

# Institute of National Remembrance

<https://ipn.gov.pl/en/about-the-institute/documents/328,Act-on-the-Disclosure-of-Information.html>  
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## Act on the Disclosure of Information

**Act  
of 18 October 2006  
on the Disclosure of Information on Documents of State  
Security Agencies from the period between the years  
1944-1990 and the Content of such Documents**

**(unified text)**

We hereby recognize that employment or service in the security agencies of the Communist state, or assistance provided to these agencies by a personal source of information, consisting in the fight against democratic opposition, trade unions, associations, churches and religious organizations, violations of the right to freedom of expression and assembly, the right to life, liberty, ownership and security of citizens, were inseparably connected to violations of human and civil rights for the benefit of the Communist totalitarian regime. Having regard to the foregoing, and understanding the need to provide appointment to offices and posts, and admission to professions

requiring public trust of persons who, taking into account their current and previous conduct, proved their integrity, nobility, sense of responsibility for their own words and actions, civil courage and honesty, and taking into account constitutional guarantees that ensure the right of citizens to information on persons appointed to such offices, and posts or admitted to such professions, be it enacted as follows:

## **Chapter I**

### **General Provisions**

#### Article 1

This Act shall lay down the rules and procedure concerning disclosure of information on documents of state security agencies and the content of such documents remaining in the archives of the Institute of National Remembrance – Commission of the Prosecution of Crimes against the Polish Nation, herein after referred to as “the Institute of National Remembrance”, procedure of submitting and verifying the veracity of declarations concerning employment or service in state security agencies or collaboration with these agencies in the period from 22 July 1944 to 31 July 1990.

#### Article 2

1. State security agencies referred to as organs, within the meaning of this Act, shall be:

1) the Public Security Department of the Polish Committee of National Liberation;

- 2) the Ministry for Public Security of Poland;
- 3) the Committee on Public Security;
- 4) organisational entities subordinate to the organs mentioned in points 1-3, in particular the units of the Citizens' Militia, in the period until 14 December 1954;
- 5) central bodies of the Security Service of the Ministry of Internal Affairs, with dependent local units in the voivodeship, powiat, and equivalent Citizens' Militia headquarters, as well as in the voivodeship, district, and equivalent offices for internal affairs;
- 6) the Academy of Internal Affairs;
- 7) the Reconnaissance of the Border Defence Army;
- 8) the Main Directorate of the Internal Service of the military units of the Ministry of Internal Affairs, with subordinate units;
- 9) Military Information;
- 10) the Military Internal Service;
- 11) the II Directorate of the General Staff of the Polish Army;
- 12) other services of the Armed Forces providing operational-intelligence or conducting investigative activities, including those within various armed services and branches, and military districts.
- 13) (expired)
- 14) (expired)
2. (expired)
3. State Security Service units, within the meaning of this Act, shall be the units of the Ministry of Internal Affairs liquidated ex lege upon reorganisation of the Office for State Security, as well as their predecessor units.

## Article 3

1. Documents of state security organs, within the meaning of this Act, shall be:

1) all information carriers, irrespective of the form in which information is stored, in particular: files, records, registers, computer files, papers, maps, plans, films and other forms of audiovisual carriers, sound carriers and all other forms of data storage, as well as copies, excerpts and other duplicates of such information carriers;

2) Means necessary to analyze information, in particular automatic data processing programs

- that must be submitted to the archives of the Institute of National Remembrance pursuant to provisions of the Institute of National Remembrance - Commission of the Prosecution of Crimes against the Polish Nation Act of 18 December 1998 (Journal of Laws of 2007 No. 63, item 424).

2. Documents of State security organs, within the meaning of this Act, shall also be court records and court decisions issued in all cases concerning documents referred to in Paragraph 1, that under provisions of law must be submitted to the archives of the Institute of National Remembrance.

3. A document shall be considered as regarding a particular person, within the meaning of the Act, if it contains information, in particular personal data allowing identification the person on the basis of this or other documents.

## Article 3a

1. Collaboration, within the meaning of the Act, shall be an intentional and secret cooperation with operational or investigative units of State security organs as an undercover informant or an assistant in the process of operational information gathering.
2. Collaboration, within the meaning of the Act, shall also include any intentional activity to which a person was obligated under statute effective at the time of undertaking such activity, and in connection with duties performed in the office, or on the post, or related to performed work or service, if the information gathered was provided to State security organs with the intention of violating the freedoms and rights of persons and citizens.
3. Performing duties in organs referred to in Art. 2, shall not constitute Service, within the meaning of the Act, if such duties were imposed by an obligation expressed in provisions of law effective at that time.

#### Article 4

Persons holding public offices, within the meaning of the Act shall be:

- 1) the President of the Republic of Poland;
- 2) a deputy, a senator, or a member of the European Parliament;
- 3) a person holding a state managerial post within the meaning of the Act on Remuneration of Persons holding State Managerial Posts of 31 July 1981 (Journal of Laws No. 20, item 101, with subsequent amendments);
- 4) a member of the Monetary Policy Council;
- 5) a member of the Management Board of the National Bank of Poland;
- 6) a member of the Council of the Institute of National Remembrance;
- 7) the President of the National Health Fund and his or her deputies;
- 8) the President of the Social Insurance Institution and his or her

deputies;

9) the President of the Agricultural Social Insurance Fund and his or her deputies;

10) the Chairperson of the Polish Financial Supervision Authority, his or her deputies and members of the Polish Financial Supervision Authority;

11) foreign service officers within the meaning of Foreign Service Act of 27 July 2001 (Journal of Laws No. 128, item 1403, with subsequent amendments);

12) persons appointed or nominated by the President of the Republic of Poland, the Sejm, the Presidium of the Sejm, the Senat, the Presidium of the Senat, the Sejm and the Senat, the Marshal of the Sejm, the Marshal of the Senat, or the President of the Council of Ministers pursuant to provisions of other acts to other posts than stipulated in point 3-11 and 14;

13) a president of the court;

14) a judge and a prosecutor;

15) a head of a common or military organizational unit of the prosecution service;

16) a counsellor and a senior counsellor in the Office of the General Attorney of the Treasury;

17) a local government body and a member of a local government body, a local governments' association body and a local government subsidiary unit body established in accordance with an obligation expressed in provisions of a statute;

18) a rector and a vice-rector of public or non-public higher education school, a member of the Central Council of Higher Education, the State

Accreditation Commission and the Central Commission for Professional and Academic Titles and Degrees;

19) a member of the Supervisory Board, a member of the Management Board, the Programme Director and his or her deputies, an editor or author of journalistic or information broadcasting as well as a director of local branch and agency of “Telewizja Polska-Spółka Akcyjna” [Polish TV Broadcasting Company], “Polskie Radio-Spółka Akcyjna” [Polish Radio Broadcasting Company], as well as a member of the Management Board, a member of the Supervisory Board and a member of the Programming Board “Polska Agencja Prasowa-Spółka Akcyjna” [Polish Press Agency], and a member of the Supervisory Board, a member of the Management Board, a director and his or her deputies in a local radio broadcasting company;

20) (expired)

21) (expired)

22) the Director General of the Supreme Chamber of Control and employees of the Supreme Chamber of Control overseeing and carrying out audit tasks;

23) (expired);

24) persons holding managerial posts:

a) in offices of public administration, including supreme and central state administration: department director or director of equivalent unit, his or her deputies as well as head of department or head of equivalent unit,

b) in voivodship state administration: director and his or her deputies, head of integrated administration service, inspection or guard and his or her deputies, head of non-integrated administration office and her or

his deputies.

25) a person holding a high-ranking government post within the meaning of the Act on Government Human Resources and High-ranking Government Posts of 24 August 2006 (Journal of Laws No. 170, item 1217 and No. 249, item 1832 and of 2007 No. 17, item 96), other than stipulated in points 3, 7, 11, 24;

26) employees of the Office of the Polish Financial Supervision Authority holding posts of section director, and his or her deputies, department director or equivalent unit director and his or her deputy as well as head of division or head of equivalent unit;

27) employees of the National Bank of Poland holding posts of department director or director of equivalent unit, his or her deputies as well as head of department or head of equivalent unit, his or her deputies and advisers to the President, local inspection coordinator, chief specialist managing the team, team manager, section manager and chief specialist;

28) employees of the Institute of National Remembrance;

29) a member of the National Health Fund Council, director and deputies of the director of the National Health Fund voivodship branch, department director and deputies of department director (equivalent units) in the National Health Fund headquarters and chief accountant of the National Health Fund,

30) a director (head) of an organizational unit in the Social Insurance Institution headquarters, director of a branch of the Social Insurance Institution and their deputies,

31) a director of the bureau in the Agricultural Social Insurance Fund headquarters, director of the regional branch of the Agricultural Social



Insurance Fund and their deputies,

32) a treasurer of voivodship, powiat or commune or secretary of powiat or commune,

33) a president, deputy president and members of local government appeal councils,

34) employees of a regional chamber of audit holding post of: president, member of the chamber collegium, head of the department or audit inspector;

35) the General Director of the Polish Post Office and his or her deputies as well as member of the Polish Post Office Council;

36) a member of the management board, member of the supervisory board in a state-owned bank;

37) a director of a state-owned company, his or her deputies and person responsible for the company's management under provisions of managerial contract in a state-owned company;

38) a person responsible for management in a company established through commercialization of a state-owned company, who is commissioned to manage the company under Article 17 Paragraph 1 of Commercialization and Privatization Act of 30 August 1996 (Journal of Laws of 2002, No. 171, item 1397, with subsequent amendments);

39) a member of the management board, member of the supervisory board in a commercial company with participation of the State Treasury in which the State Treasury holds more than 50 per cent of initial capital or more than 50 per cent of shares;

40) a member of the management board, member of the supervisory board in a commercial company with participation of a local government unit and in which the local government unit holds more

- than 50 per cent of initial capital or more than 50 per cent of shares;
- 41) a member of the management board, member of the supervisory board in a company of key importance to public order or public safety within the meaning of Article 8 of the Act on Special State Treasury Rights and their Exercise in Companies of Key Importance to Public Order or Public Safety of 3 June 2005 (Journal of Laws No. 132, item 1108 and No. 267, item 2258);
- 42) a person representing the State Treasury on the supervisory board of a commercial company other than stipulated in point 39;
- 43) a person representing a local government unit on the supervisory board of a commercial company other than stipulated in point 40;
- 44) academics and higher education employees:
- a) (expired);
  - b) a person holding the post of the head or deputy head in the basic organisational unit in a public or non-public school of higher education, in the Polish Academy of Sciences or research and development units, in particular a post of dean or vice-dean of the department;
  - c) a person holding the post of institute director, deputy institute director, chancellor, bursar, chairperson, deputy chairperson, academic secretary, in a public or non-public school of higher education, in the Polish Academy of Sciences or research and development units;
- 45) a director of a public or non-public school;
- 46) the Director of Central Examination Commission and director of a district examination commission;
- 47) an advocate, legal counsellor, notary;
- 48) a court enforcement officer;
- 49) (expired);

50) (expired);

51) an internal auditor within the meaning of Public Finance Act of 30 June 2005 (Journal of Laws No. 249, item 2104, with subsequent amendments)

52) (expired);

53) (expired);

54) the Director of the National Centre for Research and Development.

Article 5

(repealed)

Article 6

(repealed)

## **Chapter II**

### **Declarations and Register of Declarations**

Article 7

1. The obligation to submit a declaration concerning employment or service in State security organs or collaboration with these organs in the period from 22 July 1944 to 31 July 1990, herein after referred to as Vetting Declaration, shall be incumbent on persons referred to in Article 4, born before 1 August 1972.

2. Vetting Declaration shall be submitted upon agreement to run for an office or agreement to assume an office or perform duties.

3. Submission of Vetting Declaration shall result in extinction of an obligation to submit the declaration again, if at later date a person runs for or holds a public office requiring fulfilment of an obligation to

submit a Vetting Declaration.

3a. In the case referred to in Paragraph 3, a person obligated to submit Vetting Declaration shall submit to an authority competent for such submission the information on the previous submission of Vetting Declaration.

3b. In the case when a person, at a later date, runs for or holds a public office which requires the fulfilment of an obligation to submit a Vetting Declaration by a person who submitted Vetting Declaration in accordance with rules stipulated in Article 11 Paragraph 4, that person may submit Vetting Declaration once more.

4. Procedure concerning the submission of Vetting Declarations by persons referred to in Article 4 point 1, 2, and 17 chosen in general elections, shall be stipulated by provisions of relevant acts on election rules.

5. Authorities to which Vetting Declarations are submitted shall without delay forward Vetting Declarations to the Vetting Office of the Institute of National Remembrance for examination in compliance with the procedure stipulated in Institute of National Remembrance - Commission of the Prosecution of Crimes against the Polish Nation Act of 18 December 1998, unless the separate provisions impose an obligation to forward Vetting Declaration to a branch Vetting Office of the Institute of National Remembrance, save provisions of Article 21 c.

## Article 7a

1. Persons obligated to submit Vetting Declaration and who serve in the Internal Security Agency, the Intelligence Agency, the Military

Counter-Intelligence Service, or the Military Intelligence Service and provided or are providing operational intelligence outside the territory of the State in order to protect security, defence capability or security and combat capability of the Armed Forces of the Republic of Poland and other organizational units subordinate to or supervised by the Minister of National Defence, shall not disclose in Vetting Declaration any information concerning their work or service in state security organs.

2. Persons referred to in Paragraph 1, at the time of submission of Vetting Declaration, shall submit a Declaration containing information on their employment or service in State security organs, with observance of provisions on confidential information protection.

3. Declaration Form of the Declaration referred to in Paragraph 2 is attached to this Act as Appendix No 3.

4. Declaration shall be submitted to the Head of the Internal Security Agency, the Head of the Intelligence Agency, the Head of the Military Counter-Intelligence Service, or the Head of the Military Intelligence Service, respectively.

5. Organ to which Declaration is submitted shall, without delay, forward it to the President of the Institute of National Remembrance.

6. Any person other than a representative designated by the Head of the Internal Security Agency and the Head of Intelligence Agency respectively, and in the case of Declarations forwarded by the Head of Military Counter-Intelligence Service or the Head of Military Intelligence Service any other person than designated by Minister of National Defence, as well as any person other than designated by the President of the National Remembrance Institute to perform activities stipulated

in Article 52a point 2 of the Institute of National Remembrance – Commission of the Prosecution of Crimes against the Polish Nation Act of 18 December 1998 shall not be granted access to declarations remaining in the Institute of National Remembrance. The provision stipulated in the first sentence of Article 39a of this Act shall apply respectively.

## Article 8

The competent authority for submission of Vetting Declaration by candidates for public office referred to in Article 4 shall be:

- 1) point 1 and 2 – the National Electoral Commission;
- 2) point 3:
  - a) in the case of a person designated for the office of the President of the Council of Ministers - the President of the Republic of Poland;
  - b) in the case of a candidate for a State managerial post which requires appointment or nomination by the President of the Republic of Poland or the President of the Council of Ministers - the President of the Republic of Poland;
  - c) in the case of a candidate for a State managerial post which requires appointment, election or nomination by the Sejm, the Presidium of the Sejm, the Sejm and the Senat or the Marshall of the the Sejm - the Marshall of the Sejm;
  - d) in the case of a candidate for a State managerial post which requires appointment or nomination by the Senat or the Marshall of the Senat - the Marshall of the Senat;
  - e) in the case of a candidate for a State managerial post which requires appointment or nomination by authorities other than

stipulated in letters b-d – the appointing or nominating authority.

3) point 4- the President of the Republic of Poland;

4) point 5- the President of the National Bank of Poland;

5) point – a competent electing or appointing authority,

6) point 7- a minister in charge of health;

7) point 8- the President of the Council of Ministers;

8) point 9 – a minister in charge of development of rural areas;

9) point 10- a competent appointing, assigning or delegating authority,

10) point 11- a minister in charge of foreign affairs;

11) point 12- a competent appointing or nominating authority,

12) point 13:

a) in the case of a candidate for the office of president in common court or the office of president in military court – the Minister of Justice;

b) in the case of a candidate for the office of president in voivodship administrative court – the President of the Supreme Administrative Court;

13) point 14:

a) in the case of a candidate for the office of judge in the Constitutional Tribunal or the office of judge in the Tribunal of State – the Marshal of the Sejm;

b) in the case of a person who is not a judge and is running for the office of judge in the Supreme Court – The First President of the Supreme Court;

c) in the case of a person who is not a judge and is running for the office of judge in administrative court – the National Council of the Judiciary;

d) in the case of a candidate for the office of judge in common or

military court - the National Council of the Judiciary;

e) in the case of a candidate for the office of public prosecutor - the Prosecutor General;

14) point 15 - the Prosecutor General;

15) point 16 - the President the Office of the General Attorney of the Treasury;

16) point 17- in the case of a person running to become a local government body or a member of local government body or a member of local government subsidiary unit body established in accordance with an obligation expressed in provisions of a statute, and chosen in general election - a competent electoral commission; in the case of other persons - a competent voivode;

17) point 18 - a minister in charge of higher education;

18) point 19- a minister in charge of the State Treasury, and in the case of members of supervisory boards in public television and radio broadcasting units -a competent appointing authority

19) point 20- a competent licensing authority;

20) point 21:

a) in the case of a member of the management board or supervisory board of a publishing company, a partner in a publishing partnership or natural person acting as a publisher within the meaning of Press Law Act of 26 January 1984- a competent registering authority;

b) (expired);

21 )point 22 - the President of the Supreme Chamber of Control;

22) point 23- the Chairman of the Polish Financial Supervision Authority;

23) point 24:



- a) letter a – a competent minister or head of the office, respectively;
- b) letter b– a competent voivode;
- 24) point 25– a competent appointing body;
- 25) point 26 – the Chairman of the Polish Financial Supervision Authority;
- 26) point 27- the President of the National Bank of Poland;
- 27) point 28 – the President of the Institute of National Remembrance;
- 28) point 29- a minister in charge of health;
- 29) point 30 – the President of the Council of Ministers;
- 30) point 31 – a minister in charge of development of rural areas;
- 31) point 32- a competent appointing body;
- 32) point 33– the President of the Council of Ministers;
- 33) point 34 – in the case of a candidate for the office of the president of the regional chamber of audit – the President of the Council of Ministers; in the case of a candidate to become a member of the collegium of the regional chamber of audit, as well as the head of department or audit inspector in the regional chamber of audit– the president of that chamber;
- 34) point 35- a minister in charge of communications;
- 35) point 36– the President of the Council of Ministers;
- 36) point 37– a competent founding body;
- 37) point 38 and 39 – a minister in charge of the State Treasury;
- 38) point 40– a competent voivode;
- 39) point 41 and 42- a minister in charge of the State Treasury;
- 40) point 43– a competent voivode;
- 41) point 44- a competent rector or head of employing unit;
- 42) point 45- a competent curator for education;

43) point 46 – a minister in charge of education;

44) point 47:

a) in the case of a person applying to be enrolled in the list of attorneys or law counsellors – a competent district bar council or law counsellors district chamber ,

b) in the case of a person applying to be admitted to practice law as a notary – the Minister of Justice;

45) point 48 – the Minister of Justice;

46) point 49 - the National Council of Statutory Auditors;

47) point 50- the National Council of Tax Advisers;

48) point 51- the head of public finance sector unit;

49) (expired);

50) point 53 – a minister in charge of physical culture and sports;

51) point 54 – a minister in charge of science.

## Article 9

Persons submitting Vetting Declaration shall be, as to its contents, released from obligation to preserve State or official secret *lex lege*.

## Article 10

1. Vetting Declaration Form is attached to this Act as Appendix No 1a, save Article 11 Paragraph 5.

2. Form for Information on Previous Submission of Vetting Declaration, referred to in Article 7 Paragraph 3a is attached to this Act as Appendix No 2a.

## Article 11

1-3. (expired)

4. Submission of Vetting Declaration in connection with the fact of holding a public office, referred to Article 4 point 24, in the Internal Security Agency, the Intelligence Agency, the Military Counter-Intelligence Service, the Military Intelligence Service or the Central Anti-corruption Bureau, shall be completed with observance of provisions on protection of classified information. Provisions of Paragraphs 1-3 shall not apply.

5. Vetting Declaration Form submitted under rules laid down in Paragraph 4 is attached to this Act as Appendix No 4.

## Article 12

(repealed)

## Article 13

The content of Vetting Declaration submitted by a candidate for the office of the President of the Republic of Poland, a deputy or senator, or member of the European Parliament, as well as a candidate to become a local government organ chosen in general elections, or a member of a local government organ, or a member of an organ of local government auxiliary unit established in accordance with an obligation imposed under provisions of law in force, and confirming their employment or service in State security organs or their collaboration with these organs, and provided in part A of the Declaration specified in Appendix No 1 to this Act, shall be given to public information also in the form of an election announcement.

## Article 14

(repealed)

Article 15  
(repealed)

Article 16  
(repealed)

### Chapter III Vetting Proceedings

Article 17

The cases concerning the veracity of Vetting Declarations shall be tried by a panel composed of 3 judges in the regional court of the place of residence of the person submitting Vetting Declaration.

Article 18

1. The hearing in vetting proceedings shall be open to the public, subject to Paragraph 2 and 2 a.

2. The court may close a part of the hearing to the public:

1) upon a motion filed by the vetted person and in that part during which circumstances concerning the vetted person and referred to in Article 22 Paragraph 3 point 1 may be revealed,

2) ex officio and in that part during which circumstances concerning another person or persons, referred to in Article 22, Paragraph 3, point 1, may be revealed, unless these persons were employees or officers of State security agencies.

2a. The court may also close all or a part of the hearing to the public upon a request of the prosecutor of the Vetting Office or the prosecutor of a branch vetting office in the Institute of National Remembrance, if

there is a justified concern that a state secret may be disclosed.

3. Court records of concluded vetting proceedings held in open court shall be open to the public.

4. The court shall issue an order concerning disclosure to the public of the vetting proceedings records produced in the part of the proceedings that were not open to the public, or the court shall refuse to disclose these court records within 7 days from the day the decision was issued. The court shall order disclosure of court records if the circumstances referred to in Paragraphs 2 or 2a were not revealed in these records. Order of the court shall be subject to complaint.

5. Every person shall be entitled to submit to the Institute of National Remembrance an application to be granted access to copies of vetting proceedings records concluded with a legally valid decision of court. Provision of Article 22, Paragraph 3, shall apply accordingly.

## Article 19

Provisions of the Criminal Proceedings Code shall apply accordingly to vetting proceedings in all matters not regulated under provisions of this Act, including appeal and cassation,

## Article 20

1. Vetting proceedings shall be initiated, subject to Paragraphs 3 to 5 and Article 21c, upon a motion of the prosecutor of the Vetting Office or the prosecutor of a branch vetting office of the Institute of National Remembrance.

2. The prosecutor of the Vetting Office or the prosecutor of a branch vetting office of the Institute of National Remembrance shall submit a

motion to the court in the case of doubt as to veracity of a Vetting Declaration. Proceedings concerning examination of Vetting Declarations and submitting motions to initiate vetting proceedings to the court shall be stipulated under provisions of the Institute of National Remembrance – Commission of the Prosecution of Crimes against the Polish Nation Act of 18 December 1998.

3. The court shall initiate proceedings upon a motion filed by the person who has submitted the Vetting Declaration confirming the fact of employment or service in state security agencies or confirming collaboration with these agencies and requests the court to determine that her or his employment, service or collaboration had been forced under threat of impairment to health or loss of life of this person or other persons defined under provisions of the Penal Code as a member of immediate family.

4. (expired)

5. Motion to initiate proceedings may also be submitted to the court by a person who, before the entry into force of this Act, held a public office referred to in Article 4, and who has been publicly defamed with accusations of employment or service in state security agencies, or collaboration with these agencies in the period from 22 July 1944 to 31 July 1990, and has submitted a Vetting Declaration.

5a. In the cases referred to in Paragraphs 3 to 5, the court shall forward the Vetting Declaration to the Vetting Office or a branch vetting office of the Institute of National Remembrance for the purpose of preparation of court vetting proceedings and a statement as to veracity of the Vetting Declaration.

6. In the event that a person referred to in Paragraphs 4 and 5, before

submitting a motion to initiate vetting proceedings, is not obligated to submit a Vetting Declaration in connection with the fact of holding a public office referred to in Article 4, the Vetting Declaration shall be submitted to the court along with the motion. The court shall without delay forward a copy of the Vetting Declaration to the Vetting Office of the Institute of National Remembrance for the purpose of recording in the Register referred to in Article 11 Paragraph 1.

7. Information on initiation and the results of the vetting proceedings, including the content of decisions issued by the court and ending proceedings in each court instance, shall be placed in the Register referred to in Article 11, Paragraph 1, as an appendix to the electronic (digital) copy of the Vetting Declaration.

## Article 21

1. Provisions concerning the accused in criminal proceedings shall apply to a person undergoing the vetting proceedings hereinafter referred to as a vetted person.

2. Provisions concerning the public prosecutor in criminal proceedings shall apply in vetting proceedings to the prosecutor of the Vetting Office or the prosecutor of a branch vetting office of the Institute of National Remembrance. Participation of the prosecutor of the Vetting Office or the prosecutor of a branch vetting office of the Institute of National Remembrance in the vetting proceedings shall be obligatory.

## Article 21 a

1. Vetting proceedings in the first instance shall end with a court decision issued in writing. Provisions concerning court judgement shall

apply accordingly to court decisions.

2. The court shall issue a decision confirming the fact that the vetted person submitted an untrue Vetting Declaration or stating that the Vetting Declaration is untrue.

2a. When the court issues a decision confirming the fact that the vetted person submitted an untrue Vetting Declaration, it shall also adjudicate loss of the right to be elected in elections to the Sejm, the Senat and the European Parliament, as well as in general elections of a local government body or a member of local government body or a body of local government subsidiary unit established in compliance with an obligation stemming from provisions of statute, for a period of 3 to 10 years.

2b. When the court issues a decision confirming the fact that the vetted person submitted an untrue Vetting Declaration it shall also adjudicate prohibition on holding public offices referred to in Article 4, points 2 to 54, for a period of 3 to 10 years.

2c. A Decision of the court shall require a statement of reason.

3. If it is established during vetting proceedings that the vetted person undertaking employment or service in state security agencies or collaborating with these agencies acted under duress and in fear for her or his own life or health, or life or health of other persons defined under provisions of the Penal Code as a member of immediate family, this fact shall be stated by the court in the decision.

## Article 21b

1. A Decision of the court, along with a statement of reason, shall be immediately served to the party to the proceedings.



2. Within 14 days upon service of the decision, the party to the proceedings may exercise the right to appeal and may also enclose in the appeal motions as to evidence.
3. An Appeal shall be examined during a court hearing.
4. The court shall set the date of the hearing no later than at the last day of the 30 day period beginning from the day of receipt of the appeal.
5. The decision of the court issued in the second instance shall be legally valid. The statement of reason shall be provided ex officio within 30 days from the day of issue of the decision.
6. In vetting proceedings, a valid court decision may be appealed by means of cassation only by the Prosecutor General and the Commissioner for Civil Rights Protection either ex officio or upon a motion of the vetted person. A Cassation may be lodged:
  - 1) on grounds of flagrant breach of law, if it could have a significant effect on the decision,
  - 2) if upholding of the decision would be manifestly unjust.
7. The legally valid decision with the statement of reasons shall be enclosed as an appendix to the motion of a vetted person referred to in Paragraph 6.
8. A Cassation shall be lodged within 12 months from the date when the decision becomes legally valid.

9. A Cassation in the case of the same vetted person and concerning the same decision may be lodged by the entitled party only once.

10. The Supreme Court shall examine the Cassation within 3 months from the day it is lodged.

#### Article 21c

When the court receives from the National Electoral Commission a Declaration of the candidate to the office of the President of the Republic of Poland or information referred to in Article 40a Paragraph 5 of the Act on Election of the President of the Republic of Poland of 27 September 1990 (Journal of Laws 2000 No 47, item 544, with subsequent amendments), it shall issue a decision in the first instance within 21 days and in the second instance within 14 days. The decision of the court shall without delay be served to the National Electoral Commission.

#### Article 21d

1. To institute vetting proceedings de novo provisions of the Criminal Proceedings Code shall apply accordingly in all matters not regulated by provisions of this Act.

2. Vetting proceedings concluded with a legally valid decision shall be instituted de novo if:

1) an offence confirmed by a legally valid judgement has been committed in connection with the proceedings and there are grounds to assume that the offence might have affected the decision;

2) after the decision has been issued, new facts or evidence previously unknown to the court come to light and indicate that the legally valid decision of the court is obviously unjust in view of these new facts or evidence.

3. The vetting proceedings shall not be instituted de novo to the detriment of the vetted person upon the lapse of 10 years period from the day the decision of the court becomes legally valid.

4. The vetting proceedings may be instituted de novo ex officio or upon a motion of the person in whose case the legally valid decision was issued, or upon a motion of the director of the Vetting Office of the Institute of National Remembrance.

5. In the event that a person in whose case the legally valid decision was issued dies, the motion to institute vetting proceedings de novo for the benefit of that person may be submitted by a person defined under provisions of Article 115§ 11 of the Penal Code as a member of immediate family.

#### Article 21e

1. A legally valid decision of the court confirming the fact that the vetted person submitted an untrue Vetting Declaration shall constitute an obligatory prerequisite to depose this person from the public office referred to in Article 4, points 2 to 53, subject to Article 21f.

2. The decision of the court referred to in Paragraph 1 shall be forwarded by the president of the court to the authority competent to depose the vetted person from the public office.

3. Deposition of the vetted person from the public office shall be effected ex lege on the day of service on the authority referred to in Paragraph 2 of the decision referred to in Paragraph 1.

4. Provisions of Paragraphs 1 and 3 shall not apply to persons who, under separate provisions, are subject to penalty of deposition from the public office, in particular by dismissal or removal from relevant list or register in the event of submission of an untrue Vetting Declaration which is confirmed by a legally valid decision of the court.

#### Article 21f

1. Provisions of Article 21e, Paragraphs 1 and 3, shall not apply to judges, prosecutors, counsellors and senior counsellors in the Office of the General Attorney of the Treasury, attorneys, law counsellors, notaries and court enforcement officers, who are subject to disciplinary jurisdiction in these matters. Provision of Article 21e, Paragraphs 2, shall apply accordingly.

2. In the event of the submission of an untrue Vetting Declaration by a person performing professions stipulated in Paragraph 1 which is confirmed by a legally valid decision of the court, the disciplinary court shall adjudicate penalty of deposition from office or other disciplinary penalty stipulated by provisions of relevant statutes and resulting in deprivation of the public office. Provisions concerning statutes of limitations in disciplinary proceedings shall not apply.

3. A Request to initiate disciplinary proceedings in the cases specified in Paragraph 2 may be also lodged by the Prosecutor of the Vetting Office or the prosecutor of a branch vetting office of the Institute of

National Remembrance.

## Article 21g

A legally valid decision of the court confirming the fact that the vetted person submitted an untrue Vetting Declaration shall result in the deprivation of a vetted person, for a period of 10 years, of the right to be elected to the office of the President of the Republic Poland.

## Chapter IV

Access to Information Provided in Documents of the State Security Agencies Concerning Certain Persons Holding Public Offices.

## Article 22

1. Every person shall have access to information enclosed in the documents of the State security agencies remaining in the archives of the Institute of National Remembrance and concerning;
  - 1) the President of the Republic of Poland;
  - 2) the Marshal of the Sejm and the Marshal of the Senat;
  - 3) deputies and senators and Members of the European Parliament;
  - 4) the President of the Council of Ministers and members of the Council of Ministers;
  - 5) the First President of the Supreme Court, The President of the Supreme Court and judges of the Supreme Court;
  - 6) the President of the Constitutional Tribunal, vice-president of the Constitutional Tribunal and judges of the Constitutional Tribunal;
  - 7) the President and Vice-Presidents of the Supreme Administrative Court and judges of the Supreme Administrative Court;

- 8) the Chairperson of the State Tribunal, deputies of the chairperson of the State Tribunal and members of the State Tribunal;
- 8a) the Commissioner for Civil Rights Protection;
- 8b) the Commissioner for Children's Rights;
- 8c) the Inspector General for the Protection of Personal Data;
- 9) the President of The Supreme Chamber of Control and the Vice-Presidents of the Supreme Chamber of Control;
- 10) the President and Vice- Presidents of the Office of the General Attorney of the Treasury;
- 11) the President of the National Bank of Poland and Vice-Presidents of the National Bank of Poland;
- 11a) a member of the Monetary Policy Council;
- 12) a president of the appellate court, a president of the military regional court and a president of the voivodship administrative court;
- 13) a member of the National Council of Radio Broadcasting and Television;
- 14) the President of the Institute of National Remembrance and a member of the Council of the Institute of National Remembrance
- 15) the National Public Prosecutor and prosecutors of the National Public Prosecution Service, the Chief Military Prosecutor and prosecutors of the Chief Military Prosecution Service, the appellate prosecutor and military regional prosecutor, as well as prosecutors of the Institute of National Remembrance.
- 16) the Chief of the Presidential Chancellery, the Chief of the Chancellery of the President of Council of Ministers, the Chief of the Chancellery of the Sejm, of the Chief of the Chancellery of the Senat;
- 17) persons holding offices of secretary of the state or under secretary

of the state;

18)(expired);

19)(expired);

20) village mayors, town mayors, and city mayors and members of poviats and voivodeship executive boards.

2. Provision of Paragraph 1 shall apply to persons who have given their consent to run for the office or assume an office referred to in Paragraph 1.

3. The right to have access to information referred to in Paragraphs 1 and 2 shall not concern the following:

1) information revealing ethnic or racial origins, religious beliefs, creed nor information concerning state of health or sexual life;

2) personal data of other persons unless these persons were employees or officers of the state security organs;

3) addresses and national identification numbers PESEL.

3a. Persons referred to in Paragraphs 1 and 2 may provide in writing their consent to disclose information referred to in Paragraph 3 point 1.

4. Provisions of this chapter shall apply to persons who have held public offices referred to in Paragraph 1 since 24 August 1989.

Information shall be made accessible according to rules specified in Articles 25 to 28.

5. Provisions of this chapter shall apply to persons referred to in Article 52a point 8 of the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation Act of December 1998. Information shall be made accessible according to rules specified in Articles 25 to 28.

## Article 23

1. Information concerning the person referred to in Article 22 shall be published by the President of the Institute of National Remembrance in the Public Information Bulletin not later than 30 days from the assumption of the office by that person or consent to run for or hold a public office.

2. In the case that the consent in writing to disclose information referred to in Article 22, Paragraph 3 has been given after publication of information in the Public Information Bulletin, the President of the Institute of National Remembrance shall without delay publish such consent in the Public Information Bulletin.

3. In the period of time during which the information concerning the person referred to in Article 22 Paragraph 1 or 2 is published in the Public Information Bulletin, the right to have access to information concerning this person shall be also granted under rules stipulated in Articles 25 to 28.

## Article 24

1. Information concerning persons referred to in Article 22 Paragraph 1 shall be published in the Public Information Bulletin for the period of time of their term of office.

2. Information concerning persons referred to in Article 22 Paragraph 2



shall be published in the Public Information Bulletin for the period of time preceding assumption of the public office.

3. Upon a lapse of periods referred to in Paragraph 1 and 2, the right to have access to information concerning persons referred to in Article 22, Paragraphs 1 and 2, shall be granted under rules stipulated in Articles 25 to 28.

## Article 25

1. Information referred to in Article 22 shall be made accessible upon an application submitted in writing to the director of the branch of the Institute of National Remembrance of the place of residence of the person whose data is to be disclosed.

2. An application for disclosure of information shall:

1) specify the organ to which the application is submitted;

2) identify the person submitting the application by providing: names, surnames, addresses, names of parents, dates and places of birth and personal identification number PESEL;

3) include information enabling identification of the person holding the public office whom the documents with which the applicant wishes to be familiarized concern; in particular the name and surname of this person as well as the public office referred to in Article 22 Paragraph 1, and held by that person.

4) be signed by the applicant.

3. In the case of the person referred to in Article 22, Paragraph 2, the application shall specify the public office which the consent to run for or assume the office regarded to.

4. The application shall be submitted in person to the competent branch of the Institute of National Remembrance or by mail under condition that the signature of the applicant is authenticated by a notary or other person authorized to authenticate signatures under the law of the state in territory of which the authentication shall take place.

5. If the authority to which the application is submitted finds defects of form in the application, Article 64 of the Administrative Proceedings Code shall apply accordingly.

## Article 26

1. Information shall be made accessible by enabling the applicant to familiarize himself or herself with the contents of documents containing such information.

2. The document shall be made accessible to the applicant without undue delay.

3. The document shall be made accessible to the applicant exclusively in the offices of the Institute of National Remembrance or its branch upon previous notification of the applicant of the date and place in which the documents shall be released.

4. Notification referred to in Paragraph 3 shall be made not later than 7

days before the date specified in the notification as the time when the document shall be made accessible.

## Article 27

1. The authority shall refuse to grant access to information in the event that granting such access is not possible, as well as when the submitted application regards information enclosed in documents not concerning the person referred to in Article 22.

2. Refusal to grant access to information referred to in Article 22, as well as discontinuance of proceedings for granting access shall take the form of a decision issued by the competent director of the branch of the Institute of National Remembrance.

3. The authority shall discontinue the proceedings in the case of the withdrawal of the application by the applicant or in the case of the death of the applicant.

4. To the decisions referred to in Paragraph 2, provisions of the Administrative Proceedings Code shall apply.

5. The President of the Institute of National Remembrance shall act as the appellate authority in proceedings concerning examination of the decisions referred to in Paragraph 2.

## Article 28

1. The party to the proceeding may lodge a complaint against decisions issued by the appellate authority to the voivodship

administrative court.

2. In the proceedings conducted before administrative courts and initiated by a complaint referred to in Paragraph 1, provisions of the Law on Proceeding before Administrative Courts of 30 August 2002 (Journal of Laws No. 153, item 1270, with subsequent amendments) shall apply, save that:

- 1) the court records and the reply to the complaint shall be forwarded within 14 days from the day of receipt of the complaint.
- 2) the complaint shall be examined within 30 days from the day of receipt of the court records and the reply.

## Chapter V

### Penal Provisions

#### Article 29

1. Whoever, in giving testimony which is to serve as evidence in vetting proceedings, gives false testimony or withholds the truth shall be subject to the penalty of deprivation of liberty for a period from 3 months up to 5 years.

2. The prerequisite to this liability is that the person obtaining the testimony, acting within his or her competence, have cautioned the person referred to in Paragraph 1 as to the penal liability for false testimony or obtained a relevant pledge from that person.

3. Whoever, being unaware of the right to refuse testimony or decline an answer to questions, gives false testimony or withholds the truth

because of fear of penal liability threatening himself or herself or a member of his or her immediate family, shall not be liable to the penalty.

4. If the act specified in Paragraph 1 has been committed by a person was in service or was employed in state security organs, referred to in Article 2, the perpetrator shall be subject to a penalty of deprivation of liberty for a period from 6 months up to 8 years.

5. The court sentencing the perpetrator who has committed an offence specified in Paragraph 1 or 4 shall adjudicate a penal measure in the form of interdiction to hold public offices referred to in Article 4 for a period of 10 years.

#### Article 29a

1. Whoever, being in possession without a legal title of documents of State security organs within the meaning of Article 3, does not surrender the documents to the President of the Institution of National Remembrance, shall be subject to penalty of deprivation of liberty for a period from 3 months up to 5 years.

2. If the documents referred to in Paragraph 1 were produced by the perpetrator or with his or her participation and within the duties performed in connection with perpetrator's employment or service in the state security organs, the perpetrator shall be subject to the penalty of deprivation of liberty for a period from 6 months up to 8 years.

## **Chapter VI**

### **Amendments to Provisions in Force**

Article 30

(omitted)

Article 31

(omitted)

Article 32

(omitted)

Article 33

(omitted)

Article 34

(omitted)

Article 35

(omitted)

Article 36

(omitted)

Article 37

(omitted)

Article 38

(omitted)

Article 39

(omitted)

Article 40

(omitted)

Article 41

(omitted)

Article 42

(omitted)

Article 43

(omitted)

Article 43a

(omitted)

Article 44

(repealed)

Article 45

(omitted)

Article 46

(omitted)

Article 47

(omitted)

Article 48

(repealed)

Article 49

(omitted)

Article 50

(omitted)

Article 51

(repealed)

Article 52

(omitted)

Article 53

(omitted)

Article 54

(omitted)

Article 55

(omitted)

## **Chapter VII**

### **Interim and Final Provisions**

Article 56

1. Every person born before 1 August 1972 who, on the day of entry into force of this Act, holds a public office specified in Article 4 shall be obligated to submit Declaration referred to in Article 7, Paragraph 1 within 1 month from the day of service of the notification referred to in



Paragraph 2.

2. A competent authority referred to in Article 8, within 1 month from the day of entry into force of this Act, shall notify the person referred to in Paragraph 1 of the obligation to submit to this authority the Declaration referred to in Article 7 Paragraph 1, and shall caution the person as to the consequences of failure to comply with the obligation, subject to Paragraph 2a.

2a. The voivode shall be a competent authority to undertake actions referred to in Paragraph 2 in the case of persons holding offices as a local government body or a member of a local government body or a local government subsidiary unit body established in accordance with an obligation expressed in provisions of a statute, and chosen in general election.

3. In the case of persons referred to in Paragraph 1 who hold more than one public office specified in Article 4, the obligation to submit Declaration referred to in Article 7, Paragraph 2, shall be deemed fulfilled if these persons submit such Declarations to one of the authorities referred to in Article 8 competent to receive the declaration. Information referred to in Article 7, Paragraph 3a, shall be submitted to all other competent authorities.

4. A person who, after the entry into force of this Act, continues to run for or compete to hold a public office referred to in Article 4 is obligated to submit Declaration referred to in Article 7, Paragraph 1 before assumption of the said office.

## Article 57

1. In the event that a Vetting Declaration is not submitted within the stipulated time limit by a person obligated under Article 56, Paragraph 1, the provision of Article 21e, Paragraph 1, shall take effect.
2. Deposition from the public office of the person referred to in Paragraph 1 shall take effect ex lege on the day of the lapse of the time limit to submit the Declaration. The fact of deposition from the public office shall be confirmed by the authority competent in matters concerning deposition or termination of the public office.
3. Provisions of Paragraphs 1 and 2 shall not apply to a judge who, in the case of failure to comply with the obligation to submit the Declaration within the stipulated time limit, shall be subject to disciplinary proceedings. The disciplinary court shall adjudicate the penalty of deposition from the office of a judge in the case of failure to submit the Declaration. Provisions relating to limitation shall not apply to disciplinary proceedings.
4. Disciplinary proceedings in the cases specified in Paragraph 3 shall be instituted upon a request of subjects referred to in Article 114 § 1 of Organization of Common Courts Act of 27 July 2001.

## Article 57a

Until 31 December 2007 provisions of Article 4, point 23 and Article 8, point 22, shall apply accordingly to a member of the management, supervisory or audit organ of an entity subject to supervision of the Polish Banking Supervision Authority.

## Article 58

The President of the Institute of National Remembrance shall, within 3 months after the day of entry into force of this Act, create a Register of Declarations referred to in Article 11, Paragraph 1.

## Article 59

1. Within 6 months after the day of entry into force of this Act, the Institute of National Remembrance shall begin publishing the catalogues referred to in Article 52a, points 5 to 8, of the Act specified in Article 39.

2. (expired).

## Article 60

1. On the day of entry into force of this Act, the term of Office of the Commissioner for Public Interest and his or her deputies shall end.

2. On the day of entry into force of this Act, all property and documents held by the Commissioner for Public Interest shall be transferred ex lege to be managed by the Institute of National Remembrance.

2a. Receivables and liabilities of the Office of the Commissioner for Public Interest shall become receivables and liabilities of the Institute of National Remembrance on the day of entry into force of this Act.

2b. On the day of entry into force of this Act, the Institute of National

Remembrance shall enter into rights and obligations resulting from contracts and agreements concluded by the Office of the Commissioner for Public Interest.

3. On the day of entry into force of this Act, the employees of the Office of the Commissioner for Public Interest shall become ex lege the employees of the Institute of National Remembrance.

4. Employment relationships with the employees referred to in Paragraph 3 shall expire upon 3 months from the day of entry into force of this Act if new terms and conditions of employment and remuneration are not offered to these employees within 2 months from the day of entry into force of this Act or in the event that these new terms and conditions are not accepted within 2 months and 2 weeks from the day of entry into force of this Act.

5. The employer shall be obligated to notify in writing the employee of the date of expiry of the employment or of the consequences of refusal to accept new terms and conditions of employment and remuneration.

6. Employment may be terminated earlier by the employer upon notice. Provision of Article 411 of the Labour Code shall apply accordingly.

7. Employees referred to in Paragraph 3 shall keep their employment entitlements guaranteed in acts under which the employment relationship was created before the day of entry into force of this Agreement until:

- 1) the lapse of period of 2 months and 2 weeks from the day of entry into force of this Act if the employees accepted the new offered terms and conditions of work and remuneration for further period of time, or
- 2) expiry of employment referred to in Paragraph 4, or
- 3) the dismissal by notice referred to in Paragraph 6.

8. In the event of expiry of the employment relationship referred to in Paragraph 4 or dismissal by notice referred to in Paragraph 6:

- 1) the employees who were nominated shall be entitled to a cash benefit stipulated under Article 131 of Employees of the Government Administration Offices Act of 16 September 1982 (Journal of Laws 2001 r. No 86, item 953, with subsequent amendments);
- 2) other employees than specified in point 1 shall be entitled to severance pay, referred to in Article 8 of the Act on Special Rules on Termination of Employment due to Circumstance not Concerning the Employees of 13 March 2003 (Journal of Laws No 90, item 844, with subsequent amendments) .

## Article 61

Within the time limit referred to in Article 63b, Paragraph 2, the President of the Appellate Court in Warsaw shall forward documents referred in Article 3 to the President of the Institute of National Remembrance.

## Article 62

1. Not later than within 60 days from the day of entry into force of this Act, the minister in charge of internal affairs and the Head of the Internal Security Agency and the Head of Intelligence Agency shall forward to the archives of the Institute of National Remembrance the documents of the state security organs, as well as records of officers and soldiers produced or compiled until 31 July 1990.

2. Not later than within 60 days from the day of entry into force of this Act, the Minister for National Defence shall forward to the archives of the Institute of National Remembrance the documents of the state security organs, as well as records of officers and soldiers produced or compiled until 31 December 1990.

3. Not later than within 60 days from the day of entry into force of this Act, the directors of the New Records Archives and other state archives shall forward to the archives of the Institute of National Remembrance the documents referred to in Article 25, Paragraph 1, points 6 and 7, of the Act stipulated in Article 39.

4. Not later than within 60 days from the day of entry into force of this Act, the directors of the New Records Archives and other state archives shall prepare the documents produced or compiled by the Central Office for Supervision of Press, Publications and Cultural Activities and voivodship and municipal offices for supervision of press, publications and cultural activities, the Central Office for Supervision of Press, Publications and Cultural Activities and regional offices, as well as the Office for Religious Beliefs and local public administration offices at voivodship level competent in matters concerning religious beliefs, to

be disclosed to employees and prosecutors of the Institute of National Remembrance.

4a. Not later than within 60 days from the day of entry into force of this Act the Head of the Internal Security Agency and the Head of Intelligence Agency and the Minister of National Defence, in agreement with the President of the Institute of National Remembrance, shall consider whether in the case of the document forwarded to the archives of the Institute of National Remembrance under Paragraphs 1 to 3 there is no prerequisite to deny access referred to in Article 39 Paragraph 1 of the act specified in Article 39. Motion to deny access to documents referred to in Article 39 Paragraph 3 of the act specified in Article 39 shall be submitted before forwarding the documents to the Institute of National Remembrance.

5. The President of the Institute of the National Remembrance may at any time request authorities referred to in Paragraphs 1 to 3 to submit documents not yet forwarded. The documents shall be forwarded within the time limit specified by President of the Institute of National Remembrance.

5a. Provision of Paragraph 5 shall apply accordingly to other institution and public administration bodies.

6. The Minister in charge of internal affairs, the Minister of National Defence and the Head of the Internal Security Agency and the Head of Intelligence Agency are entitled to make copies for the purposes of their offices of records of officers remaining in service which were

produced in the periods referred to in Paragraphs 1 or 2.

## Article 63

1. Motions and questions referred to in Article 30 of the act specified in Article 39, in its previous wording, that were not dealt with by the day of the entry into force of this Act, shall be treated as the motion referred to in Article 30 Paragraph 1 of the act specified in Article 39 in wording amended under this act.

2. In the cases concerning motions and questions referred to in Paragraph 1 initiated and not completed before the day of entry into force of this act, provisions in wording amended by this Act shall apply.

3. Within 6 months from the day of entry into force of this Act, the harmed person within the meaning of Article 6 of the act referred to in Article 39, in its previous wording, who was granted access to documents concerning him or her and did not exercise this right before the day of entry into force of this Act may have access to these documents in compliance with the rules specified in the act referred to in Article 39, in its previous wording, after submitting the Declaration referred to in Article 7, Paragraph 1, or Information referred to in Article 7, Paragraph 3a, to the Vetting Office of the Institute of National Remembrance or a branch vetting office of the Institute of National Remembrance in the place where the documents may be rendered accessible.

## Article 63a



1. Vetting proceedings instituted and not concluded before the day of entry into force of this Act shall continue in accordance with the previous provisions, subject to provisions of Paragraph 2 to 6.
2. In the proceedings referred to in Paragraph 1 the powers and obligations of the Commissioner for Public Interest shall be taken over by the director of the Vetting Office of the Institute of National Remembrance or a prosecutor of the Vetting Office or branch vetting office of the Institute of National Remembrance designated by him or her.
3. To the proceedings referred to in Paragraph 1 provisions of Article 18 shall apply.
4. Vetting proceedings instituted and not concluded in the first instance before the day of entry into force of this act shall be conducted by the regional court of the place of residence of the person submitting the Vetting Declaration.
5. Vetting proceedings instituted and not concluded in the second instance before the day of entry into force of this act shall be conducted by the appellate court of the place of residence of the person submitting the Vetting Declaration.
6. The cases referred to in Paragraph 4 and 5 shall be forwarded by the President of the Appellate Court in Warsaw without delay to the competent courts for trial.
7. A regional court, in the case referred to in Paragraph 4, and an

appellate court, in the case referred to in Paragraph 5, shall try the case again de novo.

#### Article 63b.

1. The court records of concluded vetting proceedings carried out under provisions of the Act on Disclosing the Employment or Service in the State Security Agencies or Collaboration with these Agencies in the years between 1944 to 1990 of Persons Holding Public Offices of 11 April 1997 (Journal of Laws 1999 No 42, item 428, with subsequent amendments), shall be open to the public, subject to Paragraph 2 and 4.

2. Within 6 months from the day of entry into force of this Act, the Appellate Court in Warsaw, in the panel of 1 judge, shall issue an order disclosing the records referred to in Paragraph 1 to the public, or shall refuse to disclose the records. The vetted person and the prosecutor of the Vetting Office or the prosecutor of a branch vetting office of the Institute of National Remembrance shall have the right to complaint to the Supreme Court.

3. The court shall hear the cases referred to in Paragraph 1 in the order in which the motions of the Commissioner for Public Interest were submitted to the Vetting Department of the Appellate Court in Warsaw.

4. The court shall order the court records to be made accessible to the public if circumstances referred to in Article 18, Paragraph 2 or 2a, were not revealed in the contents of the court records.

5. After examination of the complaint referred to in Paragraph 2, or after the lapse of time limit within which complaint may be filed, the President of the Appellate Court in Warsaw shall, without delay, forward the court records referred to in Paragraph 1 to the President of the Institute of National Remembrance.

6. Provisions of Article 18 Paragraph 5 shall apply accordingly to the court records referred to in Paragraph 1 .

#### Article 63c

Within 60 days from the day of entry into force of this Act, the National Electoral Commission shall forward to the President of the Institute of National Remembrance Vetting Declarations remaining in its possession and submitted in accordance with the act specified in Article 66.

#### Article 64

The Head of the Internal Security Agency, the Head of the Intelligence Agency and the Minister of National Defence, in agreement with the President of the Institute of National Remembrance, within 12 months from the day of entry into force of this Act, shall examine the documents forwarded to the Institute of National Remembrance in order to decide whether to make the contents of these documents classified as referred to in Article 39 Paragraph 1 of the act specified in Article 39.

#### Article 65

1. The minister in charge of public finance, upon agreed request of the First President of the Supreme Court and the President of the Institute of National Remembrance, shall transfer the planned revenues and expenditure of the Commissioner for Public Interest, in accordance with Article 60.

2. The Council of Ministers shall provide financing of realisation of tasks specified in this Act by the Institute of National Remembrance in 2006.

#### Article 66

The Act on Disclosing the Employment or Service in the State Security Agencies or Collaboration with these Agencies in the years between 1944 to 1990 of Persons Holding Public Offices of 11 April 1997 shall lose its force. (Journal of Laws 1999 No 42, item 428, with subsequent amendments), with the exception of Article 30.

#### Article 67

This Act shall enter into force on 15 March 2007, with the exception of:

1) Article 39 point 7 and Article 57, which shall enter into force 14 days after being published.

2) (repealed);

3) (expired).

Appendix No 1 (expired).

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