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# Access to public information – legal regulations and parliamentary practice in Poland

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The presentation is divided into three parts:

1. the historical background of the access to the information about parliamentary activities ,
2. the basic legal framework within which the access is exercised,
3. the parliamentary practice and the problems that are connected with the exercise of the right to information.





The openness of the proceedings of the parliament is a historical prototype of the idea of civic access to public information.

**Oath of confirmation of Constitution of the 3rd May 1791**



The regulations that govern the access to information on the activities of the Polish parliament:

- The Constitution from April 2, 1997;
- The Act of 6 September 2001 on Access to Public Information;
- the regulations of the Sejm and of the Senate:
  - The Standing Orders of the Sejm of the Republic of Poland
  - Rules and Regulations of the Senate.



## The Constitution from April 2, 1997

### *Article 113*

Sittings of the Sejm shall be open to the public. In the interest of the State, the Sejm may resolve, by an absolute majority vote taken in the presence of at least half of the statutory number of Deputies, to hold a debate in secret.

### *Article 124*

The provisions of (...) Article 113 (...) shall apply, as appropriate, to the Senate.



## The Standing Orders of the Sejm of the Republic of Poland

### Article 172

1. Sittings of the Sejm shall be open to the public. The public nature of sittings of the Sejm shall be particularly ensured by:
  - 1) prior information to the general public about sittings of the Sejm;
  - 2) enabling the press, radio and television to report on sittings of the Sejm;
  - 3) enabling the public, subject to regulations made by the Marshal of the Sejm, to watch the sittings from the gallery in the Chamber. (...)

## Rules and Regulations of the Senate

### Article 36

1. Sittings of the Senate shall be open. (...)



## The Constitution from April 2, 1997

### *Article 61*

1. **A citizen shall have the right to obtain information on the activities of organs of public authority** as well as persons discharging public functions. Such right shall also include receipt of information on the activities of self-governing economic or professional organs and other persons or organizational units relating to the field in which they perform the duties of public authorities and manage communal assets or property of the State Treasury.
2. The right to obtain information shall ensure **access to documents and entry to sittings of collective organs of public authority formed by universal elections, with the opportunity to make sound and visual recordings.**
3. Limitations upon the rights referred to in paras. 1 and 2 above, may be imposed by statute solely to protect freedoms and rights of other persons and economic subjects, public order, security or important economic interests of the State.
4. **The procedure for the provision of information**, referred to in paras. 1 and 2 above shall be specified by statute, and **regarding the Sejm and the Senate by their rules of procedure.**



## The Act of 6 September 2001 on Access to Public Information

### Article 1

1. Any information about public matters shall constitute public information within the meaning of this Act and shall be made available in accordance with the rules and procedures specified by this Act. (...)



## The Act of 6 September 2001 on Access to Public Information

### Article 6

1. Public information shall be made accessible, in particular, concerning:

1) internal and foreign policy, including:

a) **intended actions of the legislative and executive bodies;**

b) **bills of normative acts;** (...)

4) public data, including:

a) **content and form of official documents** (...);

b) positions taken in respect of public matters by public authorities (...);

c) content of other interventions and assessments made by public authorities; (...)



Three basic forms of public information provision in the Polish parliament:

- 1) uploading the information to a website,
- 2) making the information public in a written form in a place that is publicly accessible ,
- 3) providing the information upon request from an interested party.



Internet websites – the chief way of provision of information regarding the activity of the Polish parliament.

The website – the location of:

- Broadcasts (plenary sessions of the Sejm and of the Senate, sessions of the committees and subcommittees, the press conferences organized by parliamentary parties, as well as briefings of the Speaker of the Sejm),
- Documents (stenographic records of the houses' sessions, documents presenting the lawmaking process – bills, resolutions, reports from committees and subcommittees, experts' opinions and data about the activities of individual members of parliament in the Parliament).



Practical shortcomings connected with provision of public information on parliamentary activities (three examples):

- in order to ask a question one needs to know how to ask it correctly,
- lack of protection of personal data of private persons that was recorded in documents subject to parliamentary deliberations,
- lack of the access to information about activities of an individual MPs "outside" of the Parliament.



Thank you for your attention!