

# PERSONAL DATA PROTECTION



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## Art. 1.

2. This Regulation protects the fundamental rights and freedoms of natural persons, in particular their right to the protection of personal data [3].

## Art. 2.

2. This Regulation does not apply to the processing of personal data:

c) by a natural person in the course of a purely personal or household activity;

d) by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security [3].



## Art. 4.

For the purposes of this Regulation:

1) "personal data" means any information relating to an identified or identifiable natural person ("data subject"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person [3].



## Art. 6.

1. Processing is lawful only if and to the extent that at least one of the following conditions is met:

- a) the data subject has consented to the processing of his or her personal data for one or more specific purposes;
- b) processing is necessary for the performance of a contract to which the data subject is a party or to take steps at the request of the data subject prior to entering into a contract;
- c) processing is necessary for the compliance with a legal obligation to which the controller is subject;



## Art. 6.

- d) processing is necessary to protect the vital interests of the data subject or 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 controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject requiring protection of personal data, in particular where the data subject is a child [3].



## Art.9.

1. It is prohibited to process personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, as well as to process genetic data, biometric data for the purpose of uniquely identifying a natural person or data concerning the health, sexuality or sexual orientation of that person [3].

## Art.10.

Processing of personal data relating to criminal convictions and offences or related security measures pursuant to Article 6(1) shall be carried out only under the supervision of official authorities or if the processing is authorised by Union or Member State law providing appropriate safeguards for the rights and freedoms of data subjects. Any complete records of criminal convictions shall be kept only under the supervision of official authorities [3].

# INTELLECTUAL PROPERTY PROTECTION



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## Art. 1.

1. The subject of copyright is any manifestation of creative activity of an individual nature, established in any form, regardless of its value, purpose and manner of expression (work) [1].

Works within the meaning of copyright law will therefore include books — textbooks and exercise books, films, pictures, photographs, songs and music [2] computer programs, audiovisual works (including films) [1].

## Art. 2.

1. The adaptation of someone else's work, in particular translation, modification, adaptation, is subject to copyright without prejudice to the right to the original work [1].





## Art. 16.

Unless otherwise provided by law, personal copyrights protect the creator's bond with the work that is unlimited in time and not subject to waiver or transfer, and in particular the right to:

- 1) authorship of the work;
- 2) mark the work with one's name or pseudonym or to make it available anonymously;
- 3) inviolability of the content and form of the work and its fair use;
- 4) decide on the first making the work available to the public;
- 5) supervise the manner of using the work [1].

Therefore, fair use cannot be claimed for works that the creator has not yet decided to show to the public. This is a requirement that appears in most fair use laws. Only the first time the creator consents to make them available does the creator lose control over their work[2].



## Art. 17.

Unless otherwise provided by law, the creator has the exclusive right to use the work and to dispose of it in all fields of exploitation and to receive remuneration for the use of the work. [1].

Therefore, each use of a protected work requires the consent of the rightholder (it may be the creator or another person or institution that has acquired the copyright)[2].

## Art. 4.

The following are not subject to copyright:

- 1) normative acts or their official drafts;
- 2) official documents, materials, signs and symbols;
- 3) published patent or protection descriptions;
- 4) simple press information [1].



## Art. 23.

1. Without the author's permission, it is allowed to use a work that has already been disseminated free of charge for one's own personal use. This provision does not authorize building an architectural or architectural-urban planning work based on someone else's work or using electronic databases that meet the features of a work, unless it concerns one's own scientific use not related to profit-making purposes.[1]

Therefore, each use of a protected work requires the consent of the rightholder (it may be the creator or another person or institution that has acquired the copyright)[2].



## Art. 27.

1. Educational institutions and entities referred to in art. 7 sec. 1 points 1, 2 and 4–8 of the Act of 20 July 2018 – Law on Higher Education and Science, may, for the purposes of illustrating content provided for teaching purposes or for the purpose of conducting scientific activities, use disseminated works in the original and in translation, and reproduce for this purpose disseminated minor works or fragments of larger works [1].

Therefore, only educational (and scientific) institutions can invoke Article 27, but not everyone who conducts any educational activities. Persons (teachers, students) must act within such an institution (e.g. school), i.e. the activity must be carried out by this institution, and not by individuals "privately" [2].



## Art. 27<sup>1</sup>.

1. Educational institutions [...] may, for the purpose of illustrating content provided for teaching purposes or for the purpose of conducting scientific activities, use disseminated works in the original and in translation and reproduce for this purpose disseminated minor works or fragments of larger works [1].

This provision allows the use of works in the original and in translation without the consent of the creator if:

- 1) the user is an educational institution;
- 2) the use is for teaching purposes;
- 3) the use concerns disseminated works;
- 4) if copies are made, then only fragments of the works [2].



## Art. 34.

You can use the works within the limits of fair use, provided that you mention the name and surname of the creator and the source. The creator and the source should be given in accordance with existing possibilities. The creator is not entitled to remuneration, unless the law provides otherwise [1].

## Art. 35.

Permitted use must not infringe upon the normal use of the work or harm the legitimate interests of the creator [1].

If teachers or students want to make copies of other people's works (e.g. "photocopies") as part of the educational goal of their educational institution, they must limit themselves to fragments of these works. Most often, the author and the source of the fragment must also be indicated [2].



## Art. 31.

1. It is allowed to use works during religious ceremonies and official ceremonies organized by public authorities, if it is not connected with gaining indirect or direct financial benefits.
2. It is allowed to publicly perform or play free of charge, using devices or media located in the same place as the audience, disseminated works during school and academic events, if it is not connected with gaining indirect or direct financial benefits and the performers and persons playing the works do not receive remuneration [1].

The closed list of events during which the works may be used includes school events – without the consent of the rightholder and without paying him/her any remuneration, it is only possible to publicly perform the works and perform activities such as playing music, singing a song, reciting poetry, or staging a play [2].



# PROTECTION OF THE IMAGE, OF THE RECIPIENT OF CORRESPONDENCE

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## Art. 81.

1. Distribution of an image requires the consent of the person depicted in it. In the absence of an express reservation, consent is not required if the person received the agreed payment for posing.

2. Consent is not required for distribution of the image of:

1) a well-known person, if the image was made in connection with the performance of public functions by him/her;

2) a person constituting only a detail of a whole such as a gathering, landscape, public event [1].

## Art. 82.

Unless the person to whom the correspondence is addressed has expressed a different will, dissemination of the correspondence within twenty years of his or her death requires the consent of the spouse or, in the absence thereof, of descendants, parents or siblings [1].



## 6 SAFETY RULES

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1. It is forbidden to distribute protected materials outside the school (especially on the Internet in free access) that are used for educational purposes.
2. It should be remembered that fair educational use applies only to educational institutions.
3. It should be remembered that the educational purpose itself does not directly give us permission to use the protected work.
4. It is possible to use open educational resources, if possible; open educational resources are resources whose creators allow free use using so-called free licenses.
5. It is necessary to educate teachers and students about the provisions of fair educational and personal use.
6. It is necessary to react calmly and rationally to all letters concerning alleged copyright infringement, above all not to sign any declarations and consents without proper analysis of the case [2].



- [1] Ustawa z dnia 4 lutego 1994 r. o prawie autorskim i prawach pokrewnych (tekst jednolity),  
<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19940240083/U/D19940083Lj.pdf> [10.05.2024]
- [2] Siewicz K., Prawo autorskie w edukacji: jak unikać naruszeń?  
[http://koed.org.pl/wp-content/uploads/2015/06/prawo-autorskie-w-edukacji-jak-unikac-naruszen\\_KOED.pdf](http://koed.org.pl/wp-content/uploads/2015/06/prawo-autorskie-w-edukacji-jak-unikac-naruszen_KOED.pdf) [10.05.2024]
- [3] Rozporządzenie Parlamentu Europejskiego i Rady (UE) 2016/679 z dnia 27 kwietnia 2016 r. w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych i w sprawie swobodnego przepływu takich danych oraz uchylenia dyrektywy 95/46/WE (ogólne rozporządzenie o ochronie danych), <https://eur-lex.europa.eu/eli/reg/2016/679/oj/pol> [21.03.2024]