

Data. Protection. Adding Value.

GDPR Local Insights*



Poland

Legislation

The Personal Data Protection Act of 10 May 2018 (*Ustawa o ochronie danych osobowych*) supplemented by data protection rules in special fields of Polish legislation.

Supervisory Authority

The President of the Personal Data Protection Office is a national data protection authority in Poland (<https://uodo.gov.pl/en>).

Special Conditions for Data Processing

- **The processing of personal data in relation to employment** - an employer may only process specific **closed catalogue of personal data** of job applicants and employees. There are also specific rules on employees' data retention, background checks, restriction of the possibility of monitoring of employees (CCTV and online).
- **Use of cookies & similar technologies** - (e.g. Polish Telecommunications Act) applies. In particular, there are additional consent requirements in relation to using electronic means or phones for marketing purposes, also in relation to existing clients. A new Polish Act on Privacy and Electronic Communication implementing the Directive (EU) 2018/1772 establishing the European Electronic Communications Code is under parliamentary work.
- **The banking law** - there are special sectoral requirements regarding automated processing of personal data to assess creditworthiness and to analyze credit risks.
- **The national language** - it is recommended by the Polish data protection authority to provide the data processing information in national language of the data subjects. Additionally, in line with the Polish Language Act (*Ustawa o języku polskim*) all employment information, including personal data processing details, must be provided in Polish.

Special Categories of Data

The Polish Data Protection Act does not impose additional obligations regarding the processing of special categories of personal data. However, there are sector-specific regulations which establish additional personal data processing requirements regarding sharing e.g. **patient's medical records** (only authorised person can receive information about the health status of the patient), and in some cases, this data can be shared with **public health authorities**.

In addition, employment law requires employers to request specific medical information about their employees, with the extent of information varying depending on the occupation. Employers can also request **criminal background information** for job candidates / employees in certain occupations, such as those involving work with minors, financial sector board members, or police officers.

Restrictions on Individuals' Rights

- Controllers performing a public task (governmental authorities) may be exempt from the obligation to provide information regarding the personal data processing, especially when the public tasks involve national security.
- Employers are exempt from information obligation regarding the data processing where employees report their family members for health insurance purposes.
- Some of the GDPR provisions do not apply to activities relating to creating or publishing press materials and to academic/scholar activities.
- Based on the project of the Polish act dated 8 January 2024 on the protection of persons who report breaches of law ("whistleblowers") implementing Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, controllers are not required to provide information about data processing concerning the person who is the subject of the violation report.

Other Relevant Exemptions

- Data controllers who have appointed a Data Protection Officer (DPO) are required to disclose **DPO's details (name, surname, contact details) on their website**. If the controller does not have a website, this information should be accessible at the controller's business location.
- Designating and changes of Data Protection Officer **requires a special notification to the President of the Data Protection Office**, which can be easily completed in electronic form.

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*The overview intends to provide general insights on the level of supplementary rules implemented in a country and for such purpose provides examples where the relevant member states have made use of the exemption provided by the GDPR. It is therefore non-exhaustive.

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