

THE CHAIRMAN OF PERSONAL DATA PROTECTION

Warsaw, on 03

July

2019

DECISION

ZSOŚS.440.56.2019

Based on Article. 105 § 2 of the Act of June 14, 1960 - Code of Administrative Procedure (Journal of Laws of 2018, item 2096, as amended), hereinafter referred to as "kpa" and art. 5 sec. 1 point 6 in connection with Art. 12 of the Act of December 14, 2019 on the protection of personal data processed in connection with the prevention and combating of crime (Journal of Laws of 2019, item 125) after administrative proceedings regarding the complaint of Mr. JW (residing at ul. [..]) for the illegal processing of his personal data by the Police Commander in Chief (ul. Puławska 148/150, 02-624 Warsaw) in the National Police Information System

I discontinue the proceedings

Justification

The Office for Personal Data Protection [...] on April 2019 received a complaint from Mr. JW, hereinafter referred to as the "Complainant", about the processing of his personal data by the Police Commander in Chief in the National Police Information System, as a result of which the President of the Office for Personal Data Protection initiated proceedings with reference number . Act [...]. On [...] April 2019, the Office for Personal Data Protection received a letter from the Complainant, stating that he was withdrawing the application to conduct the proceedings and asking for its discontinuance.

In connection with the above, the President of the Office for Personal Data Protection, in letters of [...] April 2019, pursuant to Art. 105 § 2 of the Code of Administrative Procedure called on the Police Commander in Chief to submit any objection to the discontinuation of the proceedings and informed the Complainant about the above. The letter was received by the Police Headquarters [...] in May 2019, and the Police Commander in Chief did not object to the discontinuation of the proceedings within the prescribed period. As a result of the above, the President of the Office for Personal Data Protection informed the parties in letters of [...] June 2019 about collecting evidence sufficient to issue an administrative decision.

Pursuant to the wording of art. 105 § 2 of the Code of Administrative Procedure, a public administration body may discontinue

the proceedings if requested by the party on whose request the proceedings were initiated, and not opposed by other parties and when it is not contrary to the public interest. It should be noted that in the present case the above instruction was fulfilled. In connection with the above, in this factual and legal state, the President of the Office for Personal Data Protection resolved as in the sentence.

Pursuant to Art. 9 sec. 2 of the Act of December 14, 2018 on the protection of personal data processed in connection with the prevention and combating of crime (Journal of Laws of 2019, item 125), the decision may be appealed against by the party to the Provincial Administrative Court in Warsaw, within 30 days from the date of its delivery to the party. The complaint is lodged through the President of the Personal Data Protection Office (address: 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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