

## **Realization of the Principle of Public Life Transparency – Case Of Poland**

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### **Abstract:**

*Realization of the right to public information:* From the legal point of view, after 1990 access to the public information could be divided into three periods. According to this division we should actually search for further ways of developing this principle. We should not forget that this is the problem of access to public information is a dynamic issue undergoing constant changes. If the principle of transparency is understood in this way, it becomes a necessary “system leak stopper” set to fight corruption.

*The role of media in the realization of the principle of transparency:* Press Law, in the time context, was in Poland probably the earliest legal act which assured a possibility of existing various forms of control of public authorities organs. A role of the press in the scope of making public life transparent is huge. After 17 years of changes, journalists organizations are aware of the imperfection of existing legal regulations. It is commonly believed that there is a need to introduce legal changes in the scope of press law to include occurring changes in running publishing activity. We should be aware of scenario, when media do not leave people a place for their own judgment helping them out not only in collecting information but also in its independent evaluation.

Parliamentary elections in Poland held on 4<sup>th</sup> June, 1989 finished one-party state rule and started another period, called III Republic of Poland by historians. The TVP news broadcast on that day has already become history as a well-known Polish actress Joanna Szczepkowska remarked distinctively: “Ladies and Gentlemen, on 4<sup>th</sup> June, 1989 communism died in Poland”. At first this unexpected statement was received ambiguously, but in time it became symbolic. June election was for the first time free and opposition parties could take part in it as well. Sejm election (lower House of Polish Parliament consisting of 460 members) was not entirely free as the opposition could only win 161 votes – they won 160). Senate election (Higher House consisting of 100 senators) was entirely free, which was scrupulously used by the opposition winning 99 votes out of 100 seats in Senate. Unquestionable election success of the Civil Committee “Solidarity” gathered around Lech Walesa, however, was just the beginning of changes our country had to face. Apart from conquering catastrophic situation of

public finance, which required immediate changes, Polish society had to face the most serious reform – a system reform of the State. Strongly centralized administration did not meet society's expectations and requirements of young emerging Polish democracy at all.

Today, after 18 years from these events, it is still difficult to realize how complicated it was to make average citizens aware of the fact that the authorities were to serve the citizens. After nearly 45 years of Russian domination, lack of political pluralism, suppression of any manifestations of social initiative, the society got used to treating the authorities as the synonym of evil. This process was additionally complicated by prevailing apathy and lack of rank-and-file initiative. It was extremely difficult to liquidate this common division occupying human minds into WE and THEY. The society was used to peculiar "fight" against the authorities, which was perceived as a source of evil, for a long time. A tendency to omit law became a fact of everyday life for many people. Something called nepotism or abuse of one's position to realize private interest today was at that time gray reality or even, sometimes, necessity. For these and other reasons, it was rightly decided to make a very important move – to reactivate local self-government. Republic of Poland's Senate initiated legislative changes which led to reactivation of local self governance. A many-year-long process of public authority decentralization in Poland was started. Its first stage was the establishment of local self-government in gminas (municipalities) under the Act of 8<sup>th</sup> March, 1990. Under the law gmina's inhabitants became members of self-government community and their membership resulted from the very fact of residing in a given area. Members of local communities acquired the right to free election of their representatives. Gminas' tasks included satisfaction of the inhabitants needs, such as: road transport, water system, local transport, social help, primary education and other. Power was actually handed over to people, which, in a longer perspective, created right basis for further reforms aiming at intensifying decentralization process. We had to wait 18 years for the establishment of two new levels of local self-government – poviats and voivodeship/province, which were introduced as of 1<sup>st</sup> January, 1999. Since then all tasks of over-gmina character were handed over to poviats. Newly created voivodeships were handed over tasks aiming at voivodeships promotion and strategy of their sustainable development. The last stage of the self-government

reform was handing over inhabitants the right to elect their Mayor in direct election, which took place on 27<sup>th</sup> October, 2002.

Public administration reform is an extremely complicated and long-term process. Certainly, Polish reforms were not faultless as no country facing such huge challenge made no mistakes. By all means the most painful consequence for an average citizen is too big bureaucracy and corruption in public offices. Both these phenomena intensified also in Poland. Let's hope, however, that the process of European integration and responsible participation of our country in Common Europe will succeed in ending this negative process too. It should be noticed that Poland, for the first time, improved its position in Transparency International ranking for 2006, as far as corruption perception index is concerned (*table 1*) Unfortunately, compared to other countries newly accepted to EU on 1<sup>st</sup> May , 2004, Poland does not do well. Among these countries we have the highest corruption perception index, however, it should be emphasized that 2006 is the first year since 1997 when our country improved in the ranking. Nevertheless, it certainly is not a satisfactory position (*table 2*).

In such a situation, today, the principle of transparency has to fulfill its preventive role as well fight corruption. Due to quite common social belief about prevailing corruption and nepotism as well as other negative manifestations of public life, this is just transparency of undertaken action that should become an element co-creating a new better reality. Correctly understood transparency of action is to make each of us active and more conscious participants of events too. Not always in the formula of holding a representative function but also through educational and edifying actions. A modern democratic state, Poland aspires to be, can not operate efficiently if it does not open into the needs of its citizens in the scope of common access to information about undertaken and planned actions. A citizen who is aware of the state of public affairs in his/her little homeland – gmina, town or village, who makes use of the instruments he/she is provided with thanks to transparency and access to public information, becomes more conscious in the choices he/she makes. And this should put into oblivion the division into „WE” and „THEY”. Perhaps it is just transparency and common access to information which would be capable of clearing public life as political parties taking part in it have failed to do it themselves until now. Unfortunately, the

slogan of transparency and openness too often appears on election campaign posters, and is absent in everyday reality.

I would describe the principle of transparency of public administration action as one of the elements of transparency of public life, which is quite wide and multi-elementary issue. It is not just about legal issues, which in reality are the easiest to be changed. Transparency means not only access to public information, which in practice is quite a technical issue. It is also a way of constructing election ordinance in which a voter can give his/her support to a concrete person and not only a political list. What is more, a position taken by media is also particularly important. This is also an appropriate system of shaping public administration employees. In all administrative structures office recruitment should be carried out according to the principle of competitiveness and transparency.

**For the needs of this study I will focus on discussing the principle of transparency of public life from the point of view of two levels:**

- 1) Realization of the right to public information,
- 2) Role of media in the realization of the principle of transparency

## **I. REALIZATION OF THE RIGHT TO PUBLIC INFORMATION**

*“Where mystery begins, justice ends”*

*Edmund Burke*

Validity term of the principle of transparency, the right to access to public information should be derived from, is relatively short in Poland. On 1<sup>st</sup> January, 2002 Act on Access to Public Information came into force<sup>1</sup>, thus fulfilling disposition of art. 61 par. 4 of the Republic of Poland’s Constitution<sup>2</sup>, which included the authorization to determine principles of providing access to public information in legislation. Although this law came into force quite late, the preceding time had not been deprived of normative regulations in this scope. We should remember about norms of international law, which were already in force at that time, the content of which referred to the issue of public life transparency as well. In 2000, after the RP’s Constitution of 2<sup>nd</sup> April, 1997 came into force, Supreme Court in Poland stated that the RP’s Constitution established higher

standards of protection of freedom of speech than those envisaged in art. 10 of the Convention on Protection of Human Rights and Fundamental Freedoms<sup>3</sup>. We can assume that since the moment the RP's Constitution of 1997 came into force, a desired model of standards of procedure in the scope of access to public information was the Polish Constitution, and not, as it had been so far, acts of international law.

I would divide the time after 1990 into 3 periods characterized by distinct legal bases in the scope of the right to public information (*table 3*).

**A** - a period of time when the right to information could only be derived from the content of acts of international law that were in force at that time, and which included appropriate regulations in this scope. It is characteristic that the right to information was recognized as one of human rights in international law regulations much earlier than it was specified in domestic/home legislations. Such situation is an excellent example of how international law may influence the content of state legal order of individual countries. In practice, however, access to public information remained a domain of inquiring journalists rather than common right every one is entitled to.

**B** – this is a period of time when there was still no separate statutory regulation legislation in this scope and only the Constitution proclaimed directly the principle of transparency in art. 61, which reads as follows: „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. 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”. Pursuant to art. 8 paragraph 2 of the RP's Constitution, if there is no statutory regulation in this scope, the right to information about public figures' action could be based directly on art. 61 of the Constitution. Courts' jurisdiction made attempts to fill in the gap that originated in effect of the fact that common legislation was too general in its content, or there was no special regulations referring to, for

instance, boundaries/limits of the principle of transparency. The verdict of Supreme Administrative Court of 1999 can serve as an example thereof, where the court decided that the resolution of Gmina (Municipality) Council banning videotaping their debates violated constitutional principle of transparency of action of organs of public administration resulting from art. 61 of the Constitution<sup>4</sup>. Subsequent judgments only confirmed the adopted direction of interpretation assuring the right to register sound and vision of debates of public authorities organs that were elected in general elections. Today, in 2007, still occurring problems with the realization of the right to information are often interpreted in jurisdiction in the light of constitutional norms.

**C** - this is a period of time the Act on Access to Public Information was in force. It is difficult to indicate UODIP as a model of procedure in the scope of access to public information in so far as, unfortunately, Polish legislation first introduced acts protecting certain spheres, for example, Act on the Protection of Personal Data<sup>5</sup> or on the Protection of Confidential Information<sup>6</sup>, and only then each information considering public matters was recognized as public information (this is the wording of a legal definition of public information included in art. 1 paragraph 1 of UODIP). Such sequence caused unfavorable environment for strengthening the beliefs in priority principle of transparency of action undertaken by public authorities. If the sequence of above mentioned acts' coming into force had been opposite, we would have certainly avoided many problems connected with adaptation of the principle of public life transparency in every day life. Unfortunately, those and other reasons deriving from such a long departure from a democratic system during communistic regime made the principle of transparency and access to public information derived from it extremely hard to reach the level of common awareness today. After 5 years of UODIP's validity we can still notice some resistance to apply it in practice. Offices frequently hide behind provisions of special acts while explaining failure to provide an interested person with certain information. What is more, it should also be stated that UODIP's provisions themselves do not create comfort of clarity in this Act's interpretation.

Despite critical comments I would incline to search for positive sides of the present situation. The very fact we do have a separate Act specifying access to public information in Poland should be regarded as success.

UODIP has become a basic statutory act in this scope and quite comprehensively regulates any issues connected with the realization of the right to information. UODIP'S content includes universal principles specifying who has the right to information, what public information is, costs of making public information available, rules of rejecting provision of public information, the right of media to public information. Pursuant to art. 1 par. 1 of UODIP, public information is each information about public matters. Such general wording of this definition is, in my opinion, legislator's success. The content of art .1 is the manifestation of a new way of understanding reality as well as the directive principle in applying the Act's provisions. It determines dominance of transparency over confidentiality of public information, which results from the purpose the legislator had while drafting it. Polish legislator covered a very wide sphere of facts and information within the scope of the Act's validity, which shapes a general rule that each information about public matters is public. Transparency was put in the first place whereas any exceptions thereof should be treated as deviation from the rule and interpreted closely not extensively. This, on the other hand, is of great importance in deciding about revealing certain information in a given case. Any doubts therein should be settled in favor of transparency and not the other way round. There is a general interpretative rule pointing to dominance of the principle of transparency as a fundamental rule. Information is provided not because it includes certain content or it is in a certain place. It is made available because is has not been made classified. Such attitude is a manifestation of a revolutionary change in public sphere perception. It is not the interested person who should prove why certain information is, in their opinion, public and thus should be made public. This is an obligated subject (that is an institution obliged to apply the rules resulting from UODIP) that must prove why and under what legal basis they refuse to make information available. The authorities have ceased to own information, they only become its temporary holder. Public administration official becomes a guardian of a secret, not a guardian of access to information itself. Another important principle is instance type of control over decisions refusing access to information. Each refusal is subject to appeal to II instance organ, and a petitioner can appeal against a decision issued by them to Provincial Administrative Court. Provincial Administrative Court's judgment may ultimately be appealed against in special

course by cassation/annulment to Supreme Administrative Court in Warsaw, whose decision is final. It actually happens that refusal to make information available is issued by the organ situated on top of the administrative pyramid – by minister or Prime Minister or other central organ. In such a situation, before lodging a complaint to administrative court, we should apply to the same organ for reargue of the case. The procedure of access to public information has been treated quite specifically by the legislator, as far as terms of dealing with/processing applications/motions are concerned. An organ has 14 days to reply to the application/motion, and in case of a complicated matter, it can prolong examination of the case into maximally 2 months. Any delay can be appealed against as unlawful idleness/inactivity of the obligated/obliged subject.

Transparency of public officials assets as part of access to public information is nowadays an issue arousing strong emotions. Changes introduced under the Act of 23<sup>rd</sup> November, 2002<sup>7</sup> in the name of fight against nepotism and corruption led to extensive financial transparency of self-government officials<sup>8</sup>. The legislator constructed new obligations, and failure to satisfy them became threatened with serious sanctions, including loss of a post as well. Each person listed in the Act became obliged to make financial declarations/statements care of an organ indicated therein. In case of failure to make a financial declaration/statement in due time, according to the law a councilor loses their allowance or remuneration for the time as from the day they should have made this statement until the day it is made. Changes regarding financial statements were to result in a situation when they could be attributed with real preventive importance in the fight against corruption. Existing solutions in this matter were antagonizing for two reasons: the content of these statements was classified, and there were no real sanctions for violation of the obligation to make them. Since January, 2003 persons receiving financial statements hand over one copy thereof to Inland Revenue competent as for public official's place of registered residence. Inland Revenue analyzes data included in the statements and additionally tax return statement about income obtained in a tax year. If discrepancies are found, Inland Revenue can apply to General Inspector of Fiscal Supervision Office to carry out control and apply sanctions envisaged by the law. This should make the stage of checking statements more efficient, and in connection with their

content's transparency lead to serious treatment of this obligation by the obligated persons.

Moreover, since 2003 the content of financial statements has been entirely public and each interested person can read it (data regarding a place of residence of a person making a statement as well as place of property localization is classified). All financial statements are made available in the Bulletin of Public Information (BIP)<sup>9</sup>. Each interested person has a possibility of viewing statements made by their Mayor, City President or councilor. The same possibility refers to statements made by Members of Parliament and Senators<sup>10</sup>, European parliamentarians<sup>11</sup> or Cabinet members<sup>12</sup>.

However, making financial statements did not always proceed without conflicts. At the beginning of 2007 it appeared that some provisions in this scope are wrongly constructed and caused threat of loss of seats by several hundred of self-government officials all over Poland. In reference to villages administrators, mayors and presidents 33 persons were threatened by expiry of their seats<sup>13</sup>. This confusion referred to the additional obligation included in the statement being made – informing whether a spouse runs economic activity within the territory of a given unit of local self-government with the use of public property. A term of submitting this statement was accidentally established as different to a term of submitting financial statement. Where as a financial statement should be submitted within 30 days from the day a post has been held, the statement regarding a spouse – within 30 days from the date of election results announcement (in reference to councilors and villages administrators, mayors and city presidents). Probably, this would not have been news No. 1 in media if it had not referred to Warsaw President Hanna Gronkiewicz – Waltz (she won with the candidate of presently ruling coalition). Finally, Constitutional Tribunal decided in the verdict that such solutions lacked consistency with the Constitution of<sup>14</sup> and several hundred people all over Poland felt relieved as their seats did not expire.

Summing up, it seems to me that in the present state of awareness about the needs of public life transparency we should search for further ways of developing this principle. We should not forget that the problem of access to public information is a dynamic issue undergoing constant changes. We should put emphasis not only on defining subsequent areas of transparency but indicating bases for the protection of some spheres specified interests deserving protection

stand behind as well. There are values which, due to their specificity, should not be revealed. They include, among the others, personal data, classified information, issues of personal life privacy of people holding public functions as well, plus many specific statutory secrets. The existence of these limits do not arise my fears about further lot of transparency, assuming, however, appropriate proportion of both these spheres. In a properly constructed system of bans and duties, limiting one's interest in favor of public interest is more justified and efficient when transparency of such action will be guaranteed. If the principle of transparency is understood in this way, it becomes a necessary "system leak stopper" set to fight corruption.

## **II. THE ROLE OF MEDIA IN THE PRINCIPLE OF TRANSPARENCY REALIZATION**

*"Freedom of speech is useless, if a spoken word is not free"*

Analyzing the issue of the principle of public life transparency, a huge role of media in this scope by all means must be presented. It is distinctive that first court judgments clearly indicating the need for the public administration transparency were passed in result of media representatives interventions. Already in the middle of the 1990s a certain weekly magazine questioned the refusal to reveal information about precise salary of a mayor, which after a long trial led to the situation where Supreme Administrative Court confirmed that salary of public persons, such as for example a mayor's, is public information and is not protected by any secret<sup>15</sup>. Each interested person can demand such information. Appearing court decisions were slowly shaping suitable bases for passing an act regulating access to public information.

Press Law, in the time context, is probably the earliest legal act which assured a possibility of existing various forms of control of public authorities organs. Obviously, not always such a possibility was real, which is particularly

apparent in the years preceding 1990. In Poland the Act Press Law has been in force since 1984 and in 1990 it was thoroughly novelized and adopted to new state system conditions<sup>16</sup>. On 19<sup>th</sup> January, 1990 first not communistic Prime Minister Tadeusz Mazowiecki announced in Sejm liquidation of Main Office of Press, Publications and Performances Control, which was a powerful institution seated in famous Mysia Street in Warsaw. Its liquidation was a symbolic split from totalitarian practices of the past. The act on controlling publications and performances was abolished, which in fact meant official abolition of censorship. At the moment censorship was liquidated, press in Poland could for the first time after a long time start to realize properly the rights of the citizens to be reliably informed, to public life transparency and social control and criticism (art. 1 of the Press Law).

Pursuant to art. 10 of the RP's Constitution of 1997, RP's state system is based on classical division into three equal powers: executive, legislative and judiciary. By all means, however, we can make this catalogue complete by saying that free media are *de facto* fourth power in a democratic state. Freedom of press in Poland is guaranteed by the Constitution, which enables searching for and revealing any irregularities in public authorities activity to the society. Freedom to express one's opinion and their dissemination is enshrined in art. 54 of the Constitution – the freedom to express opinions, to acquire and to disseminate information shall be ensured to everyone. Preventive censorship of the means of social communication and the licensing of the press shall be prohibited. Statutes may require the receipt of a permit for the operation of a radio or television station. Another very important principle of freedom of press – “the Republic of Poland shall ensure freedom of the press and other means of social communication” (art. 14 of the Constitution). Valid legal regulations do not pose too many obstacles to start press activity as well. Publishing a daily newspaper or a magazine only requires registration in the regional court, competent for the publisher's seat. Registration organ will refuse registration only when the motion does not include data required by law, or if it would be violation of the right to protect the name of already existing press title. Suspension of a daily newspaper or magazine publishing may only take place in one case – if within a year, an offence has been committed in this daily newspaper or magazine at least three times. Such a liberal approach to starting press activity harmonizes with a legal definition of a journalist. This is a

person dealing with editing, creating or preparing press materials, employed by the editor, or running such an activity for the benefit and authorized by the editor. Thus he or she does not have to be connected permanently with the editor to be able to make use of the privileges a journalist is provided for by law. On the other hand, such liberal approach to the issue creates fear that a journalist profession can be performed by people undeserving this job. However, attempts made at introducing obligatory membership to specified professional association of journalists as a condition to perform this job met huge protest of the environment. In my opinion it was right protest. I do not think legislative changes could influence the level of performing a journalist profession in any way. Only rank-and-file processes, taking care of preservation of fundamental principle of professional ethics are capable of making these changes. We should just hope that the environment itself will try to seal their ranks to make sure this job is performed by suitably prepared people who are convinced of their professional mission.

Journalists organizations are aware of the imperfection of existing legal regulations. It is commonly believed that there is a need to introduce legal changes in the scope of press law to include occurring changes in running publishing activity, such as technological changes and globalization processes. Development of universal multimedia as well as pace of information dissemination justify the position according to which regulatory formalism should be maximally limited. However, it can not mean escape from discussing serious issues requiring activation of the entire journalistic environment. Jan. A. Stefanowicz, on behalf of Polish Journalists Association<sup>17</sup>, declared that the notions: “journalist” and “press material” are among fundamental matters that require to be defined again in the context of social and political changes.

Rights of media representatives in the scope of the right to information are formally the same as those each interested person is entitled to. Pursuant to art. 3a of UODIP, UODIP’s provisions are applied in the scope of the right of the press access to public information. It is commonly known, however, that in practice a journalist looking for information takes an entirely different position than an average citizen. The only right an average citizen does not have is the right specified in art. 4 of the Press Law. If an entrepreneur and non public subject refuse to give information to the press, editor in chief can appeal against such

refusal directly to Provincial Administrative Court. Such construction entirely corresponds to my concept of a role of media, whose most important task is to inform citizens about authorities actions.

A role of the press in the scope of making public life transparent is huge. The biggest scandals which became public in Poland were revealed by journalists. If it had not been for their determination and journalistic secret closely protected by the law, many such cases would have never been revealed.

The most famous one is so called RYWIN GATE, which has been named so after Lew Rywin (a popular Polish film director), who was accused of joint participation in the attempt to provide the unknown group “holding power” with a suitable content of the Act on National Board of Radio and Television. Polish Parliament even appointed investigation commission whose works were broadcast live on TVP (Polish Public Television), and they revealed governing mechanisms which had not been known to wider public opinion before. Investigation commission’s works were highly valued by the Polish society as they allowed to reveal phenomena that would have never been made public if it had not been for transparency of the commission’s works. Some commentators tried to underestimate the matter quoting a popular saying of Chancellor Otto von Bismarck – „Laws are like sausages. It’s better not to see them being made”. The commotion, however, was so common that to a great extent RYWIN GATE scandal resulted in left-wing government downfall and their election defeat in parliamentary election in 2005. In 2001 Sejm election Election Committee of the Democratic Left Alliance obtained 216 seats, which was 45,9% of all seats in the Parliament (231 seats is sufficient for independent rule). Whereas in 2005 election, already after the scandal was revealed, SLD Election Committee obtained 55 seats, which was only 11,9% of all seats. The Kaczyński brothers party - Prawo i Sprawiedliwość /Law and Justice/ won on top of voters’ dissatisfaction winning 155 seats, which is 32,6% of all seats.

A year after the parliamentary election, in October 2006, Polish society was moved by journalistic provocation made by two TVN journalists. In cooperation with certain Member of Parliament they recorded talks she had with two ministers about supporting the government in the Parliament. The case was called TAPES OF DISHONOR. In return for support, specified posts and specified places on election lists in self-government election in November 2006

were proposed. Revealing these tapes led to the Cabinet crisis. Opposition demanded Cabinet resignation and new early election. Parliament was not dissolved but significant decrease of support for the ruling coalition was observed. Another interesting case provoked by media was a ban to publish any information about certain minister's personal life by "Rzeczpospolita" (one of the largest daily newspapers in Poland<sup>18</sup>). The content of the press material suggested doubts as for this person's honesty. Pursuant to art. 730 § 1 of Code of Civil Procedure – „In every civil case subject to court or arbitration court investigation injunction may be required”. This legal regulation led to the situation that publishing any information about this certain person was banned as he sued the newspaper. The ban was to be in force until the end of the trial. In result of huge protest action of the entire journalistic environment the Parliament changed the provisions under urgent course introducing a new provision of art. 755 § 2 – „In cases against mass media for the protection of personal interests, a court will refuse to grant injunction involving a ban of publication if such injunction is against important public interest”. Since then a possibility of introducing this type of ban has been minimized to nil.

These and other cases made the society realize what a huge role contemporary media in Poland have to fulfill. It is a dream for the media to be crystal but everything which is human is full of flaws. Once, when media were shaping, information was rarity, today it is daily bread. Unfortunately, in such a big mass of information we often live in chaos, which instead of instructing by its transmission misinforms. Mark Twain was right saying that "A lie can travel halfway around the world while the truth is putting on its shoes". For an average recipient of reality the news they heard becomes fact and creates a real world because facing chaos we do not have time to check its genuineness. The worst scenario is the situation when media do not leave people a place for their own judgment helping them out not only in collecting information but also in its independent evaluation. There is only information that exists but there is lack of knowledge too, and, what is worse, lack of common sense to evaluate this knowledge. Time hands do not allow the mind to appropriately analyze acquired information because another one followed by yet another one runs after it.

There are a lot of values, however, which are worth sacrificing this one – freedom of media, but there are few values which could substitute this one if it was missing.

table 1

Corruption perception index. Information of 6.11.2006.

RESEARCH YEAR	NUMBER OF COUNTRIES COVERED by the research	POLAND'S PLACE in the ranking	CPI VALUE
1997	52	29	5,1
1998	85	40	4,06
1999	99	44	4,2
2000	90	43	4,1
2001	91	44	4,1
2002	102	45	4,0
2003	133	64	3,6
2004	146	67	3,5
2005	159	70	3,4
2006	163	61	3,7

Table 2. Poland compared to other countries newly accepted to EU

COUNTRY	2002	2003	2004	2005	2006
CZECH REPUBLIC	3,7	3,9	4,2	4,3	4,8
LITHUANIA	4,8	4,7	4,6	4,8	4,8
LATVIA	3,7	3,8	4,0	4,2	4,7
POLAND	4,0	3,6	3,5	3,4	3,7
SLOVAKIA	3,7	3,7	4,0	4,3	4,7
ESTONIA	6,0	5,9	6,0	6,1	6,4
HUNGARY	4,9	4,8	4,8	5,0	5,2

Table 3.

Period	A	B	C
Dates	08.03.1990 – 17.10.1997	17.10.1997- 01.01.2002	01.01.2002 ---
Legal regulations	Reactivation of local self-government	RP's Constitution came into force	UODIP came into force

<sup>1</sup> Act on access to public information as of 6<sup>th</sup> September, 2001, L.J 01.112.1198. Hereinafter quoted as an abbreviation UODIP.

<sup>2</sup> Constitution as of 2<sup>nd</sup> April, 1997, L.J. 97.78.483.

<sup>3</sup> Supreme Court's judgment as of 1<sup>st</sup> June, 2000, III RN 64/00, OSNAP 20001/6/183.

<sup>4</sup> Supreme Administrative Court's judgment as of 12<sup>th</sup>, October 1999, II SA. 220/99, Docket 2000/7/41.

<sup>5</sup> Act on Protection of Personal Data of 29<sup>th</sup> August 1997, i.e. L.J. 02.101.926.with subs. changes.

<sup>6</sup> Act on Protection of Confidential Information of 22<sup>nd</sup> January 1999, L.J. 99.11.95. with subs. changes.

<sup>7</sup> Act of 23<sup>rd</sup> November, 2002 on changes in the Act on gmina self-government and change of other acts, L.J. 02.214.1806.

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<sup>8</sup> Councilors of all three levels, villages administrators, their deputies, members of Poviat and Province Councils, secretaries and treasurers, heads of organizational units of self-government of gmina, poviat and province, manager and member of managing organ of gmina, poviat and province, legal person, person issuing administrative decisions on behalf of villages administrator, starost and marshal.

<sup>9</sup> [www.bip.gov.pl](http://www.bip.gov.pl)

<sup>10</sup> [www.sejm.gov.pl](http://www.sejm.gov.pl)

<sup>11</sup> [http://parl.sejm.gov.pl/eu\\_osw.nsf/WWW-abc](http://parl.sejm.gov.pl/eu_osw.nsf/WWW-abc)

<sup>12</sup> <http://bip.kprm.gov.pl>

<sup>13</sup> Information of Minister of Home Affairs and Administration announced at press conference on 17<sup>th</sup> January, 2007

<http://www.mswia.gov.pl/portal.php?serwis=pl&dzial=2&id=4381&search=343646>

<sup>14</sup> Constitutional Tribunal judgment of 13<sup>th</sup> March, 2007, file docket no. K 8/07. [www.trybunal.gov.pl](http://www.trybunal.gov.pl)

<sup>15</sup> Supreme Administrative Court's judgment of 6<sup>th</sup> May, 1997, files docket no. II SA/Wr 929/96.

<sup>16</sup> Act of 26<sup>th</sup> January, 1984, Press Law, L.J. of 1984, No. 5, par. 24, with changes.

<sup>17</sup> The oldest journalists organization in Poland, founded in 1951 [www.sdp.pl](http://www.sdp.pl)

<sup>18</sup> [www.rp.pl](http://www.rp.pl)