

wać, że w najbliższej przyszłości zostaną wyraźnie rozdzielone pojęcia jawności formalnej danych rejestrowych i otwartego (wolnego) przetwarzania tych informacji w tych sytuacjach, gdy prowadzić to będzie to profilowania osoby fizycznej. Należy również uznać, że każdy podmiot publiczny ujawniający dane osobowe w systemach teleinformatycznych takich jak systemy elektronicznych ksiąg wieczystych, powinien już dziś przystąpić do sporządzania oceny wpływu takiego przedsięwzięcia na ochronę prywatności osób fizycznych.

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### **PRIVACY PROTECTION AS THE RESTRICTION OF THE RIGHT TO REPROCESSING PUBLIC INFORMATION**

The amendment of the Act on the Access to Public Information of 2011, which aims at the appropriate implementation of the directive on the re-use of public sector information into Polish law, has led to a situation in which any information intended to be revealed in the mode of the access to public information goes as a rule to „public domain” and can be used for any purpose, even if it was originally collected or produced for the implementation of a specific public task. This situation causes the collision of constitutional principles of the freedom of economic activities and the freedom of information processing with - also included in the Constitution – the protection of privacy and the limitations of processing information concerning natural persons to the situation, when it is „necessary in a democratic state ruled by law”. The freedom of processing public information to some extent can be limited law, but only in the form of statute, and only because of the reasons acceptable from the point of view of the directive.

During the discussion on the amendment it was assumed that supplementing the government’s draft law amending the Act on the Access to Public Information with provisions concerning the protection of privacy in the re-use of public information is not necessary, as these rules directly result from other law – the Act on the Protection of Personal Data, which application is not limited by the new regulations.