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|  | **SERVICE SHEET** | Approved on  16th June 2016. |
| **Application for granting access to documents concerning the applicant/a deceased person close to the applicant/ deceased person related to the applicant** |

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| Subject of the application  Granting access to the original or copies of personal files stored in the archive register of the IPN. |
| Who can apply   * Any person interested in being granted access to the documents pertaining to him/her or a deceased close or family relative. * In the event of applying for access to documents relating to a deceased person, the application may be submitted by:   1) a person close or related to the deceased. A person close or related includes: a spouse, ascendant (parents, grandparents, great-grandparents), descendant (children, grandchildren, great-grandchildren), siblings, direct relatives or related to a degree (in-laws, son-in-law, daughter-in-law, stepson, stepdaughter, stepfather, stepmother, brother-in-law, sister-in-law provided that the kinship arises on the basis of marriage and continues despite the dissolution of marriage due to the death of the other spouse or divorce, and ceases upon the annulment of marriage. A close or related person is also a dependent adoptee and his/her spouse, or cohabitant.  2) in the event of the non-existence of any person close or related to the deceased, the application may also be filed by a person related up to forth degree. Relatives up to the forth degree include: brother, sister (related to the 2nd degree), uncle, aunt, nephew, niece (related to the 3rd degree), nephew’s son/daughter, niece’s son/daughter, siblings of grandparents (sisters and brothers), uncle’s son/daughter, aunt’s son/daughter (related to the 4th degree). |
| Required documents  In the case of an application to be granted access to documents concerning the applicant:   * A written application (to be downloaded); * ID.   In the case of an application to be granted access to documents concerning a deceased close or family relative, the following are also required:   * documents confirming the death of this person, i.e.: a copy of the death certificate, a court verdict on the legal presumption of death or declaration of death. Proof confirming the death of the person whom the application concerns does not need to be submitted when the death of that person is a known fact to the government body; * documents confirming the degree of kinship/relation with the deceased, namely: relevant certified copies of marital status, documents certifying the identity or certified copies thereof.   Should the application be filed by a cohabitant of the person whom the application concerns, it is admissible for the applicant to make a statement of cohabitation with the person whom the application concerns.  Should the application be filed by an indirect relative, the applicant is obliged to file a declaration of no knowledge of a person related to the deceased whom the application concerns. |
| Place and form of submitting the application  The application shall be submitted in person, at the seat of the IPN organisational unit, in the presence of an employee who shall confirm the identity of the applicant. The application can also be sent by post, subject to the applicant’s signature being witnessed by a notary public or another person, as authorised, to authenticate signatures, according to the law of the state wherein the legal act has been performed. Contact addresses: <http://ipn.gov.pl/pl/archiw/struktura> .  A person who is a permanent resident outside Poland may apply in person at a Polish consular post.  The applicant may act through an attorney The power of attorney shall be made in writing, upon submitting the application.  If a party who does not have a domicile or a habitual residence or a registered seat in the Republic of Poland or in other member state of the European Union, did not appoint an attorney domiciled in the Republic of Poland to conduct the case in the Republic of Poland and does not act through a Polish consul, he/she is obligated to indicate an attorney in the Republic of Poland for delivery service unless the correspondence is to be delivered via e-mail. |
| The body processing the application  The Director of an IPN branch office within the jurisdiction of the applicant’s residence. As regards applicants residing abroad, the jurisdiction of the body shall be determined based on the applicant’s last domicile or sojourn in Poland. As regards applicants without present of past domicile within the Republic of Poland, the competent authority shall be the Director of the IPN branch in Warsaw. |
| The manner of processing the case  Granting access to the documents or copies thereof at the seat of the IPN organisational unit as indicated by the applicant (not necessarily the organisational unit processing the application).  The documents are made available in the form of copies:   * if their physical condition does not allow the original document to be made available; * if these are documents concerning the applicant and created by the applicant or with their participation within the scope of activities performed in connection with their work or service in state security authorities or in connection with activities performed as a secret informer or operational assistant collecting information. In such cases, as regards making the copies available, an administrative decision shall be issued, based on Article 31(1) of the Act on the Institute of National Remembrance. |
| The time limit for processing the case  4 months. |
| Fees  Not applicable. |
| Appeal procedure  In the case of granting access to copies of documents by virtue of an administrative decision, an appeal may be lodged against this decision with the President of the Institute of National Remembrance. The appeal shall be lodged through the head of the IPN Branch Office, who issued the decision, within 14 days upon the receipt thereof. |
| Legal basis  Article 30(1) of the *Act of 18 December 1998 r.*  *on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation* (OJ of 2016, item 1575). |
| Additional information  Persons that have been granted access to the documents on the basis of this procedure, are entitled to the following:   * receipt of the copies thereof (Article 33 (2) of the Act on the Institute of National Remembrance). The copies shall be made available free of charge; * the return of objects held in the Archives of the Institute of National Remembrance, which at the time of loss (for example, during a search) constituted the property of the applicant, the property of a close person or relative, or were in their possession ( Article 33 (2) of the Act on the Institute of National Remembrance); * the disclosed of personal data regarding persons who offered information concerning him/her or a close person or relative to the state security services, as well as the employees and officers of the state security services who collected and/or assessed intelligence gathered on the applicant or a close person or relative (Article 35(1) of the Act on the Institute of National Remembrance); * to attach their own supplements, clarifications, amendments, explanations and documents or their copies to the collection of documents gathered at the IPN, (Article 35b (1) of the Act on the Institute of National Remembrance); * to restrict the personal data collected during undercover intelligence activities performed by the state security services, and the information pertaining to his/her racial or ethnic origin, religious beliefs, denomination, and data concerning health and sexual conduct, as well as his/her financial situation revealed in the documents rendered available (Article 37(1) and (2) of the Act on the Institute of National Remembrance).   This right is not vested in persons who have been provided with the administrative decision concerning the access to the documents under the Article 31(1) of the Act on the Institute of National Remembrance. art.  The above rights and the manner of executing thereof are communicated to the applicant by the IPN Organisational Unit that *process the application for granting access to documents concerning the applicant/deceased person closest to the applicant*. |
| Study by: Agata Zabrocka – Jędrzejczyk/Magdalena Mołczanowska |