (formerly on the website [...]) in the data file of the website [...] (...) "(letter of the Foundation of [...] December 2018, similar explanations were provided by the Foundation in the letter of [...] March 2019 - letter in the case files). The personal data of the Complainant processed by the Foundation used for the functioning of the website [...] (previously: [...]) correspond to the data currently disclosed in the National Court Register - both in the area of information on the functions currently performed in the bodies of the above-mentioned entities, as well as in the past participation in one of the above-mentioned entities as partners (printouts from the National Court Register - in the case files).

The Foundation processes the PESEL number of the complainant for identification purposes - this number is subject to the following citation: "(...) automatic analysis (...) in order to obtain information about the year of birth of persons whose data is processed, which allows the administrator to introduce the functionality of displaying the year of birth of persons with these only names and surnames (to distinguish them from other persons with the same name appearing in the National Court Register (...) "(letter of the Foundation of [...] August 2018 addressed to the complainant by e-mail - printout of the letter in the case files (...) ". Also according to the provisions contained in the document entitled" Privacy Policy "published by the Foundation on its website - [...] quoted:" (...) Profiling (...) consists in (...) the automatic analysis of the PESEL number in order to obtain information about the year of birth of the persons whose data is processed, which allows the Administrator to introduce the functionality of displaying the year of birth of persons with the same names and surnames (to distinguish them from other persons with the same name appearing in the National Court Register (...) ([...]).

The Foundation publishes on its website [...] (previously [...]) the complainant's personal data in the scope including her name, surname, information about the functions currently performed in the authorities of the above-mentioned entities, information on the number and value of shares held in the past in one of them (in terms of this information clearly indicating its historical nature - the Foundation gives a precise time period - [...] in which the complainant acted as a partner in [...] Sp. z oo) and the

following information: "(...) in terms of gender (through the graphic icon) (...)" (letter of the Foundation of [...] December 2018 - in the case file).

In the course of the explanatory proceedings in this case, the Foundation indicated in particular the following quotation: "(...) The Foundation (...) is an organization working for the development of democracy, open and transparent public authority and civic involvement. Using the rights guaranteed in the Act of September 6, 2001 on access to public information (...) and the Act of February 25, 2016 on the re-use of public sector information (...), the Foundation collects publicly available data sets and makes them available to citizens under websites run by the Foundation. Within the scope of its statutory activities, the Foundation supports the development of democracy by popularizing citizens' rights in the field of access to public information and creates IT solutions that allow citizens to more easily access data provided by the state (...)" and quotation: "(...) The Foundation's legitimate interest as the administrator of personal data finds its economic and legal justification in the context of the statutory activities of the organization (...)" (the Foundation's letters of [...] December 2018 and [...] March 2019).

Referring to the complainant's allegations, the Foundation emphasized the following quotation: "(...) The Foundation does not present or presented on the website [...] false information about the links between the Association [...] and the company [...] Sp. z o.o. (current name [...] Sp. z o.o.) (...) The Foundation processes the complainant's personal data collected from the National Court Register with regard to entities subject to entry in the National Court Register, in whose structure the complainant was disclosed. The data presented by the Foundation on the website [...] reflect the data concerning the complainant disclosed in the National Court Register (...), therefore, one cannot agree with the alleged possibility of misleading anyone as to the scope of the complainant's professional activity as well as the negative impact on the perception of the complainant in the environment. The Foundation presents the complainant's data on the portal [...] (...) also in graphic form (graph). As part of the graph, the Foundation presents relationships regarding persons and their functions within entities entered in the National Court Register. If a given person (as in the case of the Complainant) performs functions in several entities, then the graph illustrates the participation of a given person in each of these entities (...). The Foundation does not present on the website [...] that the Company [...] Sp. z o.o., previously [...] Sp. z o. o. and the Association [...] operate within one capital group or conduct activities of the same type. Presenting on the portal [...] as part of a single chart of the Company and the Association results from the connections of certain persons with these entities (they are persons holding functions simultaneously in the Company and in the Association, as in the case of the Complainant (...)" (letter of the Foundation of [...]

March 2019 - in the case file).

In the letter of [...] August 2018 entitled "Request for the removal of personal data from the websites of the portal [...]" and addressed to [...] Sp. z o.o. (which the Foundation considered to be in fact addressed to itself; a copy of the letter in the case files) The complainant indicated the following quotation: "(...) I object to the processing of my personal data by your company, including posting it on the website of your portal [...] in connection with the Company [...] Spółka z oo [...] And the association [...] (...) your company disseminates false information about the connections of the Company [...] Sp. z o.o. and above associations. Such links do not exist because both of these entities do not operate within one capital group, nor do they conduct the same type of activity (...) The dissemination of the above information by your company misleads my colleagues and clients as to the scope of my professional activity and negatively affects the perception of my person in the environment (...), I request that my personal data be immediately removed from the website of the portal [...]"

The Foundation refused to take into account the above-mentioned the complainant's request (printout of the Foundation's letter of [...] August 2018 addressed to the complainant by e-mail and constituting a response to her request of [...] August 2018 - in the case files). The Foundation justified this refusal in the same way as it did in the course of the explanatory proceedings before the President of the Personal Data Protection Office in this case. The Foundation raised in particular the following quotation: "(...) the Foundation (...) decided that there was no special situation in the case that could result in taking into account the complainant's objection, ceasing to process her data and (...) deleting them (...) moreover, interests, rights whether the complainant's freedoms are in no way endangered in relation to the processing of her personal data by the Foundation. It is impossible to agree with the complainant's statements contained in the complaint that the processing of her data by the Foundation may have a negative impact on the complainant's current business activities, and even on the development of the complainant's professional career in the future. The Foundation considers these statements to be groundless, the applicant herself did not even try to explain what the alleged negative impact would be (...)"

After reviewing all the evidence gathered in the case, the President of the Personal Data Protection Office, hereinafter also referred to as the President of the Personal Data Protection Office, considered the following.

The President of the Personal Data Protection Office is the competent authority for the protection of personal data and the supervisory authority within the meaning of 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 (General Data Protection Regulation) (Journal of Laws EU L.2016.119.1 and Journal of Laws EU L.2018.127.2), hereinafter referred to as GDPR (Article 34 par. 1 and 2 of the Act of May 10, 2018 on the Protection of Personal Data (Journal of Laws of 2018, item 1000, as amended), hereinafter referred to as the Act). The President of the Personal Data Protection Office (UODO) conducts proceedings regarding infringement of provisions on the protection of personal data (Article 60 of the Act), and in matters not covered by the Act, administrative proceedings before the President of the Personal Data Protection Office, in particular those regulated in Chapter 7 of the Act - proceedings on infringement of data protection provisions personal data, the Act of June 14, 1960 - Code of Administrative Procedure (Journal of Laws of 2018, item 2096, as amended), hereinafter also referred to as the Code of Administrative Procedure (Article 7 (1) of the Act). Pursuant to Art. 57 sec. 1 GDPR, without prejudice to other tasks under this Regulation, each supervisory authority on its territory shall monitor and enforce the application of this Regulation (point a) and handle complaints brought by the data subject or by an entity, organization or association pursuant to art. 80, to the extent appropriate, conducts proceedings on these complaints and informs the complainant about the progress and the results of these proceedings within a reasonable time, in particular if it is necessary to continue investigations or coordinate actions with another supervisory authority (point f). The instruments for the implementation of the tasks provided for in Art. 57 sec. 1 GDPR are set out in particular in Art. 58 sec. 2 GDPR, remedial rights, including the possibility to: order the controller or processor to comply with the data subject's request resulting from the rights under this Regulation (Article 58 (2) (c)), order the controller or processor adapt the processing operations to the provisions of this Regulation, and, where applicable, the manner and time limit (Article 58 (2) (d)). Art.4 point 2 GDPR defines data processing as an operation or a set of operations performed on personal data or sets of personal data in an automated or non-automated manner, such as collecting, recording, organizing, organizing, storing, adapting or modifying, downloading, viewing, using, disclosing by sending, distributing or otherwise sharing, adjusting or combining, limiting, deleting or destroying.

Pursuant to Art. 6 sec. 1 GDPR, data processing (each activity falling within this concept) is lawful only in cases where - and to the extent that - at least one of the following conditions is met: a) the data subject has consented to process your personal data for one or more specific purposes; b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; c) processing is necessary to fulfill the legal obligation incumbent on the controller; d) processing is necessary to protect the vital interests of the data subject

or of another natural person; e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; f) processing is necessary for the purposes of the legitimate interests pursued by the administrator or by a third party, except where these interests are overridden by the interests or fundamental rights and freedoms of the data subject, which require protection of personal data, in particular when the data subject is a child.

The Act of August 20, 1997 on the National Court Register (Journal of Laws of 2018, item 986, as amended), hereinafter referred to as the Act on the National Court Register, introduces in Art. 8 the principle of formal openness of the National Court Register, hereinafter referred to as the Register. The aforementioned provision expressly states that the Register is public (section 1), that everyone has the right to access the data contained in the Register via the Central Information (section 2) and that everyone has the right to receive, also by electronic means, certified copies, excerpts, certificates and information from the Register (section 3). Art. 12 sec. 1 above the act establishes the general rule that the data contained in the register may not be removed from it (unless the act provides otherwise). However, according to Art. 13 sec. 1 of the said Act, entries in the Register are subject to publication in the Court and Economic Monitor (hereinafter referred to as the Monitor), unless the Act provides otherwise.

Names, surnames and PESEL numbers of natural persons who are members of the representation bodies and supervisory bodies of limited liability companies, partners of these companies (with an indication of the number and value of their shares) and persons who are members of the associations' representation bodies, are subject to entry, respectively: in the public register entrepreneurs and to the open register of associations, other social and professional organizations, foundations and independent public health care facilities under: art. 35 paragraph 1, art. 36, paragraph 6, art. 38 point 8 lit. c), art. 39 points 1 and 2 and article. 49 sec. 1 and 2 of the Act on the National Court Register.

Considering that the Foundation processes the same scope of information about the complainant with the scope of her data disclosed in the National Court Register, this means that it also processes (but does not publish) the complainant's PESEL number. Therefore, it should be noted that pursuant to Art. 15 sec. 2 of the Act of 24 September 2010 on the population records (Journal of Laws of 2018, item 1382 as amended), this number is an eleven-digit numerical symbol that uniquely identifies a natural person, containing the date of birth, serial number, gender designation and a check number, where the date of birth is included in the first six digits in the following order: the last two digits of the year of birth, the month of birth with the encoded age of birth and the day of birth, the next four digits are the consecutive number and gender of the person (the last

digit of the consecutive number contains gender designation: an even digit, including "0", for women, and an odd digit for men), and the last, eleventh digit of the PESEL number is a control number enabling electronic control of the correctness of the assigned identification number. This means that each entity that processes the PESEL number of a specific person also processes information about the date of birth (age) and gender.

The Foundation carries out activities as quoted: "(...) for the development of democracy, open and transparent authority and civic involvement (...). The Foundation collects publicly available data sets and makes them available to citizens on websites run by the Foundation. Within the scope of its statutory activity, the Foundation supports the development of democracy by popularizing citizens' rights in the field of access to public information and creates IT solutions that allow citizens to more easily access data provided by the state (...)" (letter of the Foundation of [...] December 2018 r. containing explanations in the case in question, analogous explanations contained in the correspondence of [...] March 2019). As part of the implementation of the above objectives, the Foundation undertakes activities consisting in making available to citizens on the website [...] (formerly: [...]) data from publicly available sources (KRS / Monitor). Undoubtedly, the goals and tasks of the Foundation defined in this way are legally justified. Their implementation is also conditioned by the processing of personal data disclosed in publicly available registers, including the personal data of the complainant as a person performing specific functions in entities subject to entry in the register. At the same time, there are no grounds to assume that the implementation of the above-mentioned, legitimate interest of the administrator (Foundation), consisting in conducting activities related to the dissemination of the content contained in the National Court Register / Monitor, had to give way to overriding interests or fundamental rights and freedoms of the complainant, requiring personal data protection. As indicated, the personal data of the Complainant processed by the Foundation in the questioned manner are publicly available data. At the same time, the scope of the Complainant's personal data published on the website [...] (previously: [...]) is adequate (not excessive) in the context of the information objective pursued (these data are in fact published in a narrower scope compared to the scope of data disclosed in the National Court Register - they do not include because the PESEL number), while their content is consistent with the content of the data disclosed in the National Court Register. The President of the Personal Data Protection Office finds no grounds to question the legality of obtaining and further processing by the Foundation in the set created for the needs of the website [...] of information on the PESEL number - in order to clearly distinguish the Complainant from other persons with the same names and surnames. At the same time, it should be emphasized once again that this number is not published by the Foundation in

the above-mentioned website. As for the issue of publishing by the Foundation in the above-mentioned the information service about the applicant's sex - as the Foundation itself put it as quoted: "(...) by means of a graphic icon (...)", it should be noted that information of this type is carried by the complainant's name itself.

Referring to the publication by the Foundation of the complainant's personal data relating to her past acting as a partner in [...] Sp. z o.o., it should be emphasized that the applicant's past participation in the above-mentioned the company as stated remains a fact, and information on this type of activity of the complainant in the broadly understood economic turnover may still be in the sphere of public interest. For the same reason, this information is still published in the National Court Register. Taking into account the public nature of the above-mentioned information (which - due to the irremovability of the data disclosed in the National Court Register - are still publicly available in this Register), their substantive correctness and information value, the fact that they currently have a historical value does not affect the possibility of their further processing (including publishing) by the Foundation .

To summarize the considerations so far, the Foundation's processing of publicly available personal data of the Complainant - as a person performing specific functions in entities subject to entry in the Register, including their publication - is based on the referred to Art. 6 sec. 1 lit. f) GDPR.

At this point it is worth mentioning that in a similar case, in which the essence of the case was the possibility of using personal data obtained from a public register, the Supreme Administrative Court in its judgment of 3 December 2015 (file reference: I OSK 1166/14) stated that the quotation: "(...) the Act on the Protection of Personal Data does not introduce special obligations in the field of obtaining data from public registers (here: from the National Court Register). The purpose of publicly available registers is to make information available for the purposes of legal transactions. Reading such data is legal, which results directly from Art. 8 sec. 1 of the Act (...) on the National Court Register (...) establishing the principle of openness of the register and art. 10 sec. 1 (...) defining the right of every interested party to view the files (...)”.

In the context of the arguments presented in this case by the Foundation in order to prove the legality of their activities, it is also justified to cite the provisions of the Act of February 25, 2016 on the re-use of public sector information (Journal of Laws 2018, item 1243 as amended) . Pursuant to Art. 2 clause 1 of this Act, public sector information should be understood as any content or part thereof, regardless of the method of recording, in particular in paper, electronic, audio, visual or audiovisual form, which is in the possession of the entities referred to in art. 3. Above. The act also defines re-use as the use by natural

persons, legal persons and organizational units without legal personality, referred to as "users", of public sector information, for commercial or non-commercial purposes other than the original public purpose for which the information was produced (Art. 2). The Act provides for the general right to re-use the public sector information provided in the ICT system, in particular on the website of the Public Information Bulletin of the obliged entity or in the central repository of public information referred to in Art. 9a of the Act of 6 September 2001 on Access to Public Information (Journal of Laws of 2018, item 1330, as amended), or otherwise (Article 5 (1) of the Act on the re-use of public sector information). The re-use of information may be limited - the obliged entity makes available on its website the Public Information Bulletin in the subject menu in the "Re-use" category, the conditions for re-use, if specified by it (Article 11 (1) (1) of the Act on the re-use of sector information public) - however, the use of information from the National Court Register was not subject to such conditions.

As a consequence of the above assessment as to the legal nature of the Foundation's activities in the area of processing the complainant's impugned personal data, the complainant's request to discontinue this process cannot be upheld.

Pursuant to the wording of art. 17 sec. 1 GDPR, the data subject has the right to request the administrator to immediately delete his personal data, and the administrator is obliged to delete personal data without undue delay, if one of the following circumstances occurs: a) personal data are no longer necessary for the purposes of which have been collected or otherwise processed; b) the data subject has withdrawn consent on which the processing is based in accordance with art. 6 sec. 1 lit. a) or Art. 9 sec. 2 lit. a), and there is no other legal basis for the processing; c) the data subject objects to the processing pursuant to Art. 21 sec. 1 against processing and there are no overriding legitimate grounds for processing or the data subject objects to the processing pursuant to art. 21 sec. 2 against processing; d) the personal data have been processed unlawfully; e) personal data must be removed in order to comply with the legal obligation provided for in the Union law or the law of the Member State to which the controller is subject; f) the personal data have been collected in relation to the offering of information society services referred to in art. 8 sec. 1. In the case under examination, the complainant's personal data are still necessary in the context of the purposes pursued by the Foundation (no prerequisite from Article 17 (1) (a) of the GDPR), the basis for their processing is the legitimate interest pursued by the administrator (art. 6 (1) (f) of the GDPR) and not the consent of the Complainant (no prerequisite under Article 17 (1) (b)), the challenged processing of the Complainant's personal data is carried out legally (no prerequisite under Article 17 (1) (d) of the GDPR), there is no provision that would oblige the Foundation to remove the complainant's personal data in question (no prerequisite from Article 17 (1) (e) of the GDPR), the Complainant's

personal data was not collected in connection with offering information society services referred to in Art. 8 (1) of the GDPR (no prerequisite from Article 17 (1) (f) of the GDPR). In the case under examination, the existence of a prerequisite for an effective request to delete data specified in Art. 17 sec. 1 lit. c) GDPR. The aforementioned provision requires the deletion of data in the event of an objection by the data subject pursuant to Art. 21 sec. 1 and sec. 2 GDPR - these regulations, in turn, concern the objection to the processing of personal data in a situation where the processing is carried out on the basis of art. 6 sec. 1 lit. e) or f) GDPR and when the purpose of data processing is a marketing purpose. In the present case, the complainant's personal data are processed for purposes not related to marketing.

Art. 21 sec. 1 GDPR grants the data subject the right to object at any time - for reasons related to his particular situation - to the processing of his personal data based on art. 6 sec. 1 lit. e) or f), including profiling based on these provisions, indicating at the same time that the administrator is no longer allowed to process this personal data, unless he demonstrates the existence of valid legitimate grounds for processing, overriding the interests, rights and freedoms of the data subject, or grounds for establishing, investigating or defending claims. In a situation where the request provided for in Art. 21 sec. 1 GDPR is justified, the data subject has the right to demand the exercise of the right to be forgotten (see the previously mentioned Article 17 (1) (c) of the GDPR). It should be emphasized, however, that in the present case there are no grounds to conclude that her special situation argues that the applicant's objection was taken into account. As it is emphasized in the literature on the subject, the quotation: "(...) a special situation justifying the cessation of the processing of the applicant's personal data may entail the risk of disclosing by such processing data related to the sphere of privacy or family life, if the use of such data in a specific situation does not is absolutely necessary (...)" (P. Fajgielski" Commentary to Regulation 2016/679 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 (general regulation on the protection of data), [in:] General Data Protection Regulation. Personal Data Protection Act. Comment "WKP 2018). In the present case, neither in the course of the proceedings before the President of the Personal Data Protection Office, nor in the correspondence exchanged with the Foundation, the Complainant showed no special situation on its side justifying the request to stop processing her personal data by the Foundation.

The arguments presented by the complainant in the given scope amount to presenting her subjective beliefs and ideas about the possible social perception of the fact of the challenged publication of her personal data by the complained entity. In the complaint initiating these proceedings, the complainant quoted: "(...) the Foundation assumes as its task supporting the

development of democracy by promoting citizens' rights in the field of access to public information. In my opinion, the above-mentioned goals of the Foundation's activities (...) relate to the current political situation in the country, providing support to one of the parties to the political dispute that has been going on in Poland for years (...). national policy, it processed my personal data so as not to be associated with any of the parties to the dispute (...) Therefore, the processing of my personal data by this administrator may have a negative impact on my (...) business activity, and even the development of my professional career in the future (...). The risk of a public assessment of the functioning of entities operating in the broadly understood economic turnover, as well as members of their bodies, is, in a way, inherent in their activities and has no impact on the transparency of the data covered by the National Court Register, or the possibility of their further legal use by any entities. The fact that the complainant's questioned data is publicly available means that there are no grounds for assuming that their processing by the Foundation for the purposes related to the functioning of the website [...] is associated - even potentially - with interference in the sphere of her privacy, and thus that on the part of The complainant has a special situation, referred to in Art. 21 sec. 1 GDPR, justifying its objection raised pursuant to this provision.

To sum up, the process of the challenged processing of the complainant's personal data by the Foundation is carried out legally, and the complainant's request does not deserve to be taken into account.

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

Pursuant to Art. 7 sec. 2 of the Act of 10 May 2018 on the Protection of Personal Data (Journal of Laws of 2018, item 1000, as amended), the proceedings before the President of the Office for Personal Data Protection are single-instance. This decision is final. Based on Article. 52 § 1 and 2 and article. 53 § 1 of the Act of August 30, 2002, Law on proceedings before administrative courts (Journal of Laws of 2018, item 1302, as amended), the party is entitled, within 30 days from the date of delivery of this decision, to lodging a complaint against it with the Provincial Administrative Court in Warsaw. The complaint is lodged through the President of the Personal Data Protection Office (to the following address: 00 - 193 Warsaw, ul. Stawki 2). The fee for the complaint is PLN 200. The party has the right to apply for an exemption from court costs.

2019-05-20