

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Poland

Contractor's name: Helsinki Foundation for Human Rights

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency

Provide information on emergency laws/declarations of states of emergency, including actions taken by police to enforce them and court rulings concerning the legality of such measures. Please include in particular information on developments relating to the protection of the right of association/demonstration; for example, with respect to the public gatherings that took place concerning the death of George Floyd, or other such events.

In **Poland**, the regulations concerning state of epidemic has still been in force. However, in June 2020, the Polish government continued the policy of lifting gradually the restrictions related to the COVID-19 epidemic.

On 19 June 2020, the government issued the Regulation on certain limitations, obligations and prohibitions related to the state of the epidemic¹ (that is the 18th version of the regulation since the end of March 2020). The new regulations lifted the restrictions concerning travels between Poland and other EU Member States and loosened the restrictions concerning among others the operation of shopping centres and other public spaces such as museums, beauty salons or restaurants.

The new regulations uphold the restrictions concerning the freedom of assemblies introduced earlier in May 2020. According to these provisions the assemblies up to 150 participants are allowed, however the participants have to keep at least 2 meters distance and have to cover their mouths and noses. In general, the Polish law provides two types of public assemblies: a cyclical assembly and a regular assembly. The cyclical assembly is organised on the basis of the voivode (*province*, the highest-level administrative subdivision in Poland) consent whereas the organization of the regular assembly requires an advance notification of the local government. During the COVID-19 pandemic, the County Chief Sanitary Inspectorate can prepare an opinion on potential threats to the health of assembly's participants due to the state of the epidemic in the region. Such an opinion is published on either voivode's website (in the case of cyclical assemblies) or city office's websites (in the case of regular assemblies). The assembly's organizer is obliged to inform the participants about the County Chief Sanitary Inspectorate's opinion. The fact that the freedom of assemblies is limited on the basis of the governmental regulation instead of the statute raised serious legal concerns. According to Article 57 of the Polish Constitution everyone has a freedom to organize and participate in peaceful assemblies. As it was reported earlier, according to the Polish Constitution, any rights or freedoms limitations may be imposed only by statute, and only "when necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons". The Ombudsman and civil society organizations raised this problem in their statements addressed to the government.²

¹ Poland, Rozporządzenie Rady Ministrów z dnia 19 czerwca 2020 r. z dnia 19 czerwca 2020 r. w sprawie ustanowienia określonych ograniczeń, nakazów i zakazów w związku z wystąpieniem stanu epidemii, available at: <http://dziennikustaw.gov.pl/D2020000106601.pdf>

² See e.g. Helsinki Foundation for Human Rights, Uwagi Helsińskiej Fundacji Praw Człowieka do projektu rozporządzenia Rady Ministrów w sprawie ustanowienia określonych ograniczeń, nakazów i zakazów w związku z wystąpieniem stanu epidemii, available at: <https://www.hfhr.pl/uwagi-helsinskiej-fundacji-praw-czlowieka-do-projektu-rozporzadzenia-rady-ministrow-w-sprawie-ustanowienia-okreslonych-ograniczen-nakazow-i-zakazow-w-zwiazku-z-wystapieniem-stanu-epidemii/>, Ombudsman's office, Analiza RPO dla premiera o tworzeniu prawa w stanie epidemii: rozporządzenia zamiast ustaw naruszają prawa obywateli, available at: <https://www.rpo.gov.pl/pl/content/raport-rpo-dla-premiera-nt-prawa-w-stanie-epidemii>

In May 2020, the group of artists protested against organizing postal voting in the Presidential elections. The artists were fined with 10.000 PLN (2.500 EUR) by the County Sanitary Inspectorate Chief, yet this decision was eventually changed by the Inspectorate.³ In June 2020, the Ombudsman alarmed about the incidents of selective arrest by the Police the participants of “Rainbow Disco” demonstration in front of the Presidential Palace. On 11 June 2020, the activists organized a demonstration “Rainbow Disco” in response to President Duda signing the “Family Charter” and his statement concerning “the LGBT ideology”. Although the protest was peaceful and the Police did not intervene, still some of the activists were arrested on their return from the protest. In his intervention to the City Police Commissioner, the Ombudsman stated that the limitations on the freedom of assemblies that ban the spontaneous assemblies aim first and foremost at protecting citizens' health and Police's enforcement of these regulations after the assembly was concluded could not meet the regulation purposes.⁴

One of the key policy issues discussed during the COVID-19 outbreak concern the organization of the Presidential elections. Initially, the date of the elections was scheduled for 10 May 2020 yet its organization during the COVID-19 epidemic could have posed enormous risk to the public health. Eventually, the elections on 10 May 2020 were not officially called off, yet the voting was not possible.⁵ In mid-May 2020, the Parliament adopted new legislation regulating the elections. The Act raises concerns when it comes to providing the fair legal framework for the election campaign and the process of organizing the elections, especially in the context of ensuring the effective exercise of electoral rights.⁶ Eventually, the first round of voting in the Presidential elections took place on 28 June 2020 and the second round is scheduled for 12 July 2020. The voting, similarly, to all other activities in public places, was organised under a strict sanitary regime providing among others the duty to cover nose and mouth at the polling station and providing sanitize measurers in the polling stations.⁷

³ Urzykowski T., Sanepid cofa kary dla artystów. Po interwencji rzecznika praw obywatelskich, available at: <https://warszawa.wyborcza.pl/warszawa/7,54420,25976965,sanepid-cofa-kary-dla-artystow-po-interwencji-rzecznika-praw.html>

⁴ Poland, Ombudsman's office, Selektywne zatrzymania po "Tęczowym Disco". Rzecznik występuje do stołecznej policji, available at: <https://www.rpo.gov.pl/pl/content/selektywne-zatrzymania-po-teczowym-disco-rpo-do-stolecznej-policji>

⁵ Danielewski M., Presidential elections in Poland: what we know so far, Rule of law, available at: <https://ruleoflaw.pl/presidential-elections-in-poland-what-we-know-so-far/>

⁶ ODIHR, Opinion on the draft Act on special rules for the organizations of the general election of the President of the Republic of Poland ordered in 2020 with the possibility of postal voting, available at: https://www.osce.org/files/f/documents/e/0/453333_2.pdf

Ombudsman's Office, Uwagi RPO do nowej ustawy o wyborach prezydenckich, available at: <https://www.rpo.gov.pl/pl/content/uwagi-rpo-do-nowej-ustawy-o-wyborach-prezydenckich>, Helsinki Foundation for Human Rights, New elections law: new problems. HFHR comments on a law setting special rules for the carrying out of universal elections of the President of Poland, available at: <http://www.hfhr.pl/en/new-elections-law-new-problems-hfhr-comments-on-a-law-setting-special-rules-for-the-carrying-out-of-universal-elections-of-the-president-of-poland/>

⁷ Poland, Ministry of Health, Wytyczne Ministra Zdrowia i Głównego Inspektora Sanitarnego dotyczące zasad bezpieczeństwa epidemiologicznego podczas wyborów prezydenckich, available at: <https://www.gov.pl/web/zdrowie/wytyczne-mz-i-gis-dotyczace-zasad-bezpieczenstwa-epidemiologicznego-podczas-wyborow-prezydenckich>

1.1.1 Social distancing

Focus on:

- *Lifting of stay at home restrictions, and measures/rules for general physical distancing when in public or at home.*
- *Enforcement and penalties.*

The regulations concerning the social distancing were slightly loosened in comparison to the regulations adopted in May 2020. Still, the duty to cover mouth and nose is applicable, yet it refers only to using public transport, shopping or visiting cinemas and theatres.

In mid-June 2020, the mandatory quarantine for persons travelling from other EU Member States was lifted. Still, the mandatory quarantine is applicable for travellers coming from outside the EU.

In June 2020, the Ombudsman's office informed about the Voivodship (*Province*) Sanitary Inspectorate decisions lifting the disproportional charges imposed by the sanitary inspectorate. In May and June 2020, the media reported on several cases of penalties imposed by the sanitary inspectorate for violating the provisions on social distancing. In some cases, the penalties reached even up to 10.000 PLN (2.500 EUR).⁸

1.1.2 Education

Focus on:

- *Steps to reopen educational institutions (schools, third level and kindergartens). Include any specific measures aimed at children from socioeconomically disadvantaged backgrounds.*
- *Measures to protect students and staff as they return to educational institutions (e.g. related to physical distancing, shift patterns, health and hygiene, etc.).*

In June 2020, the educational institutions operated in a limited way. The early childcare facilities and kindergartens were re-opened in May 2020 under a strict sanitary regime and the conditions of their work were unchanged in the reporting period. The sanitary regime includes among other limits on the number of children remaining in one group, distance between the kindergarten teachers and other adults (including children's parents and staff members) and on specific hygiene measures.⁹

The pupils in schools and high schools had the possibility to either return to schools or continue attending the remote education. The school year ended on 26 June 2020. According to the Minister of the National Education, with the beginning of the next school year on 1 September 2020 pupils will return to schools.

Although the works of the schools were resumed, still the remote teaching remained in place. Furthermore, all of the measures addressed to children in need (e.g. children entitled to free meal at school or requiring access of IT equipment) remained in place.

⁸ Poland, Ombudsman's office, Koronawirus. Uchylono kolejne kary Sanepidu - m.in. 10 tys. zł za jazdę hulajnogą po wiślanym bulwarze, available at: <https://www.rpo.gov.pl/pl/content/rpo-uchylono-kolejne-kary-np-10-tys-za-jazde-hulajnoga-po-bulwarze>

⁹ Poland, Chief Sanitary Inspector (Główny Inspektor Sanitarny), Wytyczne przeciwepidemiczne Głównego Inspektora Sanitarnego z dnia 30 kwietnia 2020 r. dla przedszkoli, oddziałów przedszkolnych w szkole podstawowej i innych form wychowania przedszkolnego oraz instytucji opieki nad dziećmi w wieku do lat 3, wydane na podstawie art. 8a ust. 5 pkt 2 ustawy z dnia 14 marca 1985 r. o Państwowej Inspekcji Sanitarnej, available at: <https://gis.gov.pl/wp-content/uploads/2018/04/Wytyczne-dla-przedszkoli-oddzia%C5%82%C3%B3w-przedszkolnych-w-szkole-podstawowej-i-innych-form-wychowania-przedszkolnego-oraz-instytucji-opieki-nad-dzie%C4%87mi-w-wieku-do-lat-3.pdf>

In June 2020, the pupils of the last year of schools and higher schools took their final exams. The exams were organized following the Chief of Sanitary Inspectorate and the Minister of Health's guidelines on the sanitary regime for organizing the exams. The guidelines provided among others the duty to cover face and mouth, the duty to sanitize school benches and chairs as well as all education equipment that could be used during the exams and the recommendation on distance between the tables in the exam classrooms.¹⁰

1.1.3 Work

Focus on:

- *Steps for specific sectors/the general population to return to work and measures to protect employees in the workplace (physical distancing, health and hygiene, shift patterns, etc.). Please include any specific measures aimed at people in precarious work.*
- *Ending of furlough/short-time work programmes for specific sectors/the general population.*

Since 6 June 2020, the prohibition of operation has been gradually lifted in Poland for next sectors, provided that specific sanitary requirements are complied with. This list included in particular cultural institutions: cinemas, theatres, operas and ballet stages. The other group of places to reopen consisted of gyms, fitness clubs, playrooms, amusement parks and swimming pools.

A possibility for the event sector to organise weddings or other family events was also reintroduced, however, with the maximum number of participants not exceeding 150 persons.

On 30 June 2020, the limitation imposed on tour agents and tour operators was lifted.

The solutions implemented before June 2020 with regard to short-time work have remained in place. Furthermore, on 24 June 2020, with the entry into force of the latest COVID Act,¹¹ a possibility was introduced for employers to decrease the working time for employees by 20% (but not exceeding the limit of half-time employment) and guaranteeing at least the minimum wage, or to apply work stoppage with the wage reduced by up to 50%. This solution is applicable to employers with a noted drop in revenues from sales of goods or services as a result of COVID-19 pandemic and a substantial increase in expenditure for personnel compensation.

Neither the parliament nor the government did modify or add any specific measures related to people in precarious work. The solutions indicated in previous reports remain in force.

1.1.4 Access to justice

Focus on:

- *Steps to lift restrictions previously imposed on court proceedings and any strategies to deal with case backlog or increased litigation due to COVID-19 measures (e.g. criteria to prioritise certain types of cases/disputes).*
- *Continued use of remote hearings and videoconferences within court proceedings despite the lifting of restrictions (e.g. for which proceedings).*

¹⁰ Poland, Ministry of the National Education, Przygotowania do egzaminów zewnętrznych – wytyczne MEN, CKE i GIS, available at: <https://www.gov.pl/web/edukacja/przygotowania-do-egzaminow-zewnetrznych-wytyczne-men-cke-i-gis>

¹¹ Poland, Act on interest-rate subsidies for investment loans offered to entrepreneurs affected as a consequence of COVID-19 and on simplified procedure for the approval of the agreement, 23 June 2020.

In Poland, as far as the access to justice is concerned, the latest COVID Act¹² has introduced several changes especially in the area of criminal procedure.

First of all, a possibility to conduct partly remote hearings and sessions in criminal cases has been provided for. A hearing may be conducted as a videoconference with regard to a public prosecutor (upon their request), or a defendant, a subsidiary prosecutor or private prosecutor who are deprived of liberty. With respect to the latter, however, a judicial referee or a judge's assistant should be present in the premises where such person is located.

Where a hearing is conducted as a videoconference, a defence counsel might either be present in the courtroom or with the defendant. If the defence counsel cannot be present in the same place as the defendant, the court, upon their request, may adjourn the hearing in order to enable a phone contact between the defendant and their defence counsel so that the hearing can be continued on the same day, unless the request is manifestly aimed at prolapsing the proceedings. If there is a need for the participation of an interpreter, they should be present in the same place as the defendant (unless the presiding judge orders otherwise).

Second, courts were authorised, in particular, to conduct remote sessions concerning the application of pre-trial detention. The new provision lifts the obligatory presence of a suspect, to whom such detention is to be applied, in the courtroom provided that their participation in the session is ensured owing to technical means enabling transmission of video and sound. In such case, the suspect should be accompanied by a judicial referee, a judge's assistant or a Penitentiary Service officer. A defence counsel should be present in the same place as the suspect, or they may appear in the courtroom. They can also be obliged by the court to be present in court if there is a risk that a motion for pre-trial detention will not be decided on within the statutory time limit of 72 hours since the moment of apprehension. The possibility to adjourn the session to enable a lawyer-client phone call applies accordingly.

In its remarks to the proposed amendments, the Helsinki Foundation for Human Rights has criticised both changes.¹³ It has been raised, in particular, that when a pre-trial detention is concerned, a suspect has a right stemming from Article 5 of the European Convention of Human Rights, to be physically present before the judge, and that their right to contact a lawyer might be illusory. The NGO has also pointed to the courts' competence to assess in which cases a phone contact between a defendant and the lawyer is justified as possibly hampering the right to defence.

Furthermore, the Court Watch Poland foundation has assessed the practical application of the transparency of court proceedings and access to courts in June 2020.¹⁴ In its report, the NGO points to the fact that a vast majority of courts' presidents (370 of 392, 94%) issued orders amending the rules of access to courts. In 35% of courts the participation of members of the public in public hearings and sessions is expressly excluded, however, this prohibition applies disturbingly, according to the NGO, also to those courts where no regulation is present.

No significant developments occurred with respect to civil or administrative procedure in the reporting period. There were no steps taken by the authorities in order to deal with the backlog either.

¹² Poland, Act on interest-rate subsidies for investment loans offered to entrepreneurs affected as a consequence of COVID-19 and on simplified procedure for the approval of the agreement, 23 June 2020.

¹³ Helsinki Foundation for Human Rights, [Remarks on the draft Act on interest-rate subsidies...](#), 14 June 2020.

¹⁴ Court Watch Poland, [Report on obedience of the principle of public trial in Poland](#), Toruń, 25 June 2020.

1.1.5 Freedom of movement

Focus on:

- *Steps to reopen borders/lift restrictions on freedom of movement to and within the EU, including rules or restrictions applying to certain categories of people (e.g. citizens; ‘essential workers’). Please mention what requirements are in place for various categories of people to enter country (e.g. negative COVID-19 test result and/or obligation to self-isolate etc).*
- *Changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures) or available statistics on numbers of asylum applications (e.g. being much lower than for same period in previous years due to travel restrictions).*

Since 13 June 2020, Poland has completely reinstated movement within the European Union internal borders. This allows to travel freely and cross the internal borders of the EU, and travellers have regained the right to enter and leave the territory of Poland. Importantly, such travellers are also exempt from the obligatory quarantine.

On the other hand, the limitations pertaining to crossing the external border of the EU have remained in force, meaning that in general persons are not allowed to cross it. There are, however, certain groups of people who are exempt from this limitation.

First, Polish citizens, as well as their non-Polish spouses or children and persons holding the Polish Charter, are allowed to cross the external borders. The same applies to holders of a permanent or temporary residence permit, a work permit and to diplomats and their families.

Second, under particular circumstances, a Border Guard station commander, after obtaining the Border Guard’s Commander-In-Chief’s permission, is authorised to allow a foreigner to enter the territory of Poland.

Third, foreign means of transportation operators can cross the border in order to carry goods or passengers. The same rule applies to foreign students and pupils who obtain education in Poland, as well as to other EU and EFTA citizens and their families on their way to their place of residence.

On 1 June 2020, Poland reopened its domestic air traffic. Furthermore, the international air traffic was partly reopened, too, with relation only to airplanes launching from airports located in the territory of EFTA member states, Switzerland and EU member states (except for Great Britain and Northern Ireland, Sweden and Portugal).

On 22 June 2020, Poland reinstated international railway connections within the internal borders of the European Union. The limitation pertaining to other international rail services has remained in force.

In Poland, no changes to asylum application procedures were introduced in the reporting period. There is no information available on the numbers of asylum applications in this period (the Office for Foreigners ceased to publish its weekly reports in the beginning of 2020, and no monthly reports for 2020 are available either).

1.2 Impact of measures on particular groups

Select the three most relevant groups from the following:

- *persons with disabilities,*

- *homeless people,*
- *older people,*
- *women,*
- *Roma and Travellers (Note – for those countries requested to collect additional data on the impact of COVID-19 on Roma – Service request No 33 (Belgium, Bulgaria, Czechia, Ireland, Greece, Spain, France, Croatia, Italy, Hungary, Netherlands, Portugal, Romania, Slovakia and Sweden), information submitted on Roma for Bulletin 4 should not be exactly duplicated in this additional data collection; however, a summary of main points concerning the Roma can be included in your submission for this Bulletin – to ensure that, where appropriate, any major developments in your Member State concerning this group are reported in Bulletin 4. The same approach applies regarding information supplied on asylum seekers/refugees).*
- *Detainees (including measures on early release or alternatives to detention)*
- *or another group not listed that have immersed in your country as facing particular challenges - before selection, this should be discussed with FRA.*

The situation in the welfare houses continues to be a matter of state authorities monitoring. In June 2020, media reported on the new cases of infection in social assistance houses in Tuchów¹⁵ and Starachowice¹⁶. The Senat Health Commission organized a hearing on the impact of the coronavirus epidemic on the situation in social welfare houses. The deputy Minister of Family Labour and Social Police informed the senators that 138 patients of the social assistance houses died due to COVID-19 since March 2020. The deputy Minister also informed that the situation in the social assistance houses that are under Ministry's supervision is regularly monitored. Furthermore, all the new patients accepted to the social assistance houses are tested for COVID-19.¹⁷

In June 2020, the Office for Foreigners informed that the situation in the migration centre in Warsaw had improved. In May, 63 out of 94 persons staying in the centre was tested positive with COVID-19. In the end of June only 23 persons were positively tested. Still, all the sanitary restrictions concerning the protection of health in this and other migration centres supervised by the Office remain in place. For example, all of the group activity sessions were cancelled and persons staying in the centre are provided with sanitary products.¹⁸

The lockdown of numerous public institutions and facilities influenced also the situation in prisons. Due to the pandemic, all the visits to the prisons and pre-trial detention facilities were suspended. The Ombudsman's office informed about the initiative to provide to the pre-trial detainees with the possibility to organize meetings with their family members online. Yet, the Ministry of Justice negatively assessed such an initiative. In the opinion of the Ministry, such a solution would violate the main purpose of the pre-trial detention that is securing the safe course of the criminal proceeding. In

¹⁵ Glos.24, Koronawirus w Tuchowie. Zakażonych 12 kolejnych osób w DPS. Zmarła jedna osoba [Aktualizacja], available at: <https://glos24.pl/koronawirus-w-tuchowie-zakazonych-12-osob-w-dps>

¹⁶ Gazeta Wyborcza, Koronawirus w DPS-ie w Starachowicach. Chora pracownica, ok. 140 osób objętych kwarantanną, available at: <https://kielce.wyborcza.pl/kielce/7,47262,26030808,koronawirus-w-dps-ie-ok-140-osob-objetych-kwarantanna.html>

¹⁷ Poland, Koronawirus przyczyną 138 zgonów w DPS-ach, available at: <https://www.mp.pl/covid19/covid19-aktualnosci/240421,koronawirus-przyczyna-138-zgonow-w-dps-ach,30.06.2020>.

¹⁸ Poland, Office for Foreigners, Informacja na temat zakażeń koronawirusem w ośrodku dla cudzoziemców (aktualizacja), available at: <https://udsc.gov.pl/informacja-na-temat-zakazen-wirusem-sars-cov-2-w-osrodku-dla-cudzoziemcow/>

the opinion of the Ombudsman, however, this initiative should be considered broadly and include also the situation in prisons.¹⁹

2 Selected issues emerging during the COVID-19 crisis

2.1 Xenophobic speech, acts of harassment and violent attacks

- *In reference to Bulletin #1 where these issues were addressed, please report incidents of xenophobic speech, acts of harassment and violent attacks against specific minority groups on the grounds of race or ethnic origin during the reporting period and on any key developments since you last reported on this issue.*

There is limited information on the incidents of xenophobic or resists attacks on the minorities in this reporting period.

In June 2020, the media reported on a case in one of the shops in Cracow. The Ukrainian shop worker asked one of the clients to wear a face mask and obey to the sanitary regime due to the coronavirus epidemic. In response the client verbally attacked the worker. The identity of the client has not been established and there is no information whether the law enforcement authorities started any proceeding in this case.²⁰

2.2 Infringement of privacy and/or data protection rights

- *In reference to Bulletin # 1 and Bulletin #2 where these issues were addressed, please describe instances of infringement of privacy and/or data protection rights related to the pandemic during the reporting period and on any key developments since you last reported on this issue.*

A new version of ProteGO Safe application

On 9 June 2020, a new version of the ProteGo Safe, a governmental application designed in order to inform the user on a potential contact with a COVID-19 infected person and based on BLE (Bluetooth low energy) technology, was made available to the general public in Poland.²¹ In its amended version, the application uses an API (application programming interface) designed by Apple and Google, and, according to the Ministry of Digitalisation, is now safe to use.

In particular, the new application, as indicated by the Government, does not collect or process its user's data such as e.g. the mobile phone's model or the user's habits. This is supposed to reduce the risk of potential leaks of such data.²²

¹⁹ Poland, Ombudsman's office, Koronawirus. Widzenia osadzonych z bliskimi wstrzymane. RPO: mogą je zastąpić komunikatory typu Skype, available at: <https://www.rpo.gov.pl/pl/content/koronawirus-widzenia-osadzonych-z-bliskimi-wstrzymane-rpo-moga-je-zastapic-komunikatory>, 2.6.2020.

²⁰ Gazeta.pl, Kraków. Klient w Biedronce zwyzywał ukraińskiego pracownika, bo zwrócił mu uwagę na brak maseczki, available at: <https://wiadomosci.gazeta.pl/wiadomosci/7,114883,26085650,krakow-klient-w-biedronce-zwyzywawal-ukrainskiego-pracownika.html>

²¹ Poland, Ministry of Digitalisation, [ProteGO Safe już dla wszystkich](#), 16 June 2020.

²² R. Rudnicki, [Ministerstwo Cyfryzacji prezentuje zmiany i nowości w aplikacji ProteGO Safe](#), KomputerŚwiat.pl, 9 June 2020.

The Government has published the full documentation of the ProteGO Safe application, including, among others, the assessment of its impact on data protection.²³ According to this assessment, no personal data is processed by the application. This statement is questioned by data protection experts, including Panoptykon, who call for a further analysis of this issue.²⁴

On 26 June 2020, the President of the Personal Data Protection Office sent to the Ministry of Digitisation his suggestions with regard to the ProteGo Safe terms and conditions. The President has recommended, among others, to include into the TaC information about deactivating the application when the state of the epidemic is terminated.

Privacy of online court hearings' participants

One of Polish district courts has introduced a possibility for citizens to participate in court hearings as members of the public by means of remote communication (the so-called online hearings).²⁵

In June 2020, the Commissioner for Human Rights asked the president of this court to present the data protection impact assessment of the adopted solution and to explain the technical and procedural measures taken in order to minimise the perils for privacy of the participants.²⁶ The Commissioner pointed to the fact that provisions governing the participation of audience in court proceedings were shaped before the technological developments of recent years occurred.

In the response, the president of the court stated that the adopted solutions were safe and did not violate the right to privacy of the parties.²⁷ In particular, the video is recorded only in the courts' internal system, utilised to create minutes of the hearings, and not uploaded to any cloud services or streamed. According to the president, access is granted only to persons who applied for it and their personal data are not disseminated to an extent greater than in the case of physical presence in the courtroom.

2.3 Spread of disinformation online

- *In reference to Bulletin #1 where these issues were addressed, please describe measures taken to counter the spread of disinformation online, during the reporting period and on any key developments since you last reported on this issue.*

In Poland, neither new measures to counter the spread of disinformation online seem to have been taken by the authorities, nor any key developments have occurred in this field since the last report was issued.

The Government has maintained to publish the latest information on the spread of COVID-19 on a dedicated website, "Coronavirus: information and recommendations" (*Koronawirus: informacje i*

²³ Poland, The Government, [Data protection impact assessment of ProteGO Safe](#), 9 June 2020.

²⁴ Panoptykon, [ProteGO Safe: czy państwo zasłuży na zaufanie obywateli?](#), 8 June 2020 (updated on 9 June 2020).

²⁵ Poland, District Court for Łódź-Śródmieście, [Online hearings \(Posiedzenia online\)](#), 28 May 2020.

²⁶ Poland, The Commissioner for Human Rights, [Koronawirus. RPO pyta o prawo do prywatności, gdy publiczność bierze udział w transmitowanych rozprawach](#), 19 June 2020.

²⁷ Poland, President of the District Court for Łódź-Śródmieście, ODPOWIEDŹ NA PISMO RZECZNIKA PRAW OBYWATELSKICH Z 19 CZERWCA 2020 R. DOTYCZĄCE PUBLICZNOŚCI W ROZPRAWACH ONLINE, 22 June 2020, available at: <https://lodz.sr.gov.pl/odpowiedz-na-pismo-rzecznika-praw-obywatelskich-z-19-czerwca-2020-r-dotyczace-publicznosci-w-rozprawach-online,new,mg,1.html,6479>.

zalecenia).²⁸ A particular section of this website, “Combating the fake news” (*Walczymy z fałszywymi informacjami*) relates to debunking certain popular myths on the COVID-19 pandemic present among members of the society, but no new additions to this section could be identified.²⁹ The Government emphasises that their official web services and social media channels are the only reliable source of knowledge on the pandemic.

No other activities of Polish authorities or services could be provided in this area.

As of the end of June 2020, disinformation did not seem to be an important issue in Poland, in particular in comparison to the situation in the beginning of the pandemic (March 2020), when numerous fake news, pertaining to possible limitations to be introduced (e.g. full closure of cities), occurred in the public sphere (often referring to friends or family members supposedly employed in the governmental institutions or secret services as sources of the information). There was no media coverage of any instances of disinformation in Poland in June 2020.

²⁸ Poland, Coronavirus: information and recommendations (*Koronawirus: informacje i zalecenia*), available at: <https://www.gov.pl/web/koronawirus>.

²⁹ Available at: <https://www.gov.pl/web/koronawirus/walczymy-z-falszywymi-informacjami>.